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Law

The user confirms that the terms and conditions and use of this website shall be governed by the laws of England and Wales and that any and all disputes arising therefrom shall be subject to the exclusive jurisdiction of the English courts.

Privacy Policy

This privacy policy is issued on behalf of Clarkson Holden Estate Agents Limited, trading as Clarkson Holden. When we mention Clarkson Holden, "we", "us" or "our" in this privacy policy, we are referring to Clarkson Holden Estate Agents Limited. Clarkson Holden Estate Agents Limited is responsible for processing your data. We are registered as a Data Controller with the Information Commissioner's Office, the UK supervisory authority for data protection issues.

At Clarkson Holden we are committed to ensuring that your privacy is protected. This privacy notice, together with our Terms and Conditions and any other notice referred to in it, explains how we collect and use your personal data when you visit our website or use our services.

Please note that all personal data sent to a Clarkson Holden email address (for whatever purpose) will be stored on our IT systems and may be subject to wider systematic monitoring procedures which we have implemented for the purpose of our legitimate business interests to protect confidential and personal data and assist in our ability to identify potential data breaches.

This website is not intended for children and we do not knowingly collect personal data from children.

This privacy notice was last amended in October 2022 and supersedes any earlier version.

1. Personal data we collect

As a business we collect, use, store and transfer different types of personal data depending on who you are (for example, a client, customer, or job applicant).

The types of data we may collect include: 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.

"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.



2. How we collect personal data

We use different methods to collect data from and about you, including:

- **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. Rightmove, Zoopla (based inside the UK/EU), or Facebook (based outside the EU); 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).

3. How we use your personal data

We collect information about you: to process the purchase, rental, sale or let of a property through Clarkson Holden (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 party mortgage brokers or a conveyancing panel management provider.

Examples include network security and monitoring, auditing, call recording (which we also ensure takes place in accordance with the Investigatory Powers Act 2016 by informing callers that the calls may be recorded), training and awareness including compliance, referencing, verification of identity, fraud prevention, risk assessment, utility switches, due diligence, marketing (we may share an encoded version of your email address to third parties such as Facebook and Google to enable these third parties to display Clarkson Holden's ads when you visit their websites), analytics, debt recovery and other claims, the improvement and optimisation of advertising, providing marketing material and content (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 and Google to display Clarkson Holden ads 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, managing suppression lists, 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).

Cookies

The Clarkson Holden website and applications may automatically collect data about how you use our services in order to help us improve future functionality of our website and to assist with advertising and targeting. We use Google Analytics, which is a web analysis service provided by Google.

The cookies on the Clarkson Holden 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.

Certain devices can detect your approximate location, via latitude and longitude. The accuracy of this data is not in the control of Clarkson Holden. If this feature is requested, Clarkson Holden will prompt you to provide your permission to access your location data for the purposes of providing you with results or directions based on your current location. You can disable location settings within your browser or app.

To read more about our use of cookies on the Clarkson Holden website, please consult our cookie policy.

4. Disclosures of your personal data

We may share your personal data with trusted companies outside of the Clarkson Holden 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 Clarkson Holden adverts to you based on the fact that you use that third party network and are a contact of Clarkson Holden; 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.

Where you apply for a role with us we may disclose or share your personal information within the Clarkson Holden group.

5. Data security

We are, through technical and organisational means, committed to ensuring the security of, and prevention of unauthorised access to, your personal data. 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. We also systematically monitor outbound emails for the purposes of protecting confidential and personal data and assisting in our ability to identify potential data breaches. If we become aware of a data breach we will, where we are required to, notify the Information Commissioner's Office. If we believe that the data breach is serious, we may notify you as well.

6. International transfers

We will not transfer your personal data outside of the United Kingdom, except to a country offering the same level of protection for your personal data or to an organisation that commits to abide by the same standards. For example, with certain service providers we may use specific contracts approved by the UK Information Commissioner's Office which ensure that your personal data has the same protection as it would have in the United Kingdom (and you can request a copy of the relevant provisions of these contracts using the contact details below)

7. Data retention

We will retain your personal data whilst you use our services (or whilst we provide services connected to you) and/or are in communication with us and for at least seven years thereafter, for legal, regulatory and accounting purposes. If we need to retain your personal data for longer, we will 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.

Where you apply for a role with us if your application is unsuccessful, we will retain your personal information for a period of 6 months after we have informed you of our decision so that we can show



that we have not discriminated against candidates on prohibited grounds. We will retain your personal data on our file for a further period of 18 months after we have informed you of our decision so that we can consider you for future Clarkson Holden vacancies. If you would prefer we did not, please email us at privacy@clarksonholden.co.uk

8. Your legal rights

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
 - informing a Clarkson Holden telephone operator; or
 - by ticking the relevant boxes on the data collection forms; or
 - by emailing privacy@clarksonholden.co.uk
- 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:

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- following the opt-out links on any marketing message sent to you; or
 - contacting us by emailing privacy@clarksonholden.co.uk or by calling 01772 298 298.

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 Clarkson Holden 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.

9. How to contact us

To contact us about how we handle your personal data, please contact our Data Protection Officer at privacy@clarksonholden.co.uk. Alternatively, write to us at Data Protection Officer, Clarkson Holden Estate Agents Limited, 17-19 Beech Drive, Fulwood, Preston, PR2 3NB. If you have a complaint about the way in which your personal data has been processed, you have the right to contact the Information Commissioner's Office but we would suggest that you first complete our internal complaints procedure and we will try to address your concerns.

Anti-Money Laundering

Clarkson Holden 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.



Clarkson Holden's 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

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 enquiries@clarksonholden.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.

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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.

Clarkson Holden Estate Agents Limited is registered in England and Wales (registered number 13766375). Our registered office is at 129 Woodplumpton Road, Fulwood, Preston, PR2 3LF.
