



monster moves
HIGHLAND ONLINE PROPERTY

Data Protection Policy

1.0 INTRODUCTION

Monster Moves needs to gather and use certain information about individuals.

These include, but are not limited to:

- Clients
- Buyers
- Viewers
- Associates
- Contractors
- Suppliers
- Other parties that the organisation has a relationship with or may need to contact.

This policy describes how this Personal Data must be collected, handled and stored (processed) to meet our Data Protection standards AND to comply with the Law.

2.0 PURPOSE

This Data Protection Policy ensures that Monster Moves:

- ✓ Complies with Data Protection Laws and follows good practice
- ✓ Protects the rights of associates, clients and applicants
- ✓ Is open and transparent about how it processes Personal Data
- ✓ Protects itself from the risks of a Data Breach

3.0 SCOPE

The scope of this Policy applies to the following:

- All working locations
- All staff and contractors operating on behalf of Monster Moves

It applies to all data that Monster Moves holds relating to identifiable individuals including, but not limited to:

- First Name
- Last Name
- Postal Address
- Email Address
- Telephone Numbers
- Passport/identification details
- And any other identifiable information relating to individuals, including Special Categories (Sensitive) - See Section 9.0

Note that Monster Moves typically does not hold any sensitive data, beyond Passport/identification details relating to individuals as we do not need to hold it to perform our services.

4.0 DATA PROTECTION LAW

The following key legislation and guidance informs Monster Moves and the development of our procedures/controls:

- European Data Protection Directive (95/46/EU)
- The Data Protection Act 1998
- The General Data Protection Regulation (GDPR)

These legal requirements govern how we will collect, handle and store Personal Data. They apply regardless of whether the data is stored electronically, on paper or on other materials.

To comply with the law, the following EIGHT principles must be applied and evidenced. Personal Data must be:

1. Processed fairly, lawfully and transparently
2. Be obtained only for specific and lawful purposes
3. Be adequate, relevant and not excessive
4. Be accurate and kept up to date
5. Not be held for any longer than necessary
6. Processed in accordance with the rights of the Data Subjects (individuals)
7. Be protected in appropriate ways
8. Not be transferred out of the European Economic Area (EEA) unless that country or territory also ensures an adequate level of protection

5.0 RISKS

The Policy helps to protect both Monster Moves and associated individuals from very real data security risks including:

- **Breaches of Confidentiality.** E.g. information being disclosed inappropriately
- **Failing to offer choice.** E.g. all individuals have the right to choose how a company processes their data.
- **Reputational Damage.** E.g. Complaints, legal proceedings, etc.

6.0 RESPONSIBILITIES

Everyone who handles/processes Personal Data must ensure that it is done so in line with this Policy and all other related procedures.

7.0 GUIDELINES

- The only people who can access the Personal Data, covered by this Policy, are those who are required to use it for their legitimate work and who are authorised to do so.
- Data must not be shared informally. Personal Data must be treated with the utmost confidence and security at all times.
- Monster Moves will strive to ensure compliance from all contractors, employees, partners, etc to ensure that they are fully aware and understand their responsibilities regarding Data Protection and Privacy.
- For system access, strong passwords must be used and never shared
- Personal Data should never be disclosed to unauthorised persons, either within the business or externally.
- Data should be regularly reviewed (by authorised personnel) and updated according. If there is no longer a legal basis or legitimate purpose for retaining/processing the Data, it must be safely deleted.
- Where consent is the legal basis for processing information, regular reviews must be undertaken to ensure that the individual still (explicitly) consents to sharing their Personal Data.
- Individuals reserve the right to withdraw their consent to processing their Personal Data
- Individuals may request information regarding the Data processed by Monster Moves. This is called a Subject Access Request (SAR) and must be responded to within 1 month.
- Individuals may raise a query or complaint to the Data Controller/Data Protection Officer. The contact details are at the end of this document.

8.0 CONSENT

Under the new GDPR, a lawful basis must be identified and evidenced before Personal Data can be processed. If there is no other legal basis (lawful purpose) then consent must be sought and evidenced. Article 6 1 (b) states an example when Monster Moves may not specifically require consent in that when *'processing is necessary for the performance of a **contract** to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract'*.

Consent must be:

- ✓ Freely given
- ✓ Specific
- ✓ Informed
- ✓ Unambiguous
- ✓ Given by clear statement or affirmative action

Consent can no longer be implied.

Prior to obtaining consent, individuals will be provided with access to the Privacy Notice (also called a Fair Processing Notice). See Section 14.0.

To manage consent and ensure that it does not degrade over time, Monster Moves will conduct regular consent audits and contact the relevant individuals to establish that consent is still current and given as above.

9.0 SPECIAL CATEGORIES

This relates to the processing of sensitive data that must be treated with a high degree of care. Special categories of data includes racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data and data concerning health or reveal their sex life or sexual orientation.

Processing this data is prohibited unless EXPLICIT consent is obtained from the individual. There may be certain circumstances where processing is necessary, and these details can be provided by the Data Controller / Data Protection Officer on request.

10.0 DATA STORAGE

The following details and rules exist for data is stored at Monster Moves Limited:

DATA TYPE	PURPOSE	LEGAL BASIS	STORAGE REQUIREMENTS	RETENTION PERIOD (end of contract plus)
Clients name	To perform estate agency services as per sales agreement. To capture client information to send relevant estate agency correspondence	Article 6 1(b)	Server GDPR Compliant data processor Paper copy if recorded on sales agreement	36 months
Client 's email address	To capture client information to send relevant estate agency correspondence.	Consent	Server GDPR-compliant data processor Paper copy if recorded on sales agreement	36 months
Client's telephone	To capture client information to send relevant estate agency correspondence.	Consent	Server GDPR-compliant data processor Paper copy of recorded on sales agreement	36 months
Clients home address	To capture client information to send relevant estate agency correspondence.	Article 6 1(b)	Server GDPR-compliant data processor Paper copy of recorded on sales agreement	36 months
Clients property address	To capture client information to send relevant estate agency correspondence. To perform estate agency services as per sales agreement.	Article 6 1(b)	Server GDPR-compliant data processor Paper copy of recorded on sales agreement	36 months
Identification details	To comply with money laundering regulations.	Article 6 1(b)	Server GDPR-compliant data processor	36 months

Client emails	To capture client information to send relevant estate agency correspondence.	Article 6 1(b)	Server GDPR-compliant data processor	24 months
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DATA TYPE	PURPOSE	LEGAL BASIS	STORAGE REQUIREMENTS	RETENTION PERIOD (end of last relevant service plus)
Viewer/Buyers name	To perform estate agency services. To capture client information to send relevant estate agency correspondence	Consent	Server GDPR Compliant data processor	24 months
Viewer/Buyers email address	To capture client information to send relevant estate agency correspondence.	Consent	Server GDPR-compliant data processor	24 months
Viewer/Buyers telephone	To capture client information to send relevant estate agency correspondence.	Consent	Server GDPR-compliant data processor	24 months
Viewer/Buyer emails	To capture client information to send relevant estate agency correspondence.	Consent	Server GDPR-compliant data processor	24 months
Marketing list	Contacting existing clients, viewers and buyers of any properties and services they have agreed to be informed of via online account setup.	Consent	Server GDPR-compliant data processor	12 month consent review

Questions regarding storage can be directed to the Data Controller/Data Protection Officer.

When data is stored in a physical format (paper, etc), it will be kept in a secure location where no unauthorised person can get access.

These guidelines also apply to data that is stored electronically, but that has been printed out.

- Paper files, when not being processed, will be stored in a locked drawer/cabinet.
- Employees shall ensure that paper/prints that contain Personal Data shall not be left unattended, eg. On a printer or left on a desk, where non-authorized persons can see them.
- When no longer required, paper/prints shall be shredded and disposed of securely

Note that Monster Moves do not store client data in paper format beyond the standard sales agreement.

When data is stored electronically, it must be protected from unauthorised access, accidental disclosure/loss, accidental deletion or malicious hacking attempts:

- Data must be protected with strong passwords, that are changed regularly and never shared
- Data stored on removable media (DVD, CD, USB, etc) must be stored securely and locked away when not in use
- Data should only be stored on approved drives and servers and should only be uploaded to an approved cloud computing service
- Servers containing Personal Data should be sited in a secure location, away from general office space, as appropriate
- Data should be backed up regularly.
- Data should not be saved/stored directly on laptops (unless encrypted) or smart phones/tablets.
- All services and computers containing data should be protected by approved security software and a firewall, as appropriate.

11.0 DATA MINIMISATION

Data will be held in as few places as necessary and only retained in line with the data storage requirements documented in Section 11.0

12.0 DATA SUBJECTS RIGHTS

In line with the new Regulation, individuals have more rights to ensure the protection of their privacy and the security of their data. This section details their rights and how Monster Moves will respond to them.

12.1 Subject Access Requests (SAR)

All individuals are entitled to:

- ✓ Ask what information the company holds about them and why
- ✓ Ask how to gain access to it
- ✓ Be informed about how we keep it up to date
- ✓ Be informed about how Monster Moves is meeting its data protection and privacy obligations

If an individual makes a request to receive this information, it is called a Subject Access Request (SAR). Monster Moves will always verify the identity of the requester and no information will be sent out until that has been undertaken. Approved identity documents will be one that is photographic (national ID card, drivers licence or passport) and one current utility bill.

SARS may be requested in any medium (verbally, email, physical letter) and Monster Moves has a legal obligation to provide all information processed within 1 month of receiving the request. Ordinarily, there is no charge for this, however, if the SAR is significant in terms of size/complexity, Monster Moves does reserve the right to apply an administration fee.

Please note, however, there may be certain circumstances where it is not possible to provide all SAR's information (in line with the Law). If this is the case, the person will be fully informed.

12.2 Right to Rectification

If it is discovered that Monster Moves is holding inaccurate or out of date Personal Data relating to an individual, that individual has the right to request that the Data is amended/rectified as quickly as possible.

12.3 Right to Erasure

Whilst an individual does have the right to request erasure of their data (also called the Right to be Forgotten) it is not an absolute right, as there are certain instances where their request cannot be accepted. The right can be fulfilled in the following circumstances:

- The Personal Data is no longer required by Monster Moves in relation to the purposes that originally applied
- The individual has withdrawn their consent and there is no other legal basis for processing
- The individual objects to Monster Moves processing their data and there are no overriding legitimate grounds for continuing to process.
- The Personal Data has been unlawfully processed
- A legal obligation (e.g. a court order) requires the data to be erased
- The data relates to a child and there is no parental consent

If the right to erasure is accepted Monster Moves must take reasonable steps to destroy all data, including any that has been made public (e.g. photographs, video clips, etc) and any data that has been forwarded/shared with other agreed 3rd parties, including processors.

The right to erasure may not be accepted for legal or public safety reasons.

12.4 Right to Restriction of Processing

An individual has the right to restrict processing in the following instances:

- The accuracy of the data is contested, and time is required to verify
- The processing of the data is considered unlawful, but erasure isn't an option
- (Company Name) no longer needs the data but it may be required to support a legal claim
- The individual has objected to processing and verification is required to establish legitimate grounds

12.5 Right to Data Portability

The individual has the right to request all their Personal Data held by Monster Moves receive it in a machine-readable format and request that it be transferred to another Data Controller. This is applicable when the data is processed by automated means only.

13.0 DISCLOSURE

In certain circumstances, the Law allows Personal Data to be disclosed without the consent of the Data Subject.

Under these circumstances, Monster Moves will disclose the requested data. However, the Data Controller/Data Protection Officer will ensure that the request is legitimate, seeking assistance from Legal Advisors or Regulators, as necessary.

14.0 TRANSPARENCY

Monster Moves aims to ensure that individuals are aware that their Personal Data is being processed and that they understand:

- A. What data is being processed
- B. Why it is being processed
- C. How the data will be used
- D. How it will be stored
- E. How to exercise their rights

To these ends, Monster Moves has a Privacy Notice, setting out how data relating to individuals is used by us.

This is available both electronically on our website and physically (paper copy) on request.

15.0 VERSION CONTROL

VERSION	DATE	DETAILS	AUTHOR/OWNER
1.0	29/01/18	FIRST DRAFT	XYZ