

## Introduction

Welcome to RE/MAX Clydesdale & Tweeddale's privacy notice.

RE/MAX Clydesdale & Tweeddale respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data when you visit our website (regardless of where you visit it from), as well as when you engage with us by email, telephone or visiting our offices and tell you about your privacy rights and how the law protects you.

## 1. Important information and who we are

### Purpose of this privacy notice

This privacy notice aims to give you information on how RE/MAX Clydesdale & Tweeddale collects and processes your personal data through your use of this website, including any data you may provide through this website when you sign up to our newsletter, engage with us to provide estate agency services or take part in a competition or other promotional event.

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 notice together with any other privacy notice or fair processing notice 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 notice supplements the other notices and is not intended to override them.

### Controller

Lindsay Duncan & John McIlvaney, is the controller and responsible for your personal data (collectively referred to as RE/MAX Clydesdale & Tweeddale "we", "us" or "our" in this privacy notice).

We are part of a franchise network and we share certain pieces of information with RE/MAX Scotland. RE/MAX Scotland is the trading name of Somerled Estate Agency Franchise Limited (registered in Scotland with company number SC184666 and having their registered office at care of RE/MAX Scotland, Willow House, Kestrel View, Strathclyde Business Park, Bellshill ML4 3PB. We use RE/MAX Scotland for various shared services. Whilst all personal data is stored on our systems, RE/MAX Scotland are provided with reports and are able to access certain pieces of information when they are providing us with shared services. We seek to minimise or anonymise any personal data that is being shared and there are appropriate agreements in place with RE/MAX Scotland and any other party with whom we share information.

We have appointed a data privacy manager who 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 manager using the details set out below.

### Contact details

Our full details are:

Lindsay Duncan & John McIlvaney t/a RE/MAX Clydesdale & Tweeddale

Name or title of data privacy manager:	Lindsay Duncan
Email address:	lanark@remax-clydesdale.net
Postal address:	2 High Street, Lanark ML11 7EX
Telephone number:	01555 666 990

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 notice and your duty to inform us of changes

This version was last updated on 1 May 2018.

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

- 📍 **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- 📍 **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- 📍 **Financial Data** includes bank account and payment card details.
- 📍 **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from 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 this 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.

We also collect, use and share **Aggregated Data** such as statistical or demographic data, simply to show the number of properties bought or sold in any particular area, or sale and purchase prices, as well as other statistics that will be useful for you and other users of this website. 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.

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 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. 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:
  - apply for our products or services;
  - instruct us to market your property;
  - create an account on our website;
  - subscribe to our service or publications;
  - request marketing to be sent to you;
  - enter a competition, promotion or survey; or
  - give us some 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, and other similar technologies. Please see our cookie policy [www.remax-tweeddale.net](http://www.remax-tweeddale.net) for further details.
- Third parties or publicly available sources. We may receive personal data about you from various third parties as set out below:
  - Technical Data from analytics providers such as Google based outside the EU; Contact,
  - Financial and Transaction Data from providers of technical, payment and delivery services such as the solicitors you appoint to carry out the conveyancing in relation to the purchase or sale of your property, 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 or regulatory obligation.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting our data privacy manager or your branch manager.

#### 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	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver our services 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	(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 or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(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 enable you to partake in a prize draw, competition or 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 this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(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 and in the context of a business reorganisation or group restructuring 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, products/services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)

## 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 or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, 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 company outside the RE/MAX Scotland group of companies for marketing purposes.

### Opting out

You can ask us or third parties to stop sending you marketing messages at any time by contacting our data privacy manager, or your branch manager.

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, 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 see [www.remax-tweeddale.net](http://www.remax-tweeddale.net)

### 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 have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

-  Internal Third Parties, being our employees or franchisees.
-  External Third Parties, being any financial adviser, including banks and financial organisations or any broker involved in the mortgage process; any professional advisers, including solicitors and accountants, involved in the transaction of purchasing or selling your property, any legal or regulatory bodies, including HMRC to whom we owe a legal duty to provide information.

- 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 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?

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.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes.

In some circumstances you can ask us to delete your data: see Request Erasure 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.

## 9. Your legal rights

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

- Request access to your personal data. You are entitled to be made aware of the information that we hold on you and the purposes for which we are holding onto that information. For further details on this process, which is known as a Subject Access Request, then please contact our data privacy manager.
- Request correction of your personal data. If there are errors in the information we are holding about you, then please contact your branch manager to rectify those errors.
- Request erasure of your personal data. You can ask our data privacy manager to delete your information, however we may have a legitimate right to retain that data, for tax purposes, or if there is any unpaid amount on your account. Please contact our data privacy manager for further details.

🚩 Object to processing or request restriction of processing of your personal data. You may request that we do not process your personal data for a particular part of our service or marketing provision. We will seek to honour that request, unless the processing of your personal data is a necessary part of us providing our services to you, or there is some other legitimate interest in doing so.

🚩 Request the transfer of your personal data. Please contact our data privacy manager for further details.

🚩 Right to withdraw consent. Again, we will honour this withdrawal, unless there is a legitimate interest or other necessary and lawful reason for retaining or processing your personal data.

If you wish to exercise any of the rights set out above, please contact our data privacy manager.

### 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 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. 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/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 our data privacy manager.

**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 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.