

Mainstay Group Privacy Notice For Customers

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Privacy Notice for Mainstay Group

Introduction

Mainstay Group Limited along with its subsidiaries is committed to the protection of the data which it holds. This policy explains what information we collect, how we collect it, hold it, process it and for what purposes.

Please ensure that you read this document carefully. If you have any queries please contact us at dataprotection@mainstaygroup.co.uk

Definitions

What is a Data Subject?

The Data Subject is a living individual to whom personal data relates. For the purposes of this Privacy Notice the Data Subject is any customer of Mainstay Group.

What is Personal Data?

As described by Article 4 in the GDPR Definitions 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier.

What is a Data Controller?

A Data Controller is the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by EU or Member State laws, the controller may be designated by those laws.

What is a Data Protection Officer?

A data protection officer (DPO) is required by the General Data Protection Regulation (GDPR) if a company has more than 250 employees. Data protection officers are responsible for overseeing data protection strategy and implementation to ensure compliance with GDPR requirements.

Company Info

Mainstay has been registered with the ICO since 2001. We have a lot of experience in dealing with Personal data and keeping it safe. We know what to do if there is a breach of data or if a request for data comes in. Our Registration Numbers are below: -

Mainstay Group Limited, Registration Number Z5319196

Mainstay Residential Limited, Registration Number Z5338802

Mainstay Facilities Management Limited, Registration Number Z4854434

Mainstay Commercial Limited, Registration Number ZA126794

All registrations are automatically renewed annually.

Data Protection Queries and Complaints

If you would like to raise a complaint regarding the way we have handled your data or you have a concern please raise this with our DPO by: -

- Post:

Data Protection Officer
Mainstay Group
Whittington Hall
Whittington Road
Worcester
WR5 2ZX

- Email: - dataprotection@mainstaygroup.co.uk

If we are unable to come back to you with a satisfactory response you can raise your concerns with the ICO. This can be done by: -

- Email: - casework@ico.org.uk
- Phone: - 0303 123 1113
- Post:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Data Controller/Data Processor

Due to the wide variety of customers and clients we serve, in some instances we are the Data Controller and others we are the Data Processor.

Who does this policy apply to?

This policy applies to our customers (including but not limited to Leaseholders, Tenants and Residents)

What do we collect and how do we use it?

Please see Data Map at the bottom of this document.

Changing your details

- You can view your personal details by logging into the Mainstay Portal and clicking on 'My Details'. The website is located here: - <https://portal.mainstaygroup.co.uk/portal>
- You can change your preferred method of communication on the same page. Please note that we must send you site correspondence by either email or by post. This is a legal requirement.
- There is the functionality which allows us to send site updates via SMS to your mobile, this is an optional service. Where we believe you would greatly benefit from receiving information quickly we may also contact you via this method.
- You can also change your personal details by sending an email to mail@mainstaygroup.co.uk. Please ensure that you include your Tenant Reference

number which can be found on any previous correspondence from us or your address that you are contacting us about.

Subject Access Request (SAR)

If you would like to request the data that we hold on you, please email dataprotection@mainstaygroup.co.uk with a subject of 'Subject Access Request'. Please include specifics of what data you'd like to receive.

Timeframe

The maximum time we will take on your request is 1 month from receiving the request unless we give a specific reason why it cannot be completed in this time.

Fees

If the request is manifestly unfounded, excessive or repetitive then there will be a fee. The fee will be quoted after an initial look at the request has taken place. Once accepted and we have received payment then we will action the request.

How information will be provided to you

We will ask how you would like the information to be provided whether that be electronically or in printed hard copy.

Large requests

Where the SAR request relates to data held over a large timeframe we may ask you to be more specific to assist us in searching for the information you are after. You may be asked to be more specific on the timeframe or come up with keywords to enable a more effective search.

Data Controller/Processor

Where we are the Data Controller we will process your request.

Where we are the Data Processor we will communicate with the Data Controller as they may wish to take ownership of the request.

PCI DSS Compliance

We are committed to maintaining our PCI DSS compliance in order to protect your payment card details.

Data Map

- What Personal Data we might hold on you.
- The legal reason for processing this data.
- How we collect the data.
- How long we will keep the data for.

As Mainstay Group has multiple Business Units with different requirements we may treat data in different ways. For ease this has been split into different tables with the following categories Block Management, Tenant Management and Asset Management.

Block Management

What information we collect	What we use this for	Our Reasons to process this	Length of time held for
Personal Information (Name, Addresses, Phone Numbers, Email Addresses, Leases)	Sending building related information. Sending Payment Requests. Sending Arrears letters. Confirming Identity.	Legitimate Interest Performance of a contract	** up to 12 years after contract end
A - Incoming and Outgoing Email correspondence A - Incoming phone calls B - Incoming and Outgoing Physical correspondence	Prove performance of a contract Staff Praise, Training and disciplinary action Business Improvement Evaluation of our customers and clients	Legitimate Interest, legal requirement. Performance of a contract	A - 2 years within Outlook Client, Email Archive set to retain all. B - Up to 12 years
Bank Details	Set up a direct debit to pay for services	Consent	Until consent is removed or contract ends
Credit Card Details by phone - call recordings are stopped during this process	To process single payment	Consent	N/A
Solicitors Details	Send important information and general correspondence related to ongoing customer requests	Consent Legitimate Interest Performance of a contract Legal requirement	up to 12 years after contract end
Property and Building Information Cases old and ongoing	To be able to track issues To be able to monitor ongoing repairs	Legitimate Interest Performance of a contract	up to 12 years after contract end

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Financial statements and its history	Prove performance of a contract	Legitimate Interest Performance of a contract	up to 12 years after contract end
Specific apartment information. i.e. Date of purchase	To accurately maintain up to date records to fulfil our contractual obligations	Legitimate Interest Performance of a contract	up to 12 years after contract end

** 'up to 12 years after contract ends' length of time held explained

After the management contract terminates, we then hold on to your details on our system due to Legitimate Interest. This is because 3rd parties could bring a claim against our organisation stating we haven't performed our contractual obligations for 12 years after the contract end date. Without this information we would be unable to properly defend Mainstay against any claim. The 12 years is an industry standard and is also recommended by ARMA.

Tenant Management

What information we collect	What we use this for	Our Reasons to process this	Length of time held for
Personal Information (Name, Addresses, Phone Numbers, Email Addresses etc.)	Sending building related information. Sending Payment Requests. Confirming Identity.	Legitimate Interest Performance of a contract	7 years after contract expires
A - Incoming and Outgoing Email correspondence A - Incoming phone calls B - Incoming and Outgoing Physical correspondence	Prove performance of a contract Staff Praise, Training and disciplinary action Business Improvement Evaluation of our customers and clients	Legitimate Interest, legal requirement. Performance of a contract	A – 2 years within Outlook Client, Email Archive set to retain all. B – up to 5 years after contract expires.
Bank Details	Set up a direct debit to pay for services	Consent	Until consent is removed
Credit Card Details by phone - call recordings are stopped during this process	To process single payment	Consent	N/A

Financial statements and history	Prove performance of a contract	Legitimate Interest Performance of a contract	7 years after contract expires
Special Category Data (for example Date of Birth, employment details, previous addresses)	Referencing potential applicants in line with client referencing criteria	Consent with external Agency. Applicants submit as part of online application process with external referencing agent	5 years – held with referencing agency

Asset Management

What information we collect	What we use this for	Our Reasons to process this	Length of time held for
Personal Information (Name, Addresses, Phone Numbers, Email Addresses, Leases)	Sending building related information. Sending Payment Requests. Sending Arrears letters. Confirming Identity.	Legitimate Interest Performance of a contract	7 years after sale of asset or up to 12 years after contract end
A - Incoming and Outgoing Email correspondence A - Incoming phone calls B - Incoming and Outgoing Physical correspondence	Prove performance of a contract Staff Praise, Training and disciplinary action Business Improvement Evaluation of our customers and clients	Legitimate Interest, legal requirement. Performance of a contract	A – 2 years within Outlook Client, Email Archive set to retain all. B - up to 12 years after contract end
Bank Details	Set up a direct debit to pay for services	Consent	Until consent is removed or contract ends
Credit Card Details by phone - call recordings are stopped during this process	To process single payment	Consent	N/A
Solicitors Details	Send important information and general correspondence related to ongoing customer requests	Consent Legitimate Interest Performance of a contract Legal requirement	7 years after sale of asset or up to 12 years after contract end

Property and Building Information Cases old and ongoing	To be able to track issues To be able to monitor ongoing repairs	Legitimate Interest Performance of a contract	7 years after sale of asset or up to 12 years after contract end
Financial statements and its history	Prove performance of a contract	Legitimate Interest Performance of a contract	7 years after sale of asset or up to 12 years after contract end
Specific apartment information. i.e. Date of purchase	To accurately maintain up to date records to fulfil our contractual obligations	Legitimate Interest Performance of a contract	7 years after sale of asset or up to 12 years after contract end

Some of the data has the potential to be stored for up to 12 years after the contract has ended. This is to ensure we can rely on this to evidence performing the contract we were instructed to carry out.

We regularly review the above tables to ensure that this is an honest representation of what is recorded, why it is recorded and how long we intend to keep it for.

Special Category Data

In some instances, where we look after retirement schemes it is a requirement for us to record and process various special category data. We share this information with the Out of Hours team who also need to know this information to properly support the individuals that reside in these locations.

What information we collect	What we use this for	Our Reasons to process this	Length of time held for
Next of kin information	Contact in emergency	Consent	Until consent is withdrawn or resident moved out
Medical Information	For any special requirements and to pass on to individuals charged with your care	Consent	Until consent is withdrawn or resident moved out
Doctors details	For notification and contact requirements	Consent	Until consent is withdrawn or resident moved out
Carer information	For notification and contact requirements	Consent	Until consent is withdrawn or resident moved out
Home Access information	To assist with emergency services	Consent	Until consent is withdrawn or resident moved out

Collecting Personal Data

You give us data in a variety of ways:

- When you talk to us on the phone or in person
- When you use our website
- In emails and physical letters
- In Customer Surveys
- In competitions or promotions
- Portal usage

Data from third parties

- Freeholders, RMC's, Developers, Investment Companies and other Property Management companies during site Hand Over
- Local Councils
- Other residents on your development
- Public Domain Data such as land registry and companies house
- Letting Agents
- Government and law enforcement agencies
- Solicitors
- Debt Collecting Agency

Sharing information

- We may give out your personal data if required to so for Police Investigation or Court Order.
- We may give your personal data to a 3rd party as part of a sale of the business and assets to the 3rd party. However, steps will be taken to ensure that your privacy rights continue to be protected and the data is used in accordance our Privacy Notice.
- In an emergency, we may be required to give your contact details out to an approved contractor to contact you.
- As part of our process for collecting site funds, where there has been no contact made by you to advise why there has been no payment or to setup a payment plan, we may pass your details on to a Debt Collecting Agency. We would like to assure you that the agency we use has undergone checks to ensure they are GDPR compliant and will not share your details further other than with ourselves.
- When required to do so we enlist the expertise of external solicitors for legal advice. Your data may be passed on to them to give them a better understanding of legal situations.
- There may be instances where we share data with the Freeholder, RMC and directors of a site. We will query the use of the data to ensure the reason is a 'legitimate interest' before giving this to them.
- If we lose management of a site, we will give sufficient information we hold to the new management agents to ensure they can properly manage the site from the moment they take control. This is also part of the ARMA guidelines. At a minimum Personal Details that will be passed on include your name, address and contact details. It will also include details of any site related issues which may well include details about your apartment. If you rent out your apartment and we have the name and contact details of your tenant these may also be passed on.
- Where we have been instructed to perform a contract by a client and processing your personal data is required. We may be asked to send data back to the client.
- Where your property has services supplied by your apartment, we may pass on your details to the supplier, so they can bill accordingly.

Our Privacy Promise

- We will not sell your data.
- We will keep your data safe and private.
- If we run any marketing campaigns in the future, this will be on an opt in basis to which you will be able to review and change.

We hope that you find this Privacy Notice a useful and true representation of how we use your data. We welcome any feedback, please direct this to the DPO on the contact details which are listed in this document.

CCTV (Block Management and Portfolio sites only)

We manage multiple sites around the UK which have independent CCTV systems onsite. These CCTV systems are maintained by Mainstay and the only people who have access to this are Mainstay Staff or 'other Agents' for which we partner with to manage the site.

If you were interested in requesting footage of your personal image recorded on site, please forward a request to the Site Manager or the Property Manager. We will treat this as a Subject Access Request.

On some Commercial sites, we act as the Data Processor of CCTV systems. This means that ultimately, we do not decide what happens with the data. Instead requests are filled out on the reception and we forward them to the Data Controller who will decide the outcome. We will then action the outcome.

For Residential Sites where we are instructed to manage the site in accordance with the lease we may use the CCTV system to investigate specific breach of leases. For example, (but not limited to) unacceptable behaviour, disposal of bulky items in bin areas, parking issues etc.

If there is a report of a crime on site, we will assist the Police in whatever they need to properly investigate the crime. We will ensure that the Police officers requesting footage have an ongoing investigation open and are not just 'fishing' for information.

It is not in our policy to hand over CCTV footage to people where their property has been damaged. This could lead to our customers policing their own developments and we would prefer to let the real Police do the investigating.

If you are the victim of crime against your property, please put a request to the Manager of the site and we will ensure the CCTV footage is saved awaiting the collection of the police. Should you still want the footage of the crime please put in a 'Freedom of Information' request to the Police who will take it from there.