

O'Brien Fellows Sales & Lettings - Data Privacy Policy

At O'Brien Fellows we are committed to ensuring that your privacy is protected. This privacy notice explains how we will collect your personal data and how we use your personal data when you visit our website.

O'Brien Fellows is data controller in respect of the personal data processed when you visit our website. If you have any questions or concerns in relation to this Privacy Notice you can contact our Data Protection Officer at info@obriefellows.co.uk or by writing to the Data Protection Officer, 3A Chester Street, Mold, Flintshire, CH7 1EG.

Third-party links

This website may include links to third party websites, plug-ins or applications which may allow third parties to collect or share your personal data. We are not responsible for their use of your personal data and cannot control it.

1. WHAT INFORMATION WE MAY COLLECT AND HOW WE USE IT

As a business we collect, use, store and transfer different types of personal data depending on who you are.

If you are purchasing, renting, selling or letting a property through O'Brien Fellows, or purchasing, renting, selling or letting a property from one of our clients, we collect and use your personal data in order for us to provide you with our services. The personal data we collect and use may include:

- Identity Data (name, marital status, title, date of birth, gender, username and password, purchases made by you, your interests and preferences, feedback and survey responses)
- Contact Data (billing address, delivery address, email address and telephone numbers)
- Financial Data (bank account, credit history and payment details)
- Transaction Data (details about payments to and from you and other services you have purchased through us)
- Technical Data (internet protocol address, login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform, identification number, online identified, location data and

other similar identifying information required for the customer's device(s) to communicate with websites and applications on the internet)

- Usage Data (how you use our website products and services, the full uniform resource locators clickstream to, through and from our site (including date and time), download errors, lengths of visit to certain pages, page interaction information, methods to browse away from the page and any phone numbers you use to call us)
- Marketing and Communications Data (your marketing preferences from us and our third parties and your communication preferences)

We also may collect and use Aggregated Data. For example, when you visit our website we may aggregate data about your usage to tell us about how certain features on our website are used. This is not usually classified as personal data as whilst it derives from personal data (in the example, it is derived from your Usage Data) it does not reveal your identity to us. If we do link this Aggregated Data to your personal information, it will be treated as personal data in line with this policy.

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. You can ask us to rectify or update your personal information at any time by email to info@obriefellows.co.uk or by writing to The Data Protection Officer, O'Brien Fellows, 3A Chester Street, Mold, CH7 1EG.

2. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you 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 services;
- subscribe to our service or publications;
- request marketing to be sent to you;
- contact us through social media;
- walk-in to our branch offices or telephone our call centre (Money Penny);
- enter a competition, promotion or survey; or
- give us some feedback.

Third parties or publicly available source

We may receive personal data about you from various third parties and public sources as set out below:

Identity and Contact Data from data brokers or aggregators such as:

- Rightmove based inside the EU
- Zoopla Property Group based inside the EU
- Facebook based outside the EU

Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.

3. HOW WE USE YOUR PERSONAL DATA

In the table below we summarise the ways that we plan to use your personal data and the purposes for which we will use your personal data. We will only use your personal data for the purposes for which we have collected it. If we need to process your personal data for a different purpose that is not compatible with the original purpose that we collected your personal data, we will let you know.

We may process your personal data for a different purpose and without your consent where it is necessary for us to comply with our legal obligations.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To contact you Identity	Contact Financial Transaction Marketing and Communications	Performance of a contract with you Necessary for our legitimate interests (for running our business, to recover debts due to us, to keep our records updated and to study how customers use our products/services)
To carry out our obligations arising from any contracts entered into between you	Contact Financial Transaction	Performance of a contract with you

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
and us and to provide with you the information, products and services you request from us Identity	Marketing and Communications	Necessary for our legitimate interests (for running our business and to recover debts due to us)
To provide you with information about other goods and services that we offer which we feel may interest you Identity	Contact Technical Usage	Necessary for our legitimate interests (to develop our products/services and grow our business)
<p>To permit selected third parties:</p> <ul style="list-style-type: none"> • to provide you with information about goods or services which we feel may interest you • to assist us in the improvement and optimisation of advertising, marketing material and content, our services and the website 	Identity Contact Technical Usage	<p>Consent (in relation to SMS and email marketing communications)</p> <p>Necessary for our legitimate interests (to develop our service offering)</p>
To assist us in the improvement and optimisation of advertising, marketing material and content, our services and the website	Identity Contact Financial Transaction Marketing and Communications	Necessary for our legitimate interests (to develop our products/services and grow our business and provision of administration and IT services)
To notify you about changes to our service	Identity Contact	<p>Performance of a contract with you</p> <p>Necessary to comply with our legal obligations</p> <p>Necessary for our legitimate</p>

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
		interests (to keep our records updated)
To ensure that content from our website is presented in the most effective manner for you and your computer	Identity Contact Financial Transaction	Necessary for our legitimate interests (to develop our products/services and grow our business and provision of administration and IT services)
To verify your identity	Identity Contact Financial Transaction	Necessary to comply with our legal obligations Necessary for our legitimate interests (for running our business and to prevent fraud and money laundering)
As part of our efforts to keep our site safe and secure and to prevent or detect fraud	Identity Contact Financial Transaction	Necessary to comply with our legal obligations 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)
To provide customer support	Identity Contact	Performance of a contract with you
To comply with the requirements imposed by law or any court order	Identity Contact Technical Usage	Necessary to comply with our legal obligations

Marketing

You have the right to withdraw your consent for us to use your personal data for marketing purposes at any time. You also have the right to withdraw consent for us to pass your information to third parties for marketing purposes. If you do withdraw your consent, this will result in us ceasing to market goods and services to you.

You can ask us to stop sending you marketing messages at any time by:

- Selecting manage your preferences at the bottom of our marketing emails.
- Contacting us at any time by emailing info@obriefellows.co.uk or by calling 01352 756111 and selecting option 1 for sales or option 2 for lettings.

If you do withdraw your consent to receiving marketing messages, 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 no longer wish to be contacted by third parties for marketing purposes, please follow the instructions in their marketing communications, or consult their privacy policies about how to unsubscribe.

Third-party marketing

We will get your express opt-in consent before we share your personal data with any outside company not associated with O'Brien Fellows Ltd., for marketing purposes.

Cookies

The companies and future applications may automatically collect data about how you use our services, in order to help us improve future functionality. We use Google Analytics, which is a web analysis service provided by Google.

The cookies on the O'Brien Fellows website do not track, collect or upload data such as your name, email address or billing information, but it may collect data about your equipment and browsing activities. We may collect and report on the adoption and usage of specific features, crashes and exceptions and other useful, anonymous metrics.

We use Google Analytics, for example, to anonymously track website usage and activity. Google Analytics is a web analytics service provided by Google, Inc. (“Google”). Google Analytics uses “cookies”, which are text files placed on your computer, to help the website analyse how users use the site. The information generated by the cookie about your use of the website (including your IP address) will be transmitted to and stored by Google on servers in the United States. In case of activation of the IP anonymization, Google will truncate/anonymize the last octet of the IP address for Member States of the European Union as well as for other parties to the Agreement on the European Economic Area. Only in exceptional cases, the full IP address is sent to and shortened by Google servers in the USA. On behalf of the website provider Google will use this information for the purpose of evaluating your use of the website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage to the website provider. Google will not associate your IP address with any other data held by Google. You may refuse the use of cookies by selecting the appropriate settings on your browser. However, please note that if you do this, you may not be able to use the full functionality of this website. Furthermore, you can prevent Google’s collection and use of data (cookies and IP address) by downloading and installing the browser plug-in available under <https://tools.google.com/dlpage/gaoptout?hl=en-GB>.

- Social media cookies: These cookies allow you to share what you’ve been doing on our Site on social media such as Facebook and Twitter. These cookies are not within our control. Please refer to the respective privacy policies for how their cookies work.
- Pixel tags: Also known as a clear GIF or web beacon. These are invisible tags placed on certain pages of our Site but not on your computer. When you access these pages, pixel tags generate a generic notice of that visit. They usually work in conjunction with cookies, registering when a particular device visits a particular page. If you turn off cookies, the pixel tag will simply detect an anonymous website visit.
- Tracking URLs: These are used to determine from which referring website the website is accessed.

If you do not want to allow Cookies at all, or only want to allow use of certain Cookies, please refer to your browser settings. You can also use your browser settings to withdraw your consent to our use of Cookies at any time and delete

Cookies that have already been set. Please note that by deleting our cookies or disabling future Cookies you may not be able to access certain areas or features of our site.

To find out more about Cookies please visit: www.allaboutcookies.org

4. 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 "Purposes for which we will use your personal data" table above. We have agreements in place with our third parties that restrict their use of your personal data. We only allow third parties to use your personal data for specified purposes and in accordance with our instructions

Category	Explanation
Related Third Parties	UKI Financial Planning Ltd, Mortgage Brokers (where you have consented for us to do so).
External Third Parties	<p>Service providers acting as processors based in the United Kingdom who provide IT and system administration services, anti-money laundering service providers, tenancy deposit administrators (such as the Deposit Protection Scheme) and services to enable us to perform our contract with you.</p> <p>Advertisers and advertising networks (including social media) that require the data to select and serve relevant adverts to you.</p> <p>Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in the United Kingdom who provide consultancy, banking, legal, insurance and accountancy services.</p> <p>HMRC, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances. We will refer your personal information to the following third parties, but only where you have consented for us to do so.</p> <p>If you are a tenant and we are helping you with the administration in</p>

Category	Explanation
	moving, we can refer your personal information to a utilities sourcing company but only if you give us your consent to do so.
Other Third Parties	Sometimes there may be 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.

Here are some further examples of whom we may share your data with:

- Mortgage brokers we are partnered with for mortgage services and advice;
- Independent financial advisors for advice relating to your property;
- Solicitors and conveyancing agents for legal advice relating to your property;
- Any other named party to a signed contract, such as your landlord or tenant;
- Third parties who provide services to the property for maintenance and repairs including plumbers/electricians/builders/carpenters-);
- Surveying companies for surveying services required for the sale/purchase of your property;
- Utilities companies where we are required to do so to adhere to a tenancy agreement;
- Referencing companies to obtain references for letting a property;
- Block managers where a let property is a leasehold property;
- Inventory companies who conduct check ins and check outs; and
- Insurance and warranty companies where you have decided to buy a product or service through us.

Anti-Money Laundering

O'Brien Fellow is committed to operating its 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.

O'Brien Fellows 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.

Acceptable identity documents:

Acceptable documents - Money Laundering Regulations 2017

As with all Estate Agents, O'Brien Fellows is subject to the Money Laundering Regulations 2017. This means that we have to obtain and hold identification and proof of address for all customers. Additionally, we are also required to establish whether there are any beneficial owners on whose behalf the transaction or activity is taking place, hence, we would request you to identify anyone who you would consider to be a beneficial owner. Where appropriate, the source or destination of funds may also be requested. Without this information we will be unable to proceed with any work on your behalf.

Below is a list of acceptable identity documents. We require sight of all original or certified documents. Subject to your individual circumstances, O'Brien Fellows may liaise with you for further/other documentation.

Individual identity documents

O'Brien Fellows requires one document from List A and one document from List B.

LIST A - IDENTITY DOCUMENT

- Current signed passport
- Valid UK driving licence
- EEA member state identity card

LIST B - PROOF OF ADDRESS

UK/EU/EEA Drivers Licence (if UK Drivers Licence not used as ID)

Must be valid, not expired. Photo only. Full or provisional.

Bank, Building Society or Credit Union Statement

Dated with 3 months. Must include account number and show recent activity. No general correspondence.

Credit Card Statement

Dated within 3 months. Must include account number and show recent activity. No general correspondence.

UK, EU, EEA Mortgage statement

Dated within 12 months. Must show account number. No general correspondence.

Utility Bill

Dated within 6 months E.g. Gas, electricity, water. Must show address for service and/or account number. No general correspondence.

Telephone Bill

Dated within 6 months E.g. Landline or mobile pay monthly (excluding pay as you go). Must show address for service and/or account number. No general correspondence.

Council Tax

Dated within 12 months. Must show address for service and/or account number. No general correspondence.

Tenancy Agreement

Dated with 12 months. Must state full name and full property address. Issued by local council, housing association, solicitor or reputable letting agent.

Benefits Entitlement Letter

Dated within 12 months. Issued by DWP or Jobcentre plus. Must confirm benefit payable at time of issue. E.g. Pension, disability, single parent, housing etc.

HMRC Tax Notification

Dated with 6 months. Must state national insurance number and tax calculation. No general correspondence.

Home or Motor Insurance Certificate

Dated within 12 months. Must state insured address or registered address for vehicle and policy number. No general correspondence.

UK solicitors letter confirming house purchase/land registration

Dated with 3 months. Must state full name of new proprietor and full property address.

NHS Medical Card or letter from GP confirming registration

Dated within 3 months. Must state individual's date of birth and NHS number. No general correspondence.

Official confirmation of Electoral Register entry or official poll card

Dated within 12 months. Must state full name and full address. No general correspondence.

Police Registration Certificate

Dated within 12 months. Must state the full residential address of the individual.

Probate

If you are acting as a Representative of an Estate we require the following:

- Grant of Probate (if a will was left)
- Letter of administration (if no will left)
- **Individual identity evidence from List A & B** for the Personal Representative, either executor or administrator

Limited Company

If you are acting as a Representative of a **UK** Company we will also require the following:

- Certificate of Incorporation
- Articles of Association
- Memorandum of Association
- Latest Annual Return or Confirmation Statement, with details of current company officers
- If offshore, nominee director declaration and a general power of attorney
- **Individual identity evidence from List A and B** for all individuals or entities with 25% or more of the shares or voting rights in the company

If you are acting as a Representative of an **Offshore** Company we will also require the following:

- Certificate of Incorporation
- Articles of Association, Memorandum of Association, Latest Annual Return with details of current company officers, Share Certificate(s) showing the Ultimate Beneficial Owner OR
- Certificate of Incumbency
- If the shares are owned by another company, repeat steps above for the holding company
- Nominee director declaration and/or general Power of Attorney (if applicable)
- **Individual identity evidence from List A and B** for all individuals or entities with 25% or more of the shares or voting rights in the company

Trust

If you are acting as a Representative of a Trust we require the following:

- Trust deed
- List of trustees
- List of beneficiaries
- **Individual Identity evidence from List A & B** for all individuals with a vest interest in 25% or more of the capital and/or those who exercise control over the Trust

O'Brien Fellows is registered and supervised by HM Revenue & Customs for compliance with the Money Laundering Regulations 2017.

5. DATA SECURITY

Once we have received your personal data we will use reasonable and necessary procedures and security features to try and prevent unauthorised access. For example, we limit who can access your personal data to those individuals and third parties who need to know it and who are subject to a duty of confidentiality. If we become aware of a data breach, we will notify the Information Commissioner's Office. If we believe that the data breach is serious, we may notify you in accordance with our legal requirements.

6. INTERNATIONAL TRANSFERS

We will not transfer your personal data outside of the European Economic Area, except to a country offering the same level of protection for your personal data. For example, with certain service providers we may use specific contracts approved by the European Commission which ensures that your personal data has the same protection as it would have in Europe.

7. DATA RETENTION

We hold on to your personal data whilst you use our services (or whilst we provide services connected to you) and for at least seven years thereafter, for legal, regulatory and accounting purposes. If we need to hold on to your personal data for longer, we take into consideration the potential risks in continuing to store your data against why we might need to keep it. In some circumstances we might anonymise your personal data so it is not associated with you, and we may then use this information indefinitely.

8. YOUR LEGAL RIGHTS

Under data protection laws you have the right to protect and look after your personal data. You have the right to:

- ask us for the personal data that we hold and process about you (this is commonly known as a data subject access request). You have rights to the following information:
 - 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;
- prevent the use of your personal data for marketing purposes by
 - informing a member of staff at O'Brien Fellows; or
 - by ticking the relevant boxes on the data collection forms; or
 - by emailing info@obrienfellows.co.uk

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.;

- ask that any inaccurate information we hold about you is corrected;
- ask that we delete the personal data we hold about you in certain situations;
- ask that we stop using your personal data for certain purposes;
- ask that we do not make decisions about you using completely automated means; and/or
- ask that personal data we hold about you is given to you, or where technically feasible a third party chosen by you, in a commonly used, machine-readable format.

The rights listed above may apply in certain circumstances, and so we may not always be able to comply with your request to exercise these rights. We will usually respond to a request from you to exercise your rights within 1 month of receipt, but it might take longer if your request is particularly complex or if you have made a number of requests. Please be aware that we may need to process your personal data and/or request specific information from you to help us comply with your

request. You will not usually have to pay a fee to exercise these rights, but we reserve the right to if your request is clearly unfounded, repetitive or excessive, alternatively we may refuse to comply with your request.

Complaints and Feedback

If you would like to speak to us about how we handle your personal data, please contact our Data Protection Officer in the first instance at info@obrienfellows.co.uk. You can also complain to the Information Commissioner's Office who is the UK supervisory authority for data protection issues.

How to contact O'Brien Fellows

We welcome your views about our website and our Privacy Policy. If you would like to contact us with any queries or comments please send an e-mail to info@obrienfellows.co.uk

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 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.

SALES: O'Brien Fellows (Mold) Ltd is registered in England and Wales (registered number 09770638) The registered office is 3 Stadium Court, Plantation Road, Bromborough, Wirral, United Kingdom, CH62 3QG

LETTINGS: www UK Investments Lettings Ltd., T/A O'Brien Fellows Lettings is registered in England and Wales (Registration number 05763542) The registered office is 3A Chester Street, Mold, CH7 1EG.