

## BALNAGOWN

### PRIVACY NOTICE FOR TENANTS

#### INTRODUCTION

We are Bocardo Societe Anonyme, c/o Allgemeines Treuunternehmen, Äulestrasse 5, 9490 Vaduz, Principality of Liechtenstein (company registration no: SL-001.024.841-5) referred to as “we”, “us” or “our” in this Privacy Notice).

In terms of data protection law (EU General Data Protection Regulation 2016 and the Data Protection Act 2018, as amended or superseded from time to time) (“Data Protection Law”), we act as a Data Controller in respect of tenants of the Balnagown Estate, because we determine the personal data to be collected from tenants and the means by which, and purposes for which, we process that data. Personal data means any data that relates to a living individual who can be identified directly or indirectly from that data. It does not include data where the individual’s identity has been removed completely (anonymised data). For the purposes of this Privacy Notice, ‘tenant’ includes agricultural, residential and commercial tenants and crofters on the Balnagown Estate.

Under Data Protection Law, we are committed to protecting and respecting your privacy. We will process your personal data in accordance with Data Protection law and this Privacy Notice.

#### PURPOSE OF THIS PRIVACY NOTICE

The Privacy Notice (“Notice”) outlines how we collect and use personal data about tenants, before, during and after a tenancy with us. We are required under Data Protection Law to notify you of the information contained in this Notice. This Notice does not form part of any tenancy agreement or other contract with you.

We may process the personal data of our tenants to enable us to perform our obligations under a contract or with a view to entering into a contract, to meet any other legal obligations we have and for our legitimate interests. All personal data are collected and held in accordance with Data Protection Law.

This Privacy Notice applies alongside any other information we may provide about a particular use of personal data, for example when collecting data *via* an online or paper form. This Notice also outlines your privacy rights and provides details of how we aim to protect personal data we collect relating to you. You should read this Privacy Notice, together with any other notice we provide on specific occasions when we are collecting or processing your personal data, so that you are fully aware of how and why we are using your personal data.

#### THE CATEGORIES OF PERSONAL DATA WE PROCESS ABOUT YOU

**We may collect, store, and use the following categories of personal information about you:**

**Identity and contact data:** e.g. names; home address; business address; contact phone numbers; email addresses; general correspondence by letter and email; date of birth; gender.

**Financial data/contractual data:** e.g. bank account details and other financial information; arrears data; lease agreements; title deeds.

**Images and monitoring:** e.g. photographs; images captured by the CCTV system; car details (about those who use our car parking facilities).

#### HOW WE COLLECT YOUR PERSONAL DATA

In most cases, we collect your personal data from you directly. However, we may also obtain some personal data about you from third parties, e.g. for references.

#### LEGAL BASIS FOR PROCESSING

Much of the personal data of tenants that we process is necessary for the purpose of entering into a contract or potential contract with each tenant, in the form of a lease agreement and then for performing our obligations and exercising our powers under that contract. In some cases, we may process the personal data of tenants to fulfil another legal obligation to which we are subject.

In certain circumstances, we may process personal data on the basis of our legitimate interests, for example, in order to function efficiently, provided that these interests are not outweighed by the impact on the rights of the individuals concerned and provided that the processing does not involve special or sensitive types of personal data.

We will only use personal data for the purposes for which they were provided, unless it is considered reasonable for us to use the personal data for another reason and that reason is related to and compatible with the original purpose. If we consider that we need to use your personal data for an unrelated purpose, we will notify you of that decision and we will explain to you the legal basis which we consider allows us to do the processing for that purpose. We may also process your personal data without your knowledge or consent, where such processing is either required or permitted by law.

## **SPECIAL CATEGORY PERSONAL DATA**

In some circumstances, we may need to collect, or request on a voluntary disclosure basis, store and use some special category personal data, as defined in Data Protection Law or information about criminal convictions or offences, for example, to perform our duties under a contract with you, and where we have your explicit consent or where it is in the substantial public interest to do so.

## **WHO WE SHARE YOUR INFORMATION WITH**

We may need to share some of your personal data with third parties in order to fulfil our purposes and for those third parties to provide services to us to support our operations and activities. When we share personal data with a third party, either another data controller or a data processor, we will always make sure that we have the necessary contracts in place to ensure the security of your personal data, that those third parties act on our instructions and do not use the personal data for their own purposes. We will only share your personal data in accordance with the law. All the third parties with whom we share personal data are required to take appropriate security measures to protect your personal data in line with our own policies and to comply with Data Protection law and with their own policies too. We may also need to share your personal data with third parties to comply with a legal obligation.

Examples of third parties we may share personal data with include:

- administrative database providers
- contract management (e.g. Savills)
- document storage companies
- email marketing providers
- postal direct mail providers
- IT services including cloud storage providers
- consultancy organisations who may analyse our data
- professional advisers
- regulatory bodies

## **OUR RETENTION PERIODS FOR PERSONAL DATA**

We will retain personal data securely and only for as long as is necessary to keep for the specified purposes, or for a legitimate and lawful reason. Further information about our records retention period can be obtained from: Estates Office, Balnagown, Kildary, Ross-shire IV18 or [info@balnagown.com](mailto:info@balnagown.com). 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, whether we can achieve those purposes through other means, and the applicable legal requirements. In some circumstances, we may anonymise your personal data so that it can no longer be associated with you, in which case we may use such data without further notice to you. Once you are no longer our tenant, we will retain, or securely destroy, your personal data in accordance with our records retention schedule and with applicable laws and regulations.

## **CHILDREN**

We do not knowingly collect personal data from children. If you believe your child has provided personal data to us, please contact us at Estates Office, Balnagown, Kildary, Ross-shire IV18 so that we can delete your child's information.

## **FAILURE TO PROVIDE PERSONAL DATA**

In some cases we may need to collect your personal data by law, or in order to perform our side of a contract we have entered into with you or with a view to entering into such a contract, or in our legitimate interests. If you fail to provide the requested data, we may not be able to perform under the contract we have with you, or to enter into the contract with you or way may be prevented from achieving our legitimate interests (such as engaging with you). In such circumstances, we may have to cancel the contract, or be unable to conclude the contract, which means we would not be able to provide the product or service to you. If that is the case, we will notify you of that at the time.

## **DISCLOSURE OF YOUR INFORMATION TO THIRD PARTIES**

If our business enters into a joint venture with or is merged with or sold to another business entity, your information may be disclosed to our new business partners or owners. Countries outside the EEA do not always have strong data protection laws. We will take steps

to ensure that any data that is provided to such third parties is shared in accordance with Data Protection Law and the data is used by third parties in accordance with Data Protection Law and this Privacy Notice. Unless required or permitted by law to do so, we will not otherwise share, sell or distribute any of the information you provide to us without your consent.

## **DATA SECURITY**

We take all appropriate technical and organisational measures, in accordance with Data Protection Law, to protect your personal data against accidental or unlawful destruction or loss, alteration, unauthorised disclosure or unauthorised access. To this end, we have implemented technical and operational measures such as login/efficient password and physical protection.

## **YOUR RIGHTS AS AN INDIVIDUAL**

As an individual, you have the following rights as a data subject under Data Protection Law in relation to the processing of your personal data:

- To be informed about what of your personal data is being processing, and how it is being processed.
- To request access to your personal data (a data subject access request), which enables you to receive a copy of the personal data we hold about you and the check that we are lawfully processing it.
- To request correction of any incomplete or inaccurate information being processed.
- To request erasure of your personal data, so that we delete or remove personal data where there is no good and lawful reason for us to continue to process it.
- To object to processing of your personal data where we are processing your personal data for direct marketing or where we are relying on a legitimate interest (of our own or of a third party) and there is something specific to your situation which gives rise to your objection.
- To request the restriction of processing of your personal data, through the suspension of our processing, e.g. where you want us to establish its accuracy or the reasons for the processing.
- To request the transfer of your personal data to another party in an easily portable and readily accessible form.
- To withdraw consent at any time where we are relying on consent to process your personal data (although this will not affect the lawfulness of any processing carried out before the withdrawal of consent).
- Where processing is under a contract or by consent, to request that a decision made using automated processing of your personal data, which significantly affects you, be reviewed by an individual to whom you may make representations and contest the decision.

We do not usually charge individuals for any requests made regarding the collection of information. However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances. We will need you to identify yourself properly prior to responding to your request. To this end we may request a valid identification such as a current driver's licence, identity card or passport.

## **CHANGES TO OUR PRIVACY NOTICE**

The Privacy Notice was last updated on 24/05/2018, In order to assist us in keeping the personal data we process about you accurate and up to date for the duration of your relationship with us, it is important that you inform us of any change to your personal data that you have provided to us, as soon as possible, by contacting us at [info@balnagown.com](mailto:info@balnagown.com). We keep our Privacy Notice under regular review and we will place any updates to this Notice on our website.

## **QUERIES OR INDIVIDUAL REQUESTS**

If you wish to place a query about any aspect of how we use your personal data, submit a Data Subject Access Request or exercise your other rights as an individual under Data Protection Law, please contact us at [info@balnagown.com](mailto:info@balnagown.com), or write to us at Estates Office, Balnagown, Kildary, Ross-shire IV18.

## **CONCERNS OR COMPLAINTS**

We only process your personal data in compliance with this Privacy Notice and in accordance with Data Protection Law. If, however you have a concern, or wish to make a complaint, about the processing of your personal data by us, you have the right to lodge a complaint with the UK Information Commissioner at any time. The website of the UK ICO's office contains details of how to make a complaint: <https://ico.org.uk/>.