



# MULBERRY RURAL

## CHARTERED SURVEYORS

### **PRIVACY INFORMATION NOTICE FOR CLIENTS SUPPLIERS AND BUSINESS CONTACTS**

#### **POLICY STATEMENT**

Mulberry Rural is committed to protecting and respecting the privacy of all of clients. This Policy which has been adopted explains when and why personal information is collected, how it is used, the conditions under which it may be disclosed to others and the choices clients have with regard to data collection and storage.

This policy relates to all data collected throughout all business activities and has been adopted in compliance with the EU General Data Protection Regulations (GDPR). Supplementary Privacy Information Notices may be issued for specific business activities.

Mulberry Rural is a "data controller" which means that we are responsible for deciding how we hold and use personal information about you and explaining it clearly to you.

This notice applies to prospective, existing and former clients of Mulberry Rural (including employees and representatives of our clients); individual and business contacts and prospects; referrers; individuals who request information from us; any person who provides services to Mulberry Rural, either as an individual or as the employee or representative of a corporate service provider; third parties acting for our clients.

Mulberry Rural reserve the right to update this notice at any time. Should any substantial updates be made, we will notify you. We may also notify you in other ways from time to time about the processing of your personal information.

Any questions regarding this Policy and our privacy practices should be sent by email to the office for the attention of the company's Data Protection Officer (DPO).

#### **1. Who are Mulberry Rural?**

Mulberry Rural is the trading name of Mulberry Rural Limited, a private limited company providing rural practice surveying and estate agency services.

The company registration number is: 11074876

The VAT registration number is: GB 285 89 4536

The registered address: Little Mulberry Farm, Nanstallon, Bodmin, PL30 5LJ

Further details can be found via the company website:

<https://www.mulberryrural.co.uk>

Mulberry Rural is regulated by RICS. Firm number: 810087

#### **2. How do we collect information?**

Mulberry Rural collects personal information direct from clients, suppliers and business contacts upon enquiry about services and throughout the engagement.

The method of collecting information depends on the nature of the enquiry and the route that the query has taken. Should a third party have been used, for example an external property website, their terms and conditions would stand.

Should your enquiry pass through Mulberry Rural's website, please refer to Mulberry Rurals Website Privacy Notice for further information regarding data collected.

We may collect information from other third parties, such as from referrers and from credit reference agencies or other background check agencies.

We may also collect information about clients, contractors, suppliers and business contacts from public sources, such as Companies House, from an online search or from social media sites.

### **3. What information is collected and how is it used?**

Personal data or personal information means any information about an individual from which that person can be identified.

Mulberry Rural will collect different information depending on your relationship and the type of engagement.

Typical information collected, processed and stored on file could be as follows:

- Personal information provided by clients or suppliers themselves during the course of the business including name, business name (where applicable) address, telephone numbers and email addresses.
- Bank details would also be supplied should Mulberry Rural funds need to be paid to clients, suppliers or contractors for goods or services.
- Mulberry Rural may perform due diligence in the form of credit checks and verification of identity (including checking and evidencing photographic identification and proof of address). We do this to comply with our legal obligations.
- We process personal information contained in documents reviewed by us as part of any due diligence and provided to us in disclosure.
- Personal information about clients provided by other professional advisors in the course of an engagement, for example legal settlements.
- Correspondence relating to clients and their properties or businesses.
- We process any feedback received from clients, contractors or suppliers on our services. Such processing is necessary to improving our services.

#### **3.0 Sensitive Data**

Mulberry Rural does not gather sensitive personal data (e.g. health, genetic, biometric data; racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sexual orientation, and criminal convictions) within day to day business.

For Anti-Money Laundering Regulations, details of any political connections will be requested and risk assessed within certain circumstances to comply with our legal obligations.

#### **3.1 Children's Information**

Mulberry Rural's services are not directed to children under the age of 13. If it is suspected that a child under the age of 13 has provided Mulberry Rural with personal information this should be notified.

#### **3.2 Our lawful basis for using personal information**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to perform the contract, we have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. We currently rely on legitimate interests for holding professional contact details including; Accountants, Agents (Agricultural, Commercial or Insurance), Architects, Auctioneers, Bankers, Farm Consultants, Planning Consultants, Property Consultants and Solicitors
- Where we need to comply with a legal obligation.
- Otherwise, with your consent.

We may also use your personal information when deemed in the public interest, which is likely to be rare.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

We will only use your personal information for the purposes for which it has been collected, as outlined above, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for any unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **3.3 Third Parties**

Mulberry Rural will not sell or rent client information to third parties neither will client information be shared with third parties for marketing purposes. Mulberry Rural may however, pass client information to third party service providers who have been engaged for the purpose of completing tasks and providing services on Mulberry Rural's behalf. We disclose only the personal information that is necessary to deliver the service.

From time to time Mulberry Rural uses third party companies to assist with fulfilling contractual obligations, dependant on the type of work. All third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies.

Mulberry Rural do not allow third-party service providers to use your personal information for their own purposes. We only permit them to process your personal information for specified purposes and in accordance with our instructions.

The table below outlines the personal data Mulberry Rural collects and for what purpose. It also outlines the third parties that the data is processed by or shared with, and how long the data is stored for.

Data Type	Description of Data	Legal Ground	Purpose for collecting	Third Parties involved	Data Retention
Contact details	Contact details of prospective and ongoing Clients	Contract	To enable ongoing communication with clients and third parties	Trilan IT hosts emails	Until request for deletion
Email	Electronic (and printed hardcopies on file where necessary) communications of ongoing discussions	Contract			
Backup of emails	History of email conversations	Contract	Cloud backup to ensure business continuity	RISC IT hosts email backup	Until request for deletion
Letters	Written communications between parties	Contract	To enable ongoing contact with clients and third parties including requests for information	Third parties would vary however could include: <ul style="list-style-type: none"> <li>▪ Solicitors</li> <li>▪ Planners</li> <li>▪ Other companies or agencies</li> </ul>	All communications would stay on file until archived. Data retention periods are dependent on the type of transaction, for example a property sale/purchase is held for 5 years after the end of the business relationship in accordance with Money Laundering Regulations.
Identification	Copies of documents to confirm Clients identification	Legal Obligation	To comply with Money Laundering Regulations	None as undertaken in house	5 years after the end of the business relationship
Reports and/or surveys	Copies of reports or surveys which are commissioned by or sent to Mulberry Rural for reference	Contract	To complete the engagement as per the request of the Client	As per letters above	All reports would stay on file. See retention details under letters above.
Legal Documents	Copies of documents in reference to the engagement	Contract		Typically originated from surveyors, planners or Government departments	

#### **4. General Data Retention**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal information, we consider the amount, nature and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

If we are required to retain your information longer than our standard retention periods, we will let you know (unless we are prevented by law from doing so.)

#### **5. Data Sharing**

If you are a client, we share your personal information with other data controllers where required by law, or to meet our regulatory requirements or as required by our insurers.

We share personal information with:

- HMRC or other government or law enforcement agencies;
- Our bankers (on a pseudonymised basis)
- Our insurance and our professional indemnity insurance broker; and
- Auditors

Where we share information with other data controllers they are responsible to you for their use of your information and compliance with the law.

#### **6. Controlling information**

You have rights concerning the information held under the GDPR. Should you wish to exercise these rights, please contact the company's DPO via the Mulberry Rural office.

##### **6.1 Requests for copies of information held**

Upon request, Mulberry Rural will provide a statement regarding the personal data held in relation to an individual or company. Any requests should be made in writing addressed to the DPO via the Mulberry Rural office.

##### **6.2 Updating or correcting information held**

The accuracy of personal information held is important to Mulberry Rural. Please keep us informed if your personal information changes during the course of our engagement with you.

##### **6.3 Deleting personal data**

You have the right to request erasure of personal information. Unless there is a compelling reason for the data not to be erased (for example, Mulberry Rural maybe required to keep personal data to fulfil contractual or legal obligations. An example could be that data would be kept for compliance of Anti-money laundering regulations), personal data will be deleted upon request.

##### **6.4 Challenging Legitimate Interests**

Under certain circumstances, you have the right to object to the processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

## **6.5 Restrict Processing**

Under certain circumstances, you have the right to request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

## **6.6 Request a data transfer**

Under certain circumstances, you have the right to request the transfer of your personal information to another party.

## **6.7 Withdraw Consent**

Under certain circumstances, you have the right to withdraw consent in the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we are required to continue to process your information in accordance with another lawful basis which has been notified to you.

## **7 Automatic decision making**

Mulberry Rural do not use any personal information for automated decision making or profiling.

## **8 Security**

Mulberry Rural takes data security seriously. In order to protect client personal data from loss, misuse or unauthorised access or disclosure we have put in place methods to safeguard and secure information collected.

These steps include:

- Data minimisation
- Password best practice
- Security best practice concerning devices (PCs, laptops, mobile devices), online accounts, website hosting, physical access and storage
- Staff training and accountability on data protection

A copy of our internal ICT and Data Protection Policy is available on request.

## **9. Data Breaches**

Mulberry Rural's internal ICT and Data Protection Policy includes a clear process for handling a personal data breach, should one occur.

Any data breaches that are discovered externally should be reported to the DPO immediately. Where appropriate, Mulberry Rural will promptly notify any clients should any unauthorised access to their personal information have occurred.

## **10. Complaints**

Should a client wish to make a complaint regarding personal information held, matters should be raised with the DPO in the first instance. Should the response not be satisfactory, or if there are suspicions that Mulberry Rural are not processing a client's information in accordance with the law, complaints are to be made to the Information Commissioners' Office (ICO).