

## Introduction

Welcome to the Kirkby Diamond LLP's privacy policy.

Kirkby Diamond respects your privacy and is committed to protecting your personal data. This privacy policy will inform you as to how we look after your personal data when you contact us or when we provide services to you and the policy tells you about your privacy rights and how the law protects you. This policy applies to both business clients and private clients (those not acting in the course of business).

This privacy policy is divided into the following sections. Please also use the Glossary to understand the meaning of some of the terms used in this privacy policy.

### 1. IMPORTANT INFORMATION AND WHO WE ARE

### 2. THE DATA WE COLLECT ABOUT YOU

### 3. HOW IS YOUR PERSONAL DATA COLLECTED?

### 4. HOW WE USE YOUR PERSONAL DATA

### 5. DISCLOSURES OF YOUR PERSONAL DATA

### 6. INTERNATIONAL TRANSFERS

### 7. DATA SECURITY

### 8. DATA RETENTION

### 9. YOUR LEGAL RIGHTS

### 10. GLOSSARY

## 1. IMPORTANT INFORMATION AND WHO WE ARE

### Purpose of this privacy policy

This privacy policy aims to give you information on how Kirkby Diamond collects and processes your personal data when you contact us or engage us to provide services to you or your business.

It is important that you read this privacy policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements other notices and privacy policies and is not intended to override them.

### Controller

Kirkby Diamond LLP is the controller and responsible for your personal data (collectively referred to as, "Kirkby Diamond" "we", "us" or "our" in this privacy policy).

We have appointed a data privacy manager, Luke Tillison, who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise, please contact the data privacy manager using the details set out below.

### Contact details

If you have any questions about this privacy policy or our privacy practices, please contact data privacy manager in the following ways:

Full name of legal entity: Kirkby Diamond LLP, registration number OC420194

Email address: [luke.tillison@kirkbydiamond.co.uk](mailto:luke.tillison@kirkbydiamond.co.uk)

Postal address: 15 Shenley Pavilions, Shenley Wood, Milton Keynes, MK5 6LB.

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](http://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.

## Changes to the privacy policy and your duty to inform us of changes

We keep our privacy policy under regular review.

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 the time we act for you.

## 2. THE DATA WE COLLECT ABOUT YOU AND OTHER PARTIES

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 transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, last name, title, job title photographic ID evidence, such as a copy of your passport and driving licence and documentary evidence to confirm your address.
- **Contact Data** includes billing address, correspondence address, email address and telephone numbers.
- **Details of other parties** we may need to conduct conflict of interest searches and require names and conduct details of other parties involved in a transaction.
- **Financial Data** includes bank account, payment card details and trading accounts.
- **Transaction Data** includes details about payments to and from you and other details of services we have provided to you.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

### If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with our services). In this case, we may have to cancel a service you have with us but we will notify you if this is the case 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 or otherwise. This includes personal data you provide when you:
  - enquire about or services or enter into a contract with us for us to provide our services;

- request marketing to be sent to you;
- give us feedback or contact us.
- **Third parties or publicly available sources.** We will receive personal data about you from various third parties and public sources as set out below:
  - Contact, Financial and Transaction Data from providers of professional services such as solicitors firms, accountants and estate agents, property management companies or third parties collecting property service and management charges, or from residential tenants and occupiers based inside the EU.
  - Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.

#### 4. HOW WE USE YOUR PERSONAL DATA

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

- Where we need to perform the contract we are about to enter into or have entered into 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 obligation.

Please refer to the Glossary at the end of this document to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally, we do not rely on consent as a legal basis for processing your personal data although we will get your consent before sending direct marketing communications to you via email [or by post]. You have the right to withdraw consent to marketing at any time by contacting us.

#### 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 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	Lawful basis for processing including basis of legitimate interest
To open a file for you as a new client	Performance of a contract with you
To process and deliver the services under the contract between us including: (a) Correspond with you and third parties by letter and email (b) Manage payments, fees and charges (c) Collect and recover money owed to us (d) obtaining information about you from third parties which is relevant to the services we are providing to you	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms of business or privacy policy (b) Asking you to provide feedback (c) Processing and dealing with any complaints made by you	(a) Performance of a contract with you (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 comply with auditing, regulatory, professional or accreditation requirements	(a) Necessary for our legitimate interests (to comply with professional requirements) (b) Necessary to comply with a legal obligation
To make suggestions and recommendations to you about services or property matters that may be of interest to you	Necessary for our legitimate interests (to develop our services and grow our business)
Storage and archiving of your files	(a) Necessary for our legitimate interests (to review previous transactions and access information when a client requests it) (b) Necessary to comply with a legal obligation.
To invite you to events which may be of interest to you	Necessary for our legitimate interests (to keep in contact with clients and develop our services and grow our business).

## Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

### Promotional offers from us

We may use your Identity, and Contact information to form a view on what we think you may want or need, or what marketing activities such as presentations, seminars or networking lunch clubs or other networking events may be of interest to you. This is how we decide which services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased services from us and you have not opted out of receiving that marketing.

### Third-party marketing

We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

### 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 or by contacting us at any time.

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

### 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.

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. DISCLOSURES OF YOUR PERSONAL DATA

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

- External Third Parties as set out in the Glossary.
- 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 policy.

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.

## 6. INTERNATIONAL TRANSFERS

We do not transfer your personal data outside the European Economic Area (EEA).

## 7. 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. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

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.

## 8. DATA RETENTION

### How long will you use my personal data for?

By law we have to keep information about our clients (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax and regulation purposes. In some cases we might be required, by service agreements, to keep information for longer than six years.

In some circumstances you can ask us to delete your data: see below for further information.

In some circumstances we will 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.

## 9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please see the Glossary to find out more about these rights:

- *Request access to your personal data.*
- *Request correction of your personal data.*
- *Request erasure of your personal data.*
- *Object to processing of your personal data.*
- *Request restriction of processing your personal data.*
- *Request transfer of your personal data.*
- *Right to withdraw consent.*

If you wish to exercise any of the rights set out above, please contact us.

### No fee usually required

You will not 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 could 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 could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## 10. GLOSSARY

### LAWFUL BASIS

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service and the best and most secure experience. 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.

**Performance of 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 obligation** means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

### THIRD PARTIES

#### External Third Parties

- Service providers acting as processors based in the UK who provide IT and system administration services and storage and archiving services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in the UK who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.
- Royal Institution of Chartered Surveyors
- During complaints handling procedures, personal data may be disclosed to external dispute resolution providers such as Centre for Effective Dispute Resolution (CEDR) and The Property Ombudsman Limited.

### YOUR LEGAL RIGHTS

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 to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those 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 the processing of your personal data in the following scenarios:

- If you want us to establish the data's accuracy.
- Where our use of the data is unlawful but you do not want us to erase it.
- 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.
- You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**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.