

**TAVISA REAL ESTATE LIMITED**

**TERMS AND CONSITIONS AND PRIVACY POLICY**

**Valid from 05 March 2023**

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## **Introduction**

Welcome to Tavisia Real Estate's (**TRE**) privacy policy.

Tavisia Real Estate 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 (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

This privacy policy is provided in a layered format so you can navigate through to the specific areas set out below. 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**

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## **1. Important information and who we are**

### **Purpose of this privacy policy**

This privacy policy aims to give you information on how TRE collects and processes your personal data through your use of this website and its services, including any data you may provide through this website when you sign up to our newsletter, provide your details for property updates, purchase a product or service, take part in a competition, enter into a tenancy agreement, sell a property and enter into any of our range of services..

This website is not intended for children and we do not knowingly collect data relating to children.

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**

Tavisa Real Estate is the controller and responsible for your personal data (collectively referred to as "TRE", "we", "us" or "our" in this privacy policy).

We have appointed a data privacy manager 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 *your legal rights*, 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 our data privacy manager in the following ways:

**Full name of legal entity: Vikram Davda**

**Email address: [info@tavisarealestate.com](mailto:info@tavisarealestate.com)**

**Postal address: Suite 205, 79 College Road, Harrow, HA1 1BD**

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK regulator 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. You can find our privacy policy at [www.tavisarealestate.com](http://www.tavisarealestate.com).

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**

This 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 policy 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 transfer different kinds of personal data about you which we have grouped together as follows: identity data; contact data; financial data; details of your dependents; transaction data (including, for example, details of your property requirements); IP address; website usage data; marketing and communication preference data; call recordings; information in your application form and CV; proof of right to work; employment history; criminal convictions and offences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **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 policy.

**Sensitive Personal Information** includes information about your racial or ethnic origin, philosophical or religious beliefs, physical or mental health or condition, sexual life or orientation, or information about criminal convictions. In certain circumstances, you may also provide us with such Sensitive Personal Information, for example if you have disability related requirements.

### **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 goods or services). In this case, we may have to cancel a product or 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** (personal data you disclose when you fill in forms, surveys, or correspond with us by post, phone, email, live chat, web, social or otherwise; through the job application process; or through property portals when you enquire about our services).
- **Indirect interactions** (personal data you disclose to third parties such as payment service providers, data brokers or aggregators (e.g. PayPal (other similar providers), Rightmove, Zoopla, Google, Bing, Microsoft, (based inside the UK/EU or outside the UK), or Facebook or Instagram or other social media platforms; or which is available through publicly available sources or registers such as Companies House, the Electoral Register, Government or Police Databases).
- **Aggregated data** (personal data, usually anonymised or aggregated to groupings, from systems such as our website, CRM or phone systems; or service providers such as credit check or profiling companies).

## **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: to process the purchase, rental, sale or let of a property through us (or from one of our clients); to contact you about services and offers we think may be of interest to you in relation to the purchase, rental, sale or let of a property; when you apply for a role with us and/or are successful; where it is necessary for us to comply with our legal obligations (such as anti-money laundering and estate and letting agency laws, regulations and/or codes of practice) or where it is otherwise lawful for us to do so.

We may also process your personal data to help us operate, grow and protect our business, develop our products and services, help improve our efficiencies, manage our client base, provide training, monitor our customer service standards, help resolve disputes and/or to refer you to selected third parties (mortgage broker, conveyancer, solicitor or other professional within our network). Other examples include, but are not limited to, technical security, information security, auditing, training, compliance, legal and regulatory requirements, referencing, verification of identity, fraud prevention, risk assessment, utility switching, due diligence, direct marketing, social media marketing, analytics, debt recovery, evictions, targeted marketing (physical and online), providing marketing material (including providing you with information about goods or services which we feel may interest you as a result of any previous sale or purchase we have negotiated on your behalf and enabling third parties such as Facebook, Instagram, TikTok and Google to display our adverts to you when you use their website) for our website and other applications or platforms through which you interact with us, ensuring that content from our website is presented in the most effective manner for you and your computer, customer support, notifying you about changes to our services and other important notices, profiling, cloud storage, when we purchase another business and/or referrals.

In some circumstances we may, to protect our entitlement to a commission and to avoid a dispute, disclose your name to another agent, landlord or vendor.

Our right to process your personal data falls under one of the following legal bases: your consent (Article 6(1)(a) GDPR); where we are performing our obligations under a contract with you (Article 6(1)(b) GDPR); where we are under a legal obligation (Article 6(1)(c) GDPR); where the processing is in our legitimate business interests (Article 6(1)(f) GDPR). The following additional grounds may also apply where we process special category data: where you provide explicit consent (Article 9(2)(a) GDPR); where you had already made the personal data publicly available (Article 9(2)(e) GDPR); to establish, exercise or defend a legal claim (Article 9(2)(f) GDPR).

### **Marketing**

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

#### **Promotional offers from us**

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, 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 goods or 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 or third parties to stop sending you marketing messages at any time 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 a product/service purchase, warranty registration, product/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 follow the GoDaddy (our website provider) prompts.

### **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 trusted companies outside of our group, such as: to third parties with whom we have a contractual relationship to perform, or assist us in performing the purchase, rental, sale or let of a property; IT and system administration service providers; anti-money laundering verification service providers; tenancy deposit schemes (or deposit replacement service providers); utility switch companies; utility suppliers; trade contractors; survey companies; surveyors, EPC providers, inventory clerks, managing agents, property auctioneers, auction legal pack providers; local authorities and government law enforcement agencies; Government departments (e.g. HM Land Registry); property developers; third party data services who help us to segment and understand our audience so that we can send the most relevant and targeted communications possible; advertisers and advertising networks (including social media) to select and serve relevant adverts to you based on the fact that you use that third party network and are a contact of ours; professional advisers including lawyers, bankers, auditors who provide consultancy, banking, legal, insurance and accountancy services and insurers; credit or reference providers (including for the purposes of debt recovery); other agents with whom we have entered into a sub-agency agreement and where they have introduced a potential purchaser/vendor/landlord/tenant for your property; the counterparty to your transaction; property portals through which you request our

services; other parties to whom we may choose to sell, transfer, or merge parts of our business or our assets.

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 UK).

## **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?**

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

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, regulatory, tax, accounting or other requirements.

In some circumstances you can ask us to delete your data: see *your legal rights* 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.

To the extent provided by law, you have the right to:

- access a copy of the personal data that we hold and process about you. You have rights to the following information, subject to certain exemptions:
  - the purpose(s) for which we are processing your information;

- the categories of personal information we hold about you
- the recipients or categories of recipient to whom the personal data have been or will be disclosed;
- the period for which we will store your information, or the criteria used to determine that period;
- object to the use of your personal data (including for marketing purposes) by
  - by emailing [info@tavisarealestate.com](mailto:info@tavisarealestate.com).
- rectification of any inaccurate information we hold about you;
- erasure of the personal data we hold about you;
- ask that we do not make decisions about you using completely automated means; and/or
- ask that personal data we hold about you is, where technically feasible, transmitted to a third-party chosen by you, in a commonly used, machine-readable format.

Please note that even if you refuse marketing, we will still contact you to discuss the services you have asked us to provide to you or to tell you about changes to our terms and conditions.

The rights listed above may not apply in certain circumstances. Therefore we may not always be able to comply with your request. We will tell you if this is the case. We will usually respond to a request from you to exercise your rights within one month of receipt, but it might take longer if your request is particularly complex or if you have made a number of requests.

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.

Generally, you do not have to pay a fee to exercise these rights, but you may have to pay a fee if your request is unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request.

### Marketing

You have the right to withdraw your consent for us to use your personal data for marketing purposes at any time.

You can withdraw such consent by: contacting us by email [info@tavisarealestate.com](mailto:info@tavisarealestate.com).

We will still process your personal data in order to fulfil our contract with you and in accordance with our legal, accountancy and regulatory obligations. If you withdraw your consent, your previous consent will remain valid in respect of our use of your data until you withdrew your consent.

### Third-party marketing

We will get your express opt-in consent before we share your personal data with any company outside the our group of companies to enable those third parties to send you direct email messages regarding their products and/or services for marketing purposes.

If you no longer wish to be contacted by any such third parties for marketing purposes, please follow the instructions in their marketing communications, or consult their privacy policies about how to unsubscribe.

## 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/product 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.

## 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.

## **Anti-Money Laundering**

We are committed to operating our business in a transparent and open manner consistent with our legal and regulatory obligations. We are aware that the real estate industry is a target for organised criminals seeking to launder the proceeds of criminal activity. We always seek to prevent this activity by cooperating fully with the authorities and reporting suspicious activity to the National Crime Agency.

As part of this commitment, we adopt a strict compliance of all Anti-Money Laundering rules, with specific emphasis on the Proceeds of Crime Act 2002, the Money Laundering Regulations 2017, the Bribery Act 2010 and the Terrorism Act 2000.

Our policy commitment is applicable to all of our customers, including vendors, buyers, landlords and tenants. As a result we obtain and hold for a period of at least seven years evidence pertaining to our customers' identity and, where appropriate, we obtain proof of ownership of property and source/destination of funds. We will be unable to proceed with any work on behalf of our customers if we are unable to obtain this information. Customers' identity will be subject to an electronic identity check, which may also include a credit check

For a full list of acceptable identity documents, please *contact* us.

We are registered and supervised by HM Revenue & Customs for compliance with the Money Laundering Regulations 2017. If you would like to speak to us about Anti-Money Laundering, please email [info@tavisarealestate.com](mailto:info@tavisarealestate.com)

## **Indemnity**

You acknowledge that you are solely responsible for the use to which you put this website and all the results and information you obtain from it and that all warranties, conditions, undertakings, representations and terms whether expressed or implied, statutory or otherwise are hereby excluded to the fullest extent permitted by law.

Save in respect of liability for death or personal injury arising out of negligence or for fraudulent misrepresentation, we and all contributors to this website hereby disclaim to the fullest extent permitted by law all liability for any loss or damage including any consequential or indirect loss or damage incurred by you, whether arising in tort, contract or otherwise, and arising out of or in relation to or in connection with your access to or use of or inability to use this website.

Whilst we take every care to ensure that the standard of this website remains high and to maintain the continuity of it, we do not accept any ongoing obligation or responsibility to operate this website (or any particular part of it).

If any part of our terms and conditions is deemed to be unenforceable (including any provision in which we exclude our liability to you) the enforceability of any other part of these conditions will not be affected.

These terms and conditions and your use of this website are governed exclusively by English law.

This does not affect your statutory rights as a consumer.