



MXM Property Solutions Ltd

Privacy Policy

Version Number: 2.0.2

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## A Message from our Managing Director

At MXM we take your privacy and the security of your personal data very seriously.

As the world we live in moves increasingly online there comes a point in which we, as a society, must reevaluate our relationship with the internet and our personal data. In April 2016, the EU deemed that existing legislation on the subject was outdated and required to be pushed forward into the 21<sup>st</sup> century. On the 25<sup>th</sup> of May 2018 the new General Data Protection Regulation (GDPR) was officially brought into EU law.

In light of this, we have published Version 2.0.2 of our Privacy Policy. This document will help you understand how we collect, store, disclose and make use of personal information. The document also outlines our responsibilities under the new legislation and how we plan to adhere to these.

We are committed to conducting our business in accordance with these principles in order to safeguard the confidentiality of your personal information.

Please take the time to read over our Privacy Policy to understand your rights and how we take care of your data.

Yours Faithfully,  
Mark Allan



Managing Director  
**MXM Property Solutions Ltd**



**Registered in Scotland Company Number SC337460**  
**Property Factors (Scotland) Act 2011 – Registration Number: PF000290**

## What this Document Covers

- How we collect personal data
- How we use personal data
- How we protect personal data
- How we share personal data
- Your rights under the Data Protection Act and GDPR
- Our responsibilities under the Data Protection Act and GDPR
- Who to contact & how to contact them if you have concerns over your personal data
- Changes to our Privacy Policy

## What this Document does not Cover

- The terms of use of our websites – we have a separate document that details this, please read our “Terms of Use”
- How our websites use cookies – we have a separate document that details this, please read our “Cookie Policy”
- How we manage our approved contractor’s data – we have a separate document that is issued to our approved contractor’s
- How we manage our staff’s data – we have a separate document that is issued to MXM staff
- The Privacy Policy of other companies/websites that are not part of MXM Property Solutions Ltd

## **DISCLAIMER:**

Our website(s) or our communications with you may contain links to external third-party websites or documents, many of which will have very different privacy policies to ourselves. MXM are not responsible for any third-party website content or the privacy procedures of any other organisations. It is your responsibility to be aware of any linked third-party websites privacy and cookie policies.

## How we Collect Personal Data

There are a number of different ways we as a company collect personal data. These include:

- Information you give us
  - Through our website
  - Through our owner's portal
  - Through our "New Owners Validation Form"
  - Through our communications with you (email, telephone, letters)
  - Through the buildings onsite security (where applicable)
  
- Information someone else gives us on your behalf
  - Through your solicitor
  - Through your letting agent
  - Through your landlord
  - Through other property factors
  - Through a housebuilder or property developer
  
- Information that is public record
  - Through the Scottish Landlord Register
  - Through the UK Government's "Companies House" website

The types of personal data we collect include:

- Names
- Addresses
- Email Addresses
- Telephone Numbers
- Payment History
- Correspondence History
- Reference Numbers
- Landlord Registration Numbers

For owners and tenants who are part of developments with specific security procedures we may also collect:

- Biometric Data

Biometric data includes things like fingerprints and facial recognition data. This type of data will only be used to facilitate the security needs of the development and will never be used for any other purpose.

## How we Use Personal Data

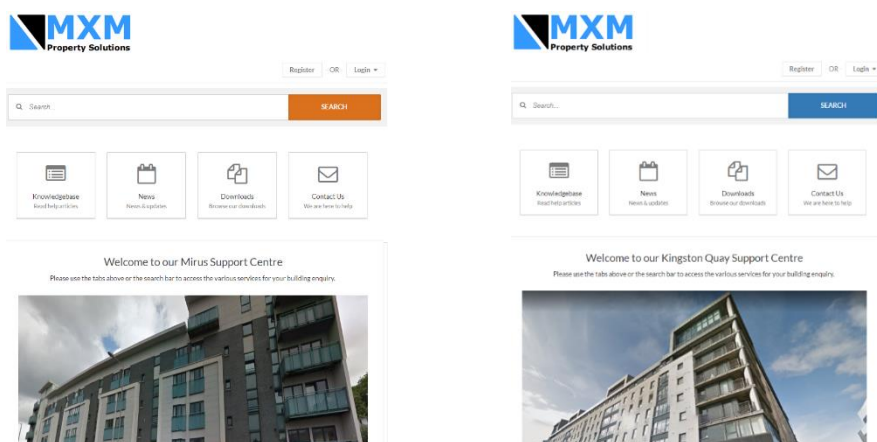
There are a number of different ways we as a company process personal data. Our lawful basis for processing personal data is to supply the service of a Property Factor and to adhere to our legal obligations under The Property Factors Act (Scotland) 2011. It is in both our customers' and MXM's legitimate interests that data be processed in this way for the proper management of our Property Factor services.

The specific processing of personal data can take many forms, including but not limited to:

- Invoicing
- Debt recovery
- Credit Control
- Building repairs/maintenance
- Building security
- General customer support
- Owners private portal/website
- The exercise or defence of legal claims
- Our building news updates mailing list
  - **Please note:** You can unsubscribe from this mailing list at anytime if you no longer want to receive these updates. Please follow the "unsubscribe" link on the updates to do so

## Deleting and Retaining Personal Data

Any personal data that we hold for any purpose shall not be kept for longer than is necessary. We may continue to hold personal data where this is required in order to comply with any legal obligation we have or to protect the vital interests of MXM or another relevant party.

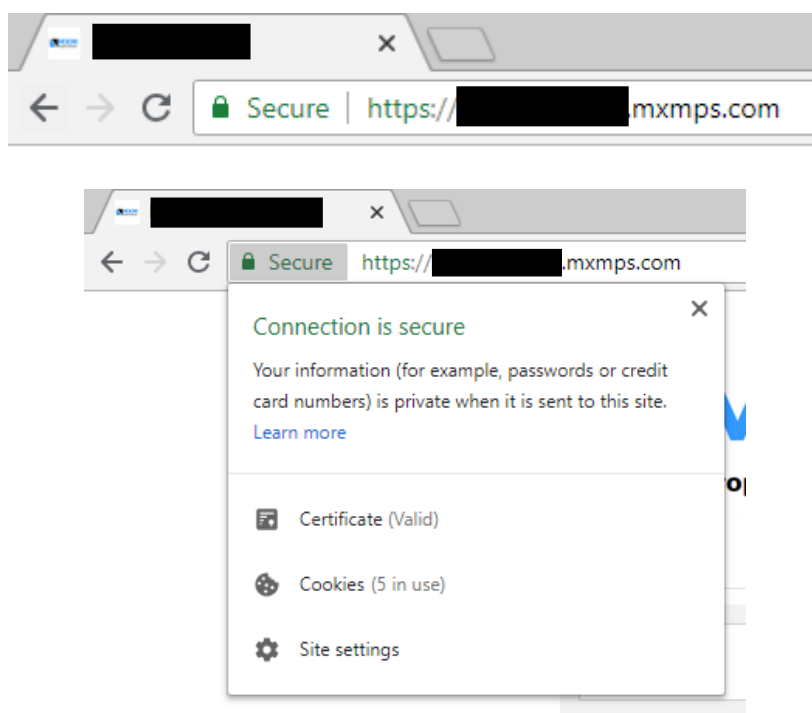


Examples of our private owners' portal/website

## How we Protect Personal Data

We use a variety of techniques across all our systems to ensure personal data is adequately protected from unauthorised access and unexpected data loss. These techniques include but are not limited to:

- Premium Antivirus Software – We use the very latest antivirus software to scan all our systems for malware and other malicious software regularly
- Document Shredding – When electronic files are deleted we make use of this technique to ensure their permanent and secure deletion, this prevents unauthorised individuals recovering deleted files
- Data Backup Facilities – We make use of various data backup methods to ensure any data loss can be managed as smoothly as possible with minimum disruption to our services
- HTTPS Encryption – Our private owners’ portals/websites make use of HTTPS encryption to safeguard any user passwords, files or data being transferred across the network
- Physical Protection – In the rare occasion that paper records are used these are all kept in locked storage units with restricted access



Websites that use HTTPS have the green “Secure” padlock in the address bar so you know they are secure

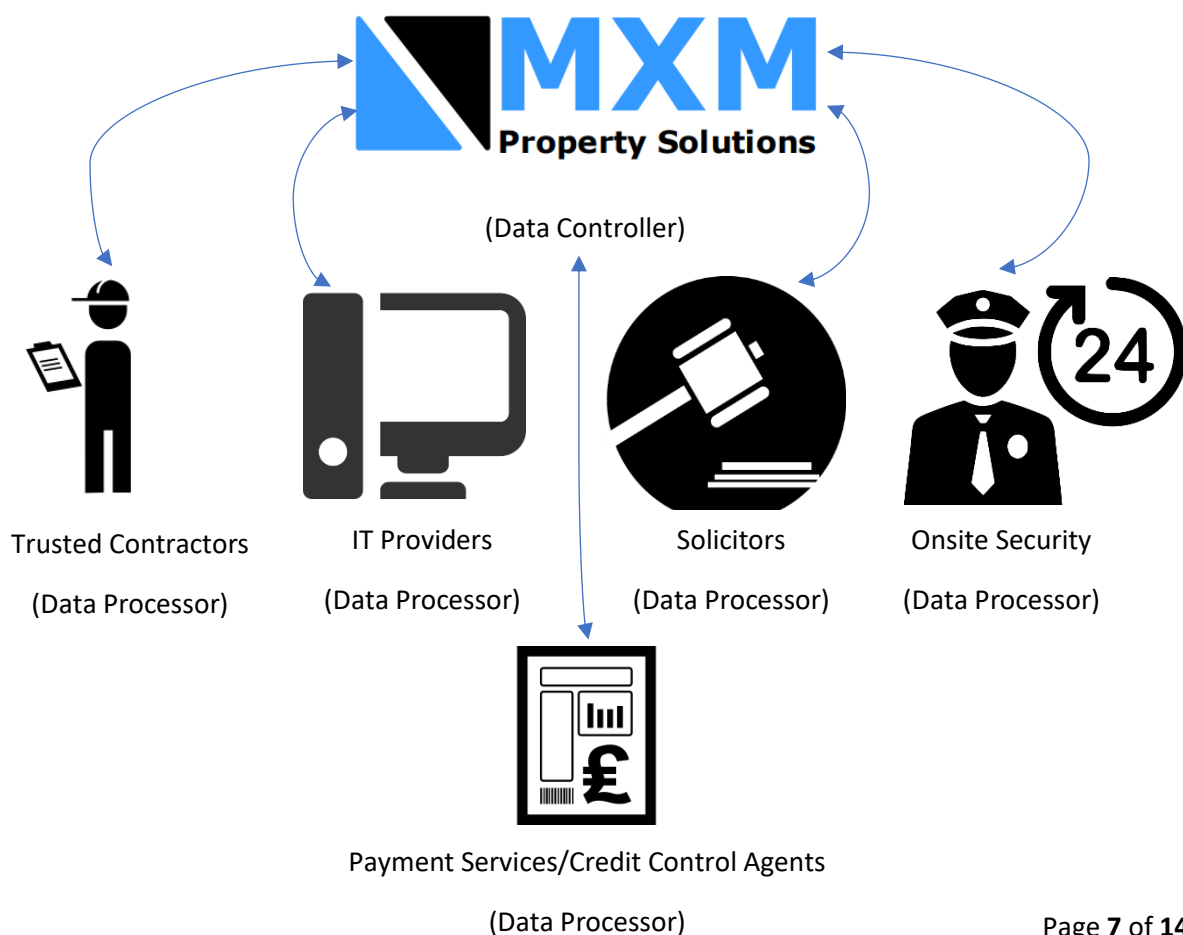
## How we Share Personal Data

We may communicate and share your personal data with our trusted third parties insofar as is reasonably required for the purposes, and lawful basis, set out in this policy.

We only share personal data in order to facilitate the provision of our Property Factoring services.

Examples of this may include (but are not limited to):

- Our trusted contractors – To assist with building repairs/maintenance (we would only supply the information required for the purposes of the specific repair/service such as name, address and telephone number/email)
- Our Payment Services/Credit Control/Debt recovery agents – To assist with invoicing, debt recovery, refunds, account queries and other financial matters
- Our IT providers – To assist with the running of the private owners’ websites/portals
- Our Solicitors – To assist with the exercise or defence of a legal claim
- The developments onsite security/concierge (if applicable) – To assist with the security procedures of the development



## Your Rights Under the Data Protection Act & GDPR

As the data subject you have eight key rights under the Data Protection Act and GDPR. In this section we will briefly explain these rights and the exemptions that apply.

As the data subject you have:

1. The right to be informed.
2. The right of access.
3. The right to rectification.
4. The right to erasure.
5. The right to restrict processing.
6. The right to data portability.
7. The right to object.
8. Rights in relation to automated decision making and profiling.

**1.** Individuals have the right to be informed about the collection and use of their personal data. Companies must provide privacy information to individuals which is concise, transparent, intelligible and easily accessible.

This Privacy Policy document is our main resource for doing so.

**2.** Individuals have the right to access their personal data.

Individuals have the right to obtain the following from MXM:

- Confirmation that we are processing their personal data
- A copy of the personal data we currently hold
- Other supplementary information (much of which is already supplied in this document)

**3.** Individuals have the right to have any inaccurate personal data rectified or completed if it is incomplete.

In a situation where we are satisfied that the data we hold is accurate we may ask for proof of its inaccuracy before proceeding. If proof is not supplied we may decide to not amend the data we hold, in this situation we will explain our decision and inform you of your right to make a complaint to the ICO.



**4.** Individuals have the right to request personal data a company holds to be erased. This right is not absolute and only applies in certain circumstances.

This right does not apply if processing the data is necessary to comply with a legal obligation. Therefore, any processing of data which is necessary for us to comply with The Property Factors (Scotland) Act 2011 will not be valid and will be rejected.

In addition, this right does not apply if processing is necessary for the establishment, exercise or defence of legal claims.

**5.** Individuals have the right to request the restriction or suppression of their personal data. This is an alternative to requesting the erasure of their data. This right is not absolute and only applies in certain circumstances.

**6.** Individuals have the right to receive personal data they have provided to a controller in a structured, commonly used and machine-readable format. It also gives them the right to request a controller transmits this data directly to another controller.

A “machine-readable” format would include a “Comma Separated Values” (CSV) file.

**7.** Individuals have the right to object to the processing of their personal data in certain circumstances. This right is not absolute.

**8.** Individuals have various rights relating to automated decision making and profiling based on their personal data.

At MXM all of our decisions relating to individuals are made by real people. We do not use any solely automated decision-making or solely automated profiling techniques when evaluating our customers.

If you would like more details on your rights we would encourage you to consult the relevant legislation and the various articles on the ICO’s official website.

## **Our Responsibilities Under the Data Protection Act & GDPR**

As a controller and processor of personal data, we have certain responsibilities under the Data Protection Act and GDPR. In this section we discuss these responsibilities and how we are adhering to them.

If you would like more details we would encourage you to consult the relevant legislation and the various articles on the ICO's official website.

### **Provide a Privacy Policy**

We need to provide clear, easily accessible documentation (like this document) which outlines our data procedures as a company. This should be updated if the manner in which we collect, use, store or process personal information is changed in a significant way. This should be done without undue delay.

Please also read our "Cookie Policy" and our websites "Terms of Use" for further information.

### **Responding to Requests**

We need to respond to requests from both the ICO and individuals relating to their data in a timely manner. In most cases, individual requests should receive a response within one calendar month from the initial request.

An owner seeking to exercise their right of access would be an example of a request. In such a situation we should respond to this request with the required information within one month.

In certain circumstances we have the right to ask for proof of identity before complying with a request. Failure to supply the information or proof we requested may delay or halt your request.

In most cases a request from an individual cannot be subject to a fee, however, if the request(s) is/are manifestly unfounded or excessive in nature we have the right to charge a "reasonable fee" for the administrative costs of complying with the request.

### **Protecting Data**

We need to take reasonable measures to ensure the personal data we hold is protected. This involves making use of appropriate technical and organisational measures relative to the size of our organisation and the sensitivity of the data we hold.

This encompasses making use of encryption technologies, robust data backup facilities, performing regular risk analysis and having procedures in place to test the effectiveness of the current data security measures and undertake any required improvements.

## **Reporting a Breach** [Source: The ICO's official website]

From the 25<sup>th</sup> of May 2018, if we experience a personal data breach we need to consider whether this poses a risk to people. We need to consider the likelihood and severity of any risk to people's rights and freedoms following the breach.

After we have made this assessment, we must notify the Information Commissioner's Office (ICO) of the breach if it is likely there will be a risk to those whose data is subject to the breach. We must inform the ICO of any serious breach within 72 hours of becoming aware of the breach, where feasible.

We do not need to report a breach if it is unlikely to put anyone at risk.

A personal data breach means a breach of security leading to an accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes.

Examples of personal data breaches can include:

- Access by an unauthorised third party
- Deliberate or accidental action (or inaction) by a controller or processor
- Sending personal data to an incorrect recipient
- Computing devices containing personal data being lost or stolen
- Alteration of personal data without permission
- Loss of availability of personal data

It is important to note that these procedures also apply to our trusted third-party data processors, who are obligated to inform us, the data controller, of any breach affecting personal information. We in turn will then notify the ICO as per our obligation explained above.

### **Notifying Those Affected by a Breach** [Source: The ICO's official website]

In addition to informing the ICO, we must inform data subjects about a breach if it is likely to result in a 'high risk' to the rights and freedoms of the individuals involved. This must be done without undue delay. One of the main reasons for informing individuals is to help them take steps to protect themselves from the effects of a breach.

A 'high risk' means the threshold for informing individuals is higher than for notifying the ICO. Therefore, not all breaches reported to the ICO will require individuals to be informed. However, the ICO has the power to compel organisations to inform affected individuals if they consider it necessary.

When informing individuals of a breach we must describe, in clear and plain language, the nature of the personal data breach and:

- Contact details where more information can be obtained
- A description of the likely consequences of the personal data breach
- A description of the measures taken, or proposed to be taken, to deal with the personal data breach and including, where appropriate, the measures taken to mitigate any possible adverse effects

## Who to Contact if you have Queries or Concerns

If you have any questions or you are concerned about how your personal data is being used you can contact us directly. We aim to respond to all requests in a timely manner. Please contact us either in writing or by email.

### **Data Protection Officer**

#### **MXM Property Solutions Ltd**

Dalsetter Business Centre, Unit 13

42 Dalsetter Avenue

Glasgow

G15 8TE

Email: [support@mxmps.com](mailto:support@mxmps.com)

Website: [www.mxmps.com/home.html](http://www.mxmps.com/home.html)

We would always encourage you to contact us directly to make us aware of any concerns. This will allow us to fully investigate and submit a formal reply to your questions.

If after contacting us directly you still feel concerned or if you believe our processing of your personal information infringes the Data Protection Act or GDPR legislation, you have the right to lodge a formal complaint with the Information Commissioner's Office (ICO).

The ICO's office in Edinburgh provides a local point of contact for members of the public and organisations based in Scotland. Please find the contact details listed below.

### **The Information Commissioner's Office - Scotland**

45 Melville Street

Edinburgh

EH3 7HL

Telephone: 0303 123 1115

Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)

ICO Website: <https://ico.org.uk/>

Direct Link to ICO Scotland: <https://ico.org.uk/about-the-ico/who-we-are/scotland-office/>

## Changes to our Privacy Policy

We are constantly reviewing our procedures and the systems we use to store and distribute data. In addition, the outcome of Brexit talks may lead to GDPR no longer having authority over UK businesses (however the UK Data Protection Act covers many of the same areas as GDPR). Therefore, our Privacy Policy may need to change to reflect our new procedures or any new legislation.

Any changes to our Privacy Policy will be posted to the owner's portal, our website and, in some cases, our monthly invoices. We may also send an email notification to those subscribed to our mailing list.

We would also encourage you to occasionally check our website or the owner's portals to ensure you have the most up to date information on how we look after your data.

## Glossary

**Data Subject** – Any person whose personal data is being collected, held, or processed.

**Data Controller** – A person who (either alone or as part of a company/organisation) determines the purposes for which and the manner in which any personal data is collected, used and processed.

**Data Processor** – Any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**Encryption** – The process of encoding a message or information in such a way that even if the information was intercepted only authorised parties can decrypt and access the original information.

**HTTP** – Stands for Hypertext Transfer Protocol. HTTP is the international standard and foundation of data communication for the World Wide Web.

**HTTPS** – Also known as HTTP Secure. HTTPS is an extension of HTTP and is widely used over the internet for secure communication over a computer network. HTTPS makes use of encryption to protect the privacy and integrity of data being exchanged.

**GDPR** – Stands for General Data Protection Regulation. GDPR is new legislation affecting all EU member countries and is applicable as of May 25<sup>th</sup> 2018. The purpose of GDPR was to move data protection laws into the 21<sup>st</sup> century after current legislation was deemed inadequate.

**Data Protection Act** – UK legislation that has similar aims to the EUs GDPR.

**ICO** – Stands for Information Commissioner's Office. The ICO is an executive non-departmental public body that aims to uphold information rights in the public interest. It promotes openness by public bodies and data privacy for individuals.