



**K&M**

## **Property Management Ltd**

### **GDPR and Privacy Policy**

#### **Glossary of Terms**

The Act

i) GDPR – General Data Protection Regulations

ii) Data Protection Act – The UK legislation that provides a framework for responsible behaviour by those using personal information.

iii) Agent – Individual/company instructed to act on behalf of the client when it comes to day to day management of their development. In relation to this policy the agent is K&M Property Management.

iv) Client – This term refers to any one of the following property owners or landlords: freeholder, resident management company, right to management company or developer which instructs K&M Property Management.

v) Data Controller – The person who decides what personal information K&M Property Management will hold and how it will be held or used.

vi) Data Protection Officer – The person responsible for ensuring that K&M Property Management follows its data protection policy and complies with the Data Protection Act 1998.

vii) Individual/Service User – The person whose personal information is being held or processed by K&M Property Management: a client, a leaseholder, a tenant, a contractor, a supplier etc.

viii) Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Act 1998.

ix) Personal Information – Information about living individuals that enables them to be identified: name and address. It does not apply to information about organisations, companies and agencies but applies to names persons, such as individual volunteers or employees of K&M Property Management.

x) Processing – means collecting, amending, handling or storing personal information.

#### **K&M Property Management's Services and Approach**

K&M Property Management acts as an agent and advisor to its client. Although primary legal responsibility for the management of the property and the control of records is with our client, part of K&M Property Management's service is to ensure our clients' compliance with the law, their leases and codes of practice. The client is however, responsible for setting policy and monitoring the work of their agent.

In order to perform the daily duties of running a property on behalf of the client, K&M Property Management collects and uses certain types of information about leaseholders, tenants, clients and other service users. Data collected is also used to promote and advertise its services, maintain its own accounts and records and support and manage its employees and contractors.

This personal information is collected and dealt with appropriately whether it is collected on paper, stored in a computer database or recorded on other material.

Our data protection policy outlines what K&M Property Management does with the data that is collected, who it will be shared with and how it will be stored using the agency based relationship between K&M Property Management and its clients.

#### **Data Controller and Data Processor**

K&M Property Management can be both a Data Processor and a Data controller under the regulations. K&M Property Management is a Data Processor when data is being processed on behalf of our instructing clients. This data includes anything to do with the management of our clients' buildings.



**K&M**

## **Property Management Ltd**

We are the Data controller under the Act when we create or collect personal data other than on behalf of our clients. This could be for example when K&M Property Management is using the data for the purposes of its own communications.

K&M Property Management is also responsible for notifying the Information Commissioners Office (ICO) of the data it holds or is likely to hold, and the general purposes that his data will be used for. K&M Property Management's Data Protection Officer (DPO) is responsible for ensuring that we comply with all provisions within this policy and the Act.

### **Data Protection Principles**

K&M Property Management regards the lawful and correct treatment of personal information as critical to maintaining the confidence of those with whom we deal. To this end, K&M Property Management will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998. Specifically, the Principles require that personal information:

- i) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- ii) Shall be obtained only for one of more of the purposes specified in the Act, and shall not be processed in any manner incompatible with those purposes.
- iii) Shall be adequate, relevant and not excessive in relation to those purposes.
- iv) Shall be accurate and, where necessary, kept up to date.
- v) Shall not be kept for longer than is necessary.
- vi) Shall be processed in accordance with the rights of data subjects under the Act.
- vii) Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information.
- viii) Shall not be transferred to a country or territory outside the European Economic Area.

### **Disclosure**

K&M Property Management may share data, that it could reasonably be expected to with other agencies such as local authorities or the police.

The leaseholders, clients and other service users will be made aware how and with whom their data will be shared via K&M Property Management documentation which may include this policy, management agreements, works orders, resident's handbooks and welcome letters. There are circumstances where the law requires K&M Property Management to disclose data (including sensitive data) without the data subject's consent. These are:

- i) Carrying out a legal duty or as authorised by the Secretary of State.
- ii) Protecting vital interests of an Individual/Service User or other person.
- iii) The Individual/Service User has already made the information public.
- iv) Conducting any legal proceedings, obtaining legal advice or defending any legal rights.
- v) Monitoring for equal opportunities purposes.

Thirdly, K&M Property Management may need to disclose data without the data subject's consent in order to allow K&M Property Management to carry out duties as a Data Processor and a property manager to clients. Examples of this include:

- i) Providing Individual/Service User's personal information in an emergency such as contact details to a tradesman who needs to carry out urgent repairs on behalf of a client.
- ii) Disclosing information to a debt collection company when a leaseholder is in service charge arrears.
- iii) Data can be shared with clients' (the landlord or a client company director) where necessary in order for them to monitor our work and maintain the Data Processing obligation of the client and



**K&M**

## **Property Management Ltd**

agent relationship. The relationship is based on the premise that documents which relate to the affairs of a client, resident management company or right to manage company are not the property of the managing agent and should always be handed over by K&M Property Management on request. Examples where data may be shared with a client are set out below;

- iv) Legal proceedings brought against a client.
- v) Leaseholder not paying service charges.
- vi) Complaints from leaseholders regarding service levels.
- vii) Concerns raised by a tenant, lessee or freeholder in respect of matters relating to the management of a building.

There are circumstances where clients have a legal obligation to disclose data. This includes their obligations under S22 of the Landlord and Tenant Act 1985. (Receipts and invoices supporting service charge accounts).

Neither K&M Property Management nor our clients should disclose any information that could not reasonably be expected to be disclosed in the normal course of duties.

### **Data Collection**

K&M Property Management will ensure that data is collected within the terms set out in this policy. This applies to data that is collected in person or in the written word from the completion of a form. When collecting data, K&M Property Management will ensure that the leaseholder, tenant, client and other service user clearly understands what the data will be used for and what the consequences are should the Individual/Service user decide not to give consent to processing. K&M Property Management collects the type of information set out below to carry out our property management services as well as maintain our own records. These records include addresses, financial and bank details for the following groups;

- i) Clients
- ii) Tenants
- iii) Leaseholders
- iv) Professional advisers and consultants
- v) Complainants, enquirers
- vi) Suppliers/Contractors
- vii) Landlords.

K&M Property Management collects the following type of information to support and manage our employees and contractors;

- i) Personal details
- ii) Employment and education details
- iii) Goods and services
- iv) Financial details
- v) All information contained in references.

### **K&M Property Management Director is responsible for:**

- i) Ensuring that data protection requirements are observed.
- ii) Providing clear messages to their staff regarding appropriate processing of the personal data that they handle.



**K&M**

## **Property Management Ltd**

### **All employees are responsible for:**

- i) Complying with the data protection principles, as supported by the Policy, guidance on the application of the Policy and associated policies and guidance.
- ii) Contacting their Director or the DPO for guidance if they are in any doubt about how they should deal with certain personal data.
- iii) Only processing personal data in the manner that is authorised for the purpose of carrying out their responsibilities or with management authorisation.

### **Data Storage**

K&M Property Management is accountable to maintain control of confidentiality of its and its clients' records. K&M Property Management must therefore take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure. K&M Property Management undertake as and when necessary Privacy Impact Assessments to assess the risk to individual's rights when using new or enhanced systems. The following measures are taken:

- i) Using lockable cupboards (restricted access to keys).
- ii) Archived data is kept off site with a secure third-party storage company.
- iii) Password protection on personal information files.
- iv) Setting up computer systems to allow restricted access to certain areas.
- v) Copies of programs or data must not be taken or removed from K&M Property Management's premises without the express permission of a line manager. However, when data is taken off site on laptops and mobiles, K&M Property Management aims to protect the data on these medias by instructing staff to log-on to the network using their own account and keeping their passwords confidential.
- vi) Back up of data on computers kept on separate hard drives on a secure server on site.
- vii) A clear desk and screen culture.
- viii) Information will be stored for only as long as it is needed as laid out in K&M Property Management's Data Retention Policy, or as required by statute and will be disposed of appropriately.
- iv)) It is K&M Property Management's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation which has been passed to a third party.

### **Data Access and Accuracy**

Service users whose personal information are processed by K&M Property Management have the right to know:

- i) What information we hold and process on them
- ii) How to gain access to this information
- iii) How to keep it up to date
- iv) What controls we have in place to ensure we comply with the Act.

Service users also have the right to prevent processing of their personal data in some circumstances and the right to correct, rectify, block or erase information determined to be wrongfully collected.

### **Compliance**

K&M Property Management takes data protection compliance very seriously. Any breach of data protection legislation, local data protection procedures and/or the provisions of the Data Protection Policy may render staff liable to internal disciplinary proceedings. Staff should be aware that it is a criminal offence to breach certain provisions of the Act and GDPR regulations. Knowingly or recklessly obtaining or disclosing personal data may leave an individual employee liable to prosecution.



**K&M**

## **Property Management Ltd**

### **Policy Subdivision**

This policy is the overarching foundation where all other subdivisions on K&M Property Management information security policy shall conform to. While most policies are department specific there is a small subset below which will be applicable to all K&M Property Management staff:

- i) Clear desk and screen policy
- ii) Document retention policy
- iii) Privacy policy

### **K&M Property Management Company Details:**

K&M Property Management Limited

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