



The General Data Protection Regulation (the “**GDPR**”) came into effect in the UK on 25<sup>th</sup> May 2018. Under the GDPR, Mark Webster Estate Agents is required to give you a Privacy Notice to tell you what information we collect about you and what we do with it.

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**MARK WEBSTER ESTATE AGENTS  
PRIVACY NOTICE FOR TENANTS AND GUARANTORS**

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**Data controller:** Mark Webster & Co – Lettings Limited

**1. Introduction**

Mark Webster & Co Lettings Limited (“**Mark Webster Estate Agents**”) is the “data controller” in respect of your information. This means that we are responsible for deciding how we hold and use personal information about you and your data will be processed by each company depending on whether our relationship with you involves sales or lettings.

Mark Webster Estate Agents collects, stores and processes personal data relating to tenants and guarantors in order to enter into lettings of commercial/residential property. This privacy notice sets down how we collect and use personal information about you before, during and after a tenancy or lease.

**2. What information do we collect and process?**

Mark Webster Estate Agents collects and processes a range of personal information (personal data) about you. Personal data means any information about an individual from which the person can be identified. This includes:

- identity and personal contact details, such as your name, title, address, email address, telephone number, date of birth, national insurance number;
- background information such as previous landlord details, employer details, accountant details;
- bank account details, bank references and credit check results;
- lease/tenancy details including rent reviews, renewals, joint tenants, other occupiers and guarantors;
- rent deposit information (if any) including return on lease/tenancy termination;
- rent and utilities payment records;
- recovery of arrears, claims or proceedings to obtain possession;
- repair and health and safety records;
- breach of lease terms/complaints;
- Business Rates and utilities records;
- notices and correspondence regarding lease/tenancy termination;
- CCTV and audio recordings; and
- general correspondence in all formats (letters, emails, text messages etc.).



We may also collect, store and use the following special categories of more sensitive personal information:

- information about medical or health conditions, including whether or not you have a disability for which Mark Webster Estate Agents need to make adaptations; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

Mark Webster Estate Agents collects this information in a variety of ways. For example, data is collected through the lease/tenancy application process and through correspondence during the term of the lease/tenancy. We also generate our own records such as rent payment records.

In some cases, we collect personal data about you from third parties, such as:

- references supplied by former landlords, employers and personal referees;
- information from credit reference agencies;
- other tenants, occupiers or neighbours;
- guarantors;
- local authorities;
- the police or other law enforcement agencies;
- Department for Work and Pensions;
- utility companies or service providers;
- letting/managing agents; and
- websites or online rental portals for lettings.

Data is stored in a range of different places, including in paper files and in the company's IT systems (including the company's email system).

### **3. Why does Mark Webster Estate Agents process personal data?**

We need to process data to consider applications for leases/tenancies and manage the contractual relationship with tenants.

In addition, Mark Webster Estate Agents needs to process data to ensure that we are complying with our legal obligations.

In other cases, that we may have a legitimate interest in processing personal data before, during and after the end of the landlord/tenant relationship.

### **4. Purposes for which we will use your personal information**

The purposes for which we will process your personal information are listed below:

- to verify the identity of a proposed tenant/occupier;
- to decide on the suitability of a proposed tenant/occupier;
- to assess the financial standing/suitability of a proposed tenant/occupier;
- to deal with joint tenants and occupiers who are linked to the lease;

- to enter into a lease agreement;
- to secure payment of rent and performance of tenant obligations;
- to collect rent and other payments;
- to manage the lease/tenancy and the property;
- to keep accurate records relating to the Landlord's rental business;
- to arrange repairs and maintenance of the property;
- to monitor and enforce performance of tenant's obligations;
- to recover debts and/or obtain possession of a property;
- to ensure Council Tax and utilities charges are billed and paid appropriately;
- to ensure that welfare benefits (such as Universal Credit and housing benefit) are paid to the landlord or tenant where appropriate;
- to handle lease/tenancy termination and the return of any rent deposit;
- to handle complaints;
- to provide information to public or local authorities who are legally entitled to require this information;
- to contact next of kin or close relatives in case of emergency;
- to store of emails, records of calls and other communications;
- to comply with legal and regulatory requirements;
- to bring and defend legal claims; and
- to prevent, detect and investigate crime and anti-social behaviour.

The legal bases for which we will process your information will be either performance of a contract with you (under Article 6(1)(b) of the GDPR), our legitimate interests in facilitating the performance of a contract with you (under Article 6(1)(f) of the GDPR) or compliance with legal obligations to which we are subject (under Article 6(1)(c) of the GDPR).

#### **5. If you fail to provide personal information**

If you do not provide certain information when requested, we may not be able to proceed with the grant of a lease/tenancy.

#### **6. Change of purpose**

Mark Webster Estate Agents will only use your personal information for the purpose for which it was collected unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will advise you of this and explain the legal basis which allows us to do so.

You should be aware that we may process your personal information without your knowledge or consent where this is required or permitted by law.

#### **7. Use of sensitive personal information**

Some special categories of personal data, such as information about health or medical conditions, are processed to comply with legal obligations (for example, in relation to tenants/occupiers with disabilities and for health and safety purposes).

## 8. For how long do you keep data?

Mark Webster Estate Agents will only hold your personal data for as long as is necessary to fulfil the purposes we collected it for, including any legal, accounting or reporting requirements and then for a period of time after the end of the contract with you. The period for which your data is held after the end of a lease/tenancy is 7 years in accordance with our obligations to keep records for tax purposes and to defend against potential legal claims. The period for which your data is held following an unsuccessful lease application is 1 year.

## 9. Who is data shared with?

Your information will be shared internally to facilitate the performance of the contract with you, including to any of our internal teams.

We also share your data with third parties where required by law, where it is necessary in order to administer the relationship with you or where we have another legitimate interest in doing so. Information can be shared with:

- professional advisers, including solicitors and accountants;
- letting/managing agents;
- freeholder and/or their managing agent (for leasehold properties);
- existing or previous landlords;
- existing or previous employers;
- credit referencing agencies;
- debt collectors and tracing services;
- local authorities and government/public bodies;
- Ombudsman/redress schemes;
- professional body/regulator;
- Courts/Tribunals;
- police/enforcement agencies;
- internet service providers;
- banks/building societies;
- tenant's/occupier's next of kin or close relatives in case of emergency;
- joint tenants and other occupiers;
- guarantors;
- third party holders of a rent deposit;
- HM Revenue and Customs;
- Business Rates authority;
- contractors and tradespeople providing services at the property;
- prospective purchasers of property; and
- other landlords including where you apply to another landlord for a lease/tenancy

Your data may be transferred to countries outside the European Economic Area (EEA) in order to perform a contract with you, to facilitate the performance of a contract with you or for administrative purposes or to meet legal obligations. Data is transferred outside the EEA on the basis of EU-US Privacy Shield certified third parties or EU-approved model clauses. If you require further information, please



contact us or see our website privacy policy which is available here: <https://markwebsterandco.co.uk/privacy-policy>

#### 10. **How does the Landlord protect data?**

We have internal policies and controls in place to prevent your data being lost, accidentally destroyed, misused or disclosed. Details of these measures are available on request.

When we engage with third parties to process personal data on our behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Additional security measures can be found in our website privacy policy which is available here: <https://markwebsterandco.co.uk/privacy-policy>

#### 11. **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please be sure to keep us informed if your personal information changes during the lease/tenancy application process or during the term of a lease/tenancy.

#### 12. **Your Rights**

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request (known as a 'data subject access request');
- require Mark Webster Estate Agents to change incorrect or incomplete data;
- request erasure of your personal information. This enables you to ask us to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where we are relying on its legitimate interests as the legal ground for processing; and
- ask us to suspend the processing of your personal data for a period of time if data is inaccurate or there is a dispute about its accuracy or the reason for processing it.

If you would like to exercise any of these rights, or you have any questions about the privacy notice, please contact Stacey Webster (data protection manager).

If you believe that Mark Webster Estate Agents has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office.