

# **PRIVACY POLICY**

Bernills Limited (hereafter "Bernills", "We", "Us") – aim to provide our customers and clients with the best possible safe and secure service. We are committed to protecting and respecting your privacy. We use the personal information you share with us to tailor our services to your requirements, and to provide the best possible user experience on our website [www.bernills.com](http://www.bernills.com) (hereafter "Website"). By using our Website you are deemed to have accepted our Terms of Use; please ensure you have read this document available here.

The purpose of this privacy policy (hereafter "Policy") is to give you a clear explanation about how Bernills use, store, share and control the personal and behavioural information you provide (or that we collect from you) when you contact us or otherwise engage with us via our Website or other media. This can be done in a variety of different ways which can include but are not exclusively limited to:-

in person via our office,

by telephone,

by post,

by SMS,

by email,

live web chat (if adopted),

social media such as Facebook and Twitter,

via our Website,

via third party websites (if appropriate),

via property portals such as [www.rightmove.co.uk](http://www.rightmove.co.uk), [www.zoopla.com](http://www.zoopla.com) & [www.primelocation.co.uk](http://www.primelocation.co.uk) (hereafter "Portals"),

These are collectively known as our "Communication Channels".

By engaging the services of Bernills or by visiting our Website you are accepting and consenting to the practices described in this Policy.

For the purpose of the Data Protection Act 1998 (the Act) and the General Data Protection Regulation (GDPR), the Data Controller is Bernills, 124 City Road, London EC1V 2NX.

## **PERSONAL INFORMATION WE COLLECT FROM YOU**

"Personal information" is any information that relates to you and identifies you personally, either alone or in combination with other information available to us.

We may collect and process the following personal information about you:

Information that you provide by:-

a. registering a password-protected account (hereafter "Account") on our Website and performing functions using your Account e.g. saving properties, specifying property criteria,

b. filling in forms on our Websites, third party websites and Portals which send information to us,

c. in person via our office,

d. via telephone calls, emails, live web chat, and social media.

This information can include, but is not limited to, personal information (name, address, email address and telephone number); financial or employment information that you disclose when agreeing to register as an applicant or enter in to a transactional relationship with us.

Information required to help us ensure our staff are safe when attending external appointments such as viewings and market appraisals; for example contact details for the client or customer, including a residential address in the UK.

Information required to comply with legislation such as Right to Rent checks required under Section 22 of the Immigration Act 2014 if you are renting a property and The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (more commonly referred to as the Money Laundering Regulations 2017) if you are buying a property through us.

Information to enable us to tailor our marketing and communications to you, based on your personal preferences, such as the types of service you are looking for, the location of your search area, the budget you are willing to spend etc. (hereafter "Criteria").

If you contact us, we may keep a record of that correspondence and ask for information if you report an issue with our services, or with a property you are renting.

We may also ask you to complete surveys, either on our own Website or through a third party provider, which we use for research purposes; although you do not have to respond to them.

When you visit or otherwise access our Website, details including but not limited to:-

- a. information about the device and browser (hereafter "Device") you are using to access the Website e.g. type, version, operating system, etc.,
  - b. traffic data including the URL of the website that referred you to our website if applicable
  - c. location data including geolocation (this can be explicitly controlled in your Device),
  - d. weblogs and other communication data,
  - e. the resources that you access including social media interaction.
  - f. your IP (Internet Protocol) address,
  - g. the date and time of the visit and how long you remained on our Website,
  - h. the pages visited on our Website and interactions performed,
- You consent to any information concerning you which we collect and process being used, stored and processed in accordance with this Policy.

## **COOKIES**

Our Website requires the use of cookies to provide full functionality. A cookie is a small file that is created by our Website and stored in your internet browser. Cookies are widely used to make websites work. We only set cookies on your Device that are necessary to make our website work efficiently, to enable the collection of web traffic statistics, and to ensure the best user experience. A full list of cookies that could be set on your Device and their purpose can be found in our Cookie Policy, along with instructions on how to manage or disable cookies on your Device. On your first visit to our Website you will be notified about the use of cookies and provided with a link to the Cookie Policy. Cookies will be set on your Device unless you disable them.

## **DOWNLOADS AND MEDIA**

Any downloadable documents, files, images, video files etc. on our Website are provided to you at your own risk. We take all reasonable precautions to ensure that such files are free of viruses but we recommend that you use anti-virus software as a precaution. We accept no responsibility for downloads and media provided by external third party websites.

## **HOW WE USE YOUR PERSONAL INFORMATION**

The personal information we collect when you first contact us will be used for identification and authentication purposes in addition to creating a profile for you with the information needed to provide you with our relevant products or services. We use and analyse this personal information where necessary for the following purposes detailed below:

- Improving our products and services: we will use your personal information to build a profile on you in order to understand your requirements, to improve our Website, as well as to personalise the properties and services we offer you. We process your personal information in this way as it is necessary for the purposes of our legitimate interests in providing better products and services for you and our other customers.
- Processing your transaction: we use relevant personal information described above (including your name, address and financial details) to enable us to complete a transaction with you, such as buying, selling, renting or letting a property through us. This information may be required to be passed on to third parties, including solicitors, surveyors, financial advisors etc.
- Preventing fraud: we will also use your personal information to assess your creditworthiness (in the case of buying or renting a property) and to prevent fraud. For this purpose, we may need to share your personal information with our referencing providers and/or solicitors (see "how we share your personal information" below). This is necessary for the purposes of our legitimate interests in ensuring we are not the victim of fraud and to protect our legal rights.
- To provide customer support: if you contact our team (or vice versa), we will use personal information such as your email address, phone number and residential address as well as your contact history to process your request and provide you with the best service possible. We will process your personal information in this way if it is necessary for the performance of a contract or if it is required for us to comply with any legal obligations. If it is not necessary to process your personal data for either of these reasons we will process it as it is necessary for the purposes of our legitimate interests in ensuring we can provide the best service possible.

- **Marketing:** when you sign up to receive our newsletters (if appropriate), register as an applicant, enter in to a transaction with us, provide feedback on our service online or use our Website; we will use your personal information to create a profile based on the information we hold about you. This is necessary for the purposes of our legitimate interests in ensuring we have accurate information about you in one place. We create your profile in accordance with your preferences in order to provide you with the best personalised experience, to send you personalised marketing messages and newsletters and for opinion research purposes. Below you can find a more detailed description of the ways in which we will use your personal information for these purposes.
- **Website user experience:** if you are logged in to your Account on our Website we may alter the way the website works to improve and/or enhance the information displayed to you, or to optimise the way you interact with the Website. We may show personalised content based upon your previous interactions with the website.

### **What kind of information**

The way you interact with us across all the different channels described above (e.g. our Website, social media and marketing messages we send you) and the information we collect in that regard from each of these channels provides us valuable information about your current circumstances and preferences. This insight gives us the opportunity to offer you the best customer service experience possible. To learn about you and your interests, we may analyse your interactions with us using various kinds of information, as set out above. If you have given us your consent to send you marketing communications or if we are permitted by law to send such communications without obtaining your consent, we use the information that you have provided to us when interacting with us for sending you personalised marketing messages about our products or services, events and promotions. In some instances, we will also aggregate your personal information with that of other individuals, to create comprehensive reports about how clients and customers use our products and services. This is necessary for the purposes of our legitimate interests in analysing our brand and determining how to improve our services.

### **What kind of channels (if appropriate)**

We will send direct marketing communications to you via the channel you choose, such as post, email, phone, or social media. We ask for your consent, where required by applicable law, in order to use the contact details you have provided to us to send our personalised marketing communications.

### **What kind of messages**

The messages we will send you will be personalised and tailored to your individual preferences and requirements. We use analytics in order to generate such personalised messages. These analytics will process your personal information and place you in marketing segments, which determine the content of the messages and the offers you will receive from us. These direct marketing messages may contain information about our products and services, events or promotions and other company news. We personalise these messages on the basis of that it is necessary for the purposes of our legitimate interests in ensuring that we provide the most appropriate information. We may, in certain circumstances, also use the channels for opinion research (such as to ask if you would like to participate in a survey) and to learn about your experience and improve your experience with Bernills, including by sending you personalised messages.

### **Analysing our business**

We will use your personal information (including by anonymising and aggregating it with other customers' personal information) for sales and financial analysis purposes, to determine how Bernills is performing and where improvements can be made. This is necessary for the purposes of our legitimate interests in understanding how our business is performing, and considering how to improve our performance.

We will ask for your consent if we wish to use your personal information for purposes other than those listed in this privacy statement and as required to do so under applicable law. We will not use your personal information for other purposes before we have received such consent.

## **HOW WE SHARE YOUR PERSONAL INFORMATION**

We treat your personal information with care and confidentiality and do not share it with third parties other than as set out below.

### **With Service Providers**

Where required we may share limited personal information you provide when you register with us or enter in to a transaction with us, as necessary and only for the purposes and on the lawful grounds described above with various third parties who process your personal information on our behalf (Data Processors), such as;

### **Lettings and Property Management**

Including but not limited to tenant referencing agencies, other estate agents or landlords, contractors and property maintenance services, gas and electrical contractors, utility companies and insurance providers.

### **Estate Management**

Including but not limited to other leaseholders, solicitors, debt management companies, conveyancers, surveyors, financial/mortgage advisors, other estate agents in a chain, contractors and property maintenance services.

### **With Legal and Law Enforcement**

Bernills will disclose personal information where required by law or legal process, for the administration of justice, to protect your vital interest, for investigations by law enforcement or regulatory bodies, to protect and defend Bernills property and legal rights, to protect the personal safety of our website users or by order of a valid injunction from a court or law enforcement agency.

### **In Relation to Business Interests**

In the event that we sell or buy any business or assets, we may disclose your personal data to the prospective seller or buyer of such business or assets.

If Bernills is or all of its assets are acquired by a third party, personal data held by us about our customers will be one of the transferred assets.

## **PERSONAL INFORMATION OF OTHERS**

Before you disclose to us the personal information of another person, you must obtain that person's consent to both the disclosure and the processing of that personal information in accordance with the terms of this privacy policy.

## **HOW LONG DO WE STORE YOUR INFORMATION FOR?**

The length of time we hold your information for will vary dependent on lawful basis for collecting and processing the data.

Bernills will hold data supplied with consent, where there is a legitimate interest in doing so (such as where a client or customer has registered with us, expressing an interest letting or renting a property through us) for a period of two years.

Where a transaction has been entered in to and there is a contractual necessity to do so, or where there is a requirement to comply with legal obligations (for example in order to comply with the requirement of the PRS Codes of Practice for Lettings Agents, to maintain clear and full written records of transactions for a period of six years and to comply with the Money Laundering Regulations 2017 requirement to hold records for a period of 5 years).

If you have an Account on our Website and it has been deemed dormant then we may delete the Account and all personal information “tied to” or “held against” it. We consider an Account to be dormant if one of the following conditions is met:

- it has not been accessed by you for more than 1 year,
- if you have not responded to any emails sent to the registered email address,
- if we receive email delivery failure notifications in response to any email sent to the registered email address,
- the Account is in breach of our Terms of Use.

## **STORAGE**

All digital information you provide to us is stored in the UK on our secure (password and firewall protected) servers and all paper based information is also securely stored in the UK. All electronic transactions and data transmissions between your Device and our Website will be encrypted using industry-standard SSL (Secure Socket Layer) technology; and our website has a SSL certificate from GlobalSign, a WebTrust-certified certificate authority. Unfortunately, the transmission of information via the internet is not completely secure and so we cannot guarantee the security of any data sent over the internet between your Device and our Website. Any such data transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access, as part of our secure backups and data disaster recovery procedures. The data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area (“EEA”). It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers or contractors. Territories outside of the EEA may not have equivalent legal protections to those that apply within the EEA but we are under a duty to make sure that our suppliers and contractors located outside of the EEA continue to take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Policy. By submitting your personal data to us, you agree to this transfer, storing or processing.

## **YOUR RIGHTS**

You have the right to ask us not to process your personal data for marketing purposes, to alter your preferences for the type of marketing content you receive (such as properties for, information about related services etc) or to alter the methods via which you receive marketing correspondence from us (i.e. via email, text, post or phone call). We will inform you (before collecting your data) if we intend to use your data for such purposes or if we intend to disclose your information to any third party for such purposes.

You can also exercise the right to prevent such processing of your data at any time by contacting us at [dataprotection@bernills.com](mailto:dataprotection@bernills.com) or by following the links contained in our correspondence.

Our Website may, from time to time, contain links to and from the websites of our partners and third party service providers. If you follow a link to any of these websites, please note that these websites may have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites. Use of third party websites is at your own risk.

## **ACCESS TO, DELETION, AND CORRECTION OF PERSONAL INFORMATION**

You can update some of your personal information by signing in to your Account on our Website using your email address and password. In addition, you may contact us and we will be able to update your records on our data management systems – please let us know if the personal information which we hold about you needs to be corrected or updated.

If you would like to know what personal information Bernills holds about you, you may make a request to Bernills for copies of this information. You should be aware that we will need to see proof of identity before processing any such request (known as a ‘subject access request’) and may charge an administration fee to cover our costs in providing you with this information. If requested, Bernills will use reasonable efforts to supply, correct or delete information about you on file.

All subject access requests should be made in writing and addressed to for attention of The Data Controller, Bernills, 124 City Road London EC1V 2NX.

In addition, you may write to us at any time requesting amendments to certain personal information that you consider to be incorrect or irrelevant or to request that we block, erase or otherwise remove your personal information (The Right to Erasure/The Right to be Forgotten).

You may also write to us at any time to object to our use of your personal information or request that we provide your personal information in a usable electronic format and transmit to a third party (Right to Data Portability). We will comply with these requests in relation to your personal information in line with applicable law.

## **PERSONAL DATA BREACHES**

In order to comply with applicable law, Bernills has implemented procedures to detect, report and investigate personal data breaches.

A data breach is defined by the Information Commissioner's Office (ICO) as;

"A breach of security leading to the destruction, loss, alteration, unauthorised disclosure or, or access to, personal data."

The ICO will be informed of all data breaches which present a high risk to our clients and customer's rights and freedoms and in line with applicable law, a notifiable breach will be reported within 72 hours of us becoming aware of it. The individual(s) involved will also be informed.

## **CHANGES TO THIS POLICY**

Bernills has pledged to adhere to the fundamental principles of privacy and data protection. We therefore regularly review our privacy statement in order to ensure that it is free of errors and clearly visible on our Website, that it contains appropriate information about your rights and our processing activities, and that it is implemented and is compliant with applicable law. If we make significant changes to this privacy statement, we will inform you by posting a notification on our websites along with an updated version of the privacy statement.

## **THE RIGHT TO LODGE A COMPLAINT**

If you have a complaint regarding how Bernills have handled your personal data, subject access request or right to erasure, you have a right to lodge a complaint with a supervisory authority, in this case the ICO, using the contact details below.

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to [dataprotection@bernills.com](mailto:dataprotection@bernills.com).

Alternatively you can write to:

Bernills  
124 City Road,  
London EC1V 2NX  
Or you can call us on 020300 28248