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Privacy Notice

Introduction

Estates & Management Limited (**'E&M'**) respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to who we are and how and why we collect, store, use and share your personal data. It also explains your rights in relation to your personal data and how to contact us or supervisory authorities in the event you have a complaint.

E&M is an asset manager which acts for landlords or the beneficiary of an interest in land which may be a rent charge, land related covenant, contract or other property interest. E&M also provides services to third party asset managers of and investors in land interests. For simplicity, whether the interest is related to a lease or other document or interest, this is referred to as the **'Contract'** throughout this privacy notice. Also, for simplicity, E&M's client, whether a landlord or the beneficiary of some other interest or third party asset manager or investor, is referred to throughout this privacy notice as the **'Client'**.

In this privacy notice, "we", "us" or "our" refers to E&M and its Client where the Client (**'Internal Client'**) is a member of the same corporate group (the **'Group'**). In such cases, E&M and the Internal Client will usually be Joint Data Controllers. Where the Client is not part of the Group (**'External Client'**), "we", "us" or "our" only refers to E&M.

If you are uncertain of the identity of the Client which relates to your matter, you can find this on your E&M account or contact us by email at enquiries@e-m.uk.com for details.

We collect, use and are responsible for certain personal data about you. When we do so we are subject to the UK General Data Protection Regulation (UK GDPR). Please also refer to the *Glossary* below to understand the meaning of some of the terms used in this privacy notice.

You can download a pdf version of this notice from our website, at <https://www.e-m.uk.com/privacy-notice/>.

1. Important information and who we are

Purpose of this privacy notice

This privacy notice aims to give you information on how we collect, store, use and share your personal data, including any data you may provide through E&M's website or more generally in your dealings with us.

Data Controller

As agent for the Client, E&M has authority to act on the Client's behalf and in doing so it determines the

purposes and means of processing Data Subjects' personal data. Therefore, for the purposes of data protection legislation, E&M is a Data Controller or, in some instances, a joint Data Controller with its Internal Client.

Data Processor E&M also processes personal information as a data processor on behalf of some External Clients who use our services to assist with administering their obligations/landlord functions in relation to their properties.

Data Subjects

A data subject is the individual to whom the personal data held by E&M relates. Typically, E&M will process the personal data of the parties to the Contract (as defined above). This will usually be

- a **tenant**; or
- a **landowner**

but this may extend on occasion to third parties such as (but not limited to) the following:

- prospective leaseholders
- guarantors
- leaseholders' next of kin
- those with power of attorney for leaseholders
- signatories of documents (e.g. neighbours who may be referred to in a Party Wall Award or witnesses of signatures)
- sub-tenants
- officials who administer death and marriage certificates
- informants of a person's death
- executors of a person's estate
- those who sign cheques (leaseholders and those who pay on behalf of leaseholders)
- property vendors and their representatives
- property purchasers and their representatives
- those who may give witness evidence in relation to disputes
- trespassers, licensees and other occupiers of land

- third parties who contact us directly (including by telephone, letter, electronic mail, via our website or any other means)
- Individuals who meet with us or visit our offices or professional facilities
- Individuals who work in the same buildings as where our offices are located
- Those who seek employment with us or companies within our Group, either speculatively or in response to an advertisement (see section 5 below)

Who to contact if you have a Data Protection question

Our data privacy management team is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the data privacy management team using the details set out below.

Contact details

Our contact details are:

FAO: Data Privacy Management Team
Berkeley House
304 Regents Park Road
London
N3 2JX
Email address: dpm@e-m.uk.com

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Third-party links

E&M's website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and share different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, last name, maiden or any former name, account reference, username or similar identifier, marital status, title, date of birth and gender, signature, physical appearance (for example as may be recorded on cctv) and identity documents (in particular, proof of age in relation to retirement properties, e.g. birth certificate/passport etc.).
- **Contact Data** includes billing address, delivery address, personal residential address, work address email address and telephone numbers.
- **Financial Data** including account balances, sums, due, owed or outstanding pursuant to the Contract (note, we do not collect or store payment card details and will only collect or store bank account details when this is required for business purposes).
- **Transaction Data** includes details about payments to and from you and details of any other payments to or from you.
- **Personal Data relating to the Contract (as defined above) or the Data Subject's Land ('PDRCL')** includes personal data contained in reports and recordings of the location, layout, structure, maintenance and value of a property, records of correspondence sent or received by us, local land-charge and planning information, information regarding any deed, sub-tenancy or contract related to the property and records of any breaches of obligations therein, historic property and account information, documents and contact details relating to personal representatives or agents, Court or Tribunal decisions relating to a property or its owner, reports of nuisance or anti-social behaviour and any other information voluntarily given to us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our website.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our website, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- **Special Category Data** includes information relating to a person's health, medical records (for example, where a property requires adjustment due to a medical need or a medical certificate which may be required for retirement properties), or criminal convictions and offences where a tenant has a criminal conviction and may present a risk to others. It also includes personal data which relates to race, ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, genetic and biometric data.

There may be instances in which we are required by law to collect Special Category data or share it with specific Third Parties, for example law enforcement or other crime agencies. Unless we have a specific reason for doing so, we do not collect or retain Special Category Data. Should we need to collect, record or use any Special Category Data we will apply enhanced security measures to ensure that the privacy of the data is maintained and will only process it in accordance with the purposes as set out in paragraph 4 below. In some circumstances we may contact you in order to request you to provide your explicit consent to process Special Category Data. You are not obliged to provide consent, and if you do so, you may withdraw it at any time on giving notice to us. However, if you choose not to provide or to withdraw your consent we may not be able to carry out a particular activity. In that case we will inform you of what we are and are not able to do.

In the event of a public health emergency we may need to collect health data from all those with whom our employees may come into close contact. In doing so we will follow guidance from the Government, Public Health agencies and the ICO. We will where practicable provide separate notification of exactly what data we need to collect and what processing will be undertaken but we are not legally obliged to do so.

We may also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of the Contract and you fail to provide that data when requested, we may not be able to perform the Contract (for example, to provide you with services). It may also place you in breach of a term of the Contract. In this case, we will notify you at the time.

3. How is your personal data collected?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, 'phone, email, online communications or any other means. This includes personal data you provide when you:
 - make applications to us (in particular in connection with the terms of the Contract);
 - provide notice in accordance with the terms of the Contract;
 - buy or sell your property;

- correspond with us about the management of your property or matters in connection with your property;
- make payments to us in connection with the Contract;
- create an account on our website;
- subscribe to our service or publications;
- participate in a survey;
- apply for a job (advertised or speculatively);
- contract with us;
- communicate with us generally, including by telephone or email where your email address or telephone number will be seen by us;
- visit us; or
- give us feedback.
- **Automated technologies or interactions.**
 - As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our Cookie Policy <https://www.e-m.uk.com/terms-conditions/cookie-policy/> for further details.
 - If you visit our offices or professional facilities, you may be recorded on our cctv systems.
- **Third parties or publicly available sources.** We may receive or obtain personal data about you from various third parties and public sources as set out below:
 - Technical Data from the following parties:
 - (a) analytics providers such as Google, based outside the EU;
 - (b) recruitment networks such as Monster may process personal data both inside and outside the EU; and
 - (c) search information providers such as Google Search Console may process personal data both inside and outside the EU.
 - Your recruitment agency if you are a job applicant.
 - Your solicitor or other representative (including agent, person with power of attorney, or other person to whom you have provided authority).

- Your landlord (for example, if you are sub-letting).
- The vendor of your property (if you have bought a property or interest in land).
- Your current or former landlord or its representative (if that person is potentially selling or has sold its interest to the Client).
- Property managers or other professionals who may provide us with information about a property you may own.
- Your neighbours, who may provide us with information about a situation which may involve you or your property.
- Your employer if your employer has offices in the same building as our offices.

We may also collect the following specific categories of data from certain third parties as follows:

- Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as SagePay based inside the EU.
- Identity and Contact Data from data brokers or aggregators such as Google Analytics and Microsoft whether based inside or outside the EU.
- Identity and Contact Data from publicly available sources such as Companies House, the Land Registry, Local Authority records and the Electoral Register based inside the EU.

4. How we use your personal data

We will only use or share your personal data when the law allows us to. Most commonly, we will use or share your personal data in the following circumstances:

- Where we need to manage or perform functions under the Contract or we are about to enter into a contract or have entered into one with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data, but we may seek your consent in certain situations, if this is necessary, such as when we need to process Special Category Data (as explained in paragraph 2 above) or in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to any marketing at any time by updating your personal details on our website or contacting us at optout@e-m.uk.com or writing to the Data Protection Management Team (details above). You may also withdraw

your consent for us to process special category data at any time, but if you do then the consequences are set out above.

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us at dpm@e-m.uk.com if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new tenant or relevant party under a Contract we manage	(a) Identity (b) Contact (c) Transaction	(a) Performance of a contract (b) Necessary for our legitimate interests to carry out our management functions
To exercise rights, manage or perform tasks under our Contract with you including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications (f) PDRCL (as defined above) (g) Special Category	(a) Performance of a contract (b) Necessary for our legitimate interests (to recover debts due to us)

To assess or take advice or instruction on dealings with the Client's asset.	(a) Identity (b) Contact (c) Financial (d) Transaction	(b) Necessary for our legitimate interests to carry out our management functions
To manage our relationship with you which will include among other things: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications (e) PDRCL (as defined above)	(a) Performance of a contract (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)

To enable us to receive, take action on and respond to enquiries and other communications from you.	(a) Identity (b) Contact	(a) Performance of a contract (b) Necessary for our legitimate interests to carry out our management functions
To enable you to complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)
To administer and protect our business and its website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data, and monitoring CCTV and	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud, to protect our business and members of staff and in the context of a business reorganisation or group restructuring

attendance logs for the physical security of our offices and staff)		exercise) (b) Necessary to comply with a legal obligation
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, services, relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to keep our website updated and relevant, to develop and improve the efficiency of our business)
To assist law enforcement and other crime agencies	(a) Identity (b) Contact (c) Financial (d) Transaction (e) PDRCL (as defined above) (f) Special Category data	(a) Necessary to comply with a legal obligation (b) Necessary for our legitimate interests (to assist with fraud prevention or the identification and prevention of possible criminal acts or threats to public security)

- **Please note**, E&M does not use your personal information for automated decision making or profiling.

Opting out

You can ask us to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you electronically or by contacting us at optout@e-m.uk.com.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a service purchase, warranty registration, service experience or other transactions.

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see our Cookie Policy at <https://www.e-m.uk.com/terms-conditions/cookie-policy/>.

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us at dpm@e-m.uk.com.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. Job applicants

We will retain your personal information for a period of twelve months after we have communicated to you our decision about whether to appoint you to the role you have applied for so that we can monitor applications and in case alternative vacancies arise which may be suitable for you. We retain your personal information for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After this period, we will securely destroy your personal information in accordance with our data retention policy.

6. Disclosures of your personal data

We may have to share your personal data with the parties set out below for the purposes set out in the table in section 4 above.

- Third Parties as set out in the *Glossary* at the end of the document.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for the purposes that we specify and in accordance with our instructions.

7. International transfers

To the best of our knowledge, we do not transfer your personal data outside the UK.

8. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

9. Data retention

How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements or Legitimate Interests.

Details of retention periods for different aspects of your personal data are available on request by contacting us at dpm@e-m.uk.com.

In some circumstances you can ask us to delete your data: see Request erasure in paragraph 9 below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

10. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

Request access to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able or obliged to comply with your request of erasure.

Object to processing of your personal data where we are relying on a legitimate interest (or that of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Request restriction of processing of your personal data. This enables you to ask us to suspend/restrict the processing of your personal data in the following scenarios: (a) if you want us to establish the data’s accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request portability of your personal data. This enables you to obtain the personal data we hold about you in a structured, commonly used and machine-readable format and, in certain situations, transmit that data to a third party

Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us at dpm@e-m.uk.com.

No fee usually required

You will not typically have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests or there are delays in proving your identity. If this is the case, we will notify you and keep you updated.

11. Glossary

Lawful Basis

Legitimate Interest means the interest of our business in conducting and managing our business. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us at dpm@e-m.uk.com.

Performance of a Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

Third Parties

We may share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above:

Internal

- Internal Clients.
- Other companies within the Group acting as controllers, joint controllers or processors, and who are based in the UK and provide services, reporting and administration necessary for the operations of the Group.

External

- External Clients acting as controllers and who are based in the UK.
- Professional advisers and consultants acting as processors or controllers including lawyers, bankers, auditors, insurers, insurance brokers, PR agents and security companies who provide

consultancy, banking, legal, insurance, accounting, PR and security services necessary for the operations of the Group.

- A small number of companies for whom we act as Data Processor.
- Property Management Companies and Managing Agents necessary for the proper administration of the Portfolio.
- Other service providers necessary for the proper administration of the assets we manage including: surveyors, valuers, letting and estate agents, loss adjusters, tracing agents, experts, dispute resolution persons or entities (mediators, arbitrators), couriers and process servers.
- Professional organisations (or their members) such as the Royal Institute of Chartered Surveyors (RICS) (or equivalent).
- Residents' Management Companies and their appointed agents (depending on the circumstances of any given situation), Right to Manage companies.
- Potential purchasers of a Client's interest in a property or those holding superior title interests to Clients.
- HM Revenue & Customs, regulators and other authorities or utility providers acting as processors or controllers.
- Law enforcement and other crime agencies in the UK undertaking investigations.
- Lenders to entities within the Group and other financial services providers.
- Service providers acting as processors who provide IT and system administration or document support services.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy statement.
- Other Third Parties (depending on the circumstances of a particular matter) such as those authorised to act or take decisions on your behalf or your next of kin.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

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