

Crown Estate Scotland (Interim Management)

Privacy Notice for Tenants

Crown Estate Scotland (Interim Management) (“Crown Estate Scotland”, “we”, “our”, “us”) is a data controller in terms of Data Protection Law (currently the Data Protection Act 1998 but from 25 May 2018, the EU General Data Protection Regulation 2016 and the Data Protection Act 2018) (“Data Protection Law”). As a data controller, we determine the purposes for which, and the means by which, the personal data of living individuals is processed.

Personal data means any data that relates to a living individual who can be identified directly from that data, or indirectly from that data combined with other information available to Crown Estate Scotland as a data controller. It does not include data where the identity has been removed completely (such as anonymised data).

Purpose of this Privacy Notice

The Privacy Notice (“Notice”) outlines how we collect and use personal data about, before, during and after your tenancy with Crown Estate Scotland. We are required under Data Protection Law to notify you of the information contained in this Notice. This notice does not form part of any contract to provide services or tenancy agreement.

Crown Estate Scotland processes the personal data of its tenants in order to carry out its functions effectively as a public authority and to enable it to meet its obligations under a contract with its tenants. For the purposes of this Privacy Notice, ‘tenant’ includes all tenants, licensees and occupiers of property within the management of Crown Estate Scotland.

All personal data are collected and held in accordance with Data Protection Law. Further details about how we comply with Data Protection Law are provided in our Data Protection Policy.

This Privacy Notice applies alongside any other information Crown Estate Scotland may provide about a particular use of personal data, for example when collecting data *via* an online or paper form. This Privacy Notice also applies in addition to Crown Estate Scotland’s other policies.

Data Protection Officer

We have appointed a Data Protection Officer (DPO) who is responsible for overseeing questions in relation to this Privacy Notice and our compliance more generally with Data Protection Law. If you have any questions about our processing of personal data, or wish to make a request to exercise your legal rights, please contact the DPO using the details set out below.

DPO Contact Details:

Helen Howden, Data Protection Officer, Crown Estate Scotland, 6 Bells Brae, Edinburgh EH4 3BJ

dataprotection@crownestatescotland.com

Compliance with Data Protection Principles

As a data controller, when we process personal data about you, we will comply with the data principles. These require that personal data be:

1. processed lawfully, fairly and in a transparent way.
2. used only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. relevant to the purposes we have told you about and limited only to those purposes.
4. accurate and kept up to date.
5. kept only as long as necessary for the purposes we have told you about.
6. in accordance with requirements of integrity and confidentiality

The Categories of Personal Data we process about you

We will collect, store, and use the following categories of personal information about you:

Identity and contact data: e.g. names; home address; business address; contact phone numbers; email addresses; general correspondence by letter and email; date of birth; gender.

Financial data/contractual data: e.g. bank account details and other financial information; arrears data; lease agreements; title deeds.

Images and monitoring: e.g. photographs; images captured by the CCTV system; car details (about those who use our car parking facilities).

How Crown Estate Scotland collects your Personal Data

In most cases, Crown Estate Scotland collects your personal data from you directly. However, we may also obtain some personal data about you from third parties, such as for references.

Legal Basis for Processing

Much of the personal data of tenants that we process is necessary for the purpose of entering into a contract or potential contract with each tenant, and then for performing our obligations and exercising our powers under that contract.

In some cases, we may process the personal data of tenants to fulfil a legal obligation to which Crown Estate Scotland is subject, e.g. where processing is necessary to fulfil a statutory duty.

In certain circumstances, where we are processing personal data other than in the performance of our public authority tasks, we may process personal data on the basis of our legitimate interests, for example, in order to function efficiently, provided that these interests are not outweighed by the impact on the rights of the individuals concerned and provided that the processing does not involve special or sensitive types of personal data.

Crown Estate Scotland will only use personal data for the purposes for which they were provided, unless it is considered reasonable for us to use the personal data for another reason and that reason is related to and compatible with the original purpose. If we consider that we need to use your personal data for an unrelated purpose, we will notify you of that decision and we will explain to you the legal basis which we consider allows us to do the processing for that purpose. We may also process your personal data without your knowledge or consent, where such processing is either required or permitted by law.

Who do we share our information with?

We may need to share some of your personal data with third parties in order to fulfil our purposes and for those third parties to provide services to us to support our operations and activities. When we share personal data with a third party, either another data controller or a data processor, we will always make sure that we have the necessary contracts in place to ensure the security of your personal data, that those third parties act on our instructions and do not use the personal data for their own purposes.

We will only share your personal data in accordance with the law. All the third parties with whom we share personal data are required to take appropriate security measures to protect your personal data in line with our own policies and to comply with Data Protection law and with their own policies too.

We may also need to share your personal information with a regulator to comply with the law.

Examples of third parties we may share personal data with include:

- administrative database providers
- contract management, (e.g. our managing agents)
- document storage companies
- email marketing providers
- postal direct mail providers
- IT services including cloud storage providers
- consultancy organisations who may analyse our data
- professional advisers
- regulatory bodies

Our retention periods for Personal Data

We will retain personal data securely and only for as long as is necessary to keep for the specified purposes, or for a legitimate and lawful reason.

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

In some circumstances, we may anonymise your personal data so that it can no longer be associated with you, in which case we may use such data without further notice to you. Once you are no longer a tenant of Crown Estate Scotland, we will retain and securely destroy your

personal data. Crown Estate Scotland has a Records Retention Schedule which sets out how long we keep records and the reason why.

Transfers outside the European Economic Area

We do not transfer your personal data outside the EEA.

How we protect your Personal Data

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. We also limit access to your personal data to those employees, agents, contractors, professional advisers and other third parties who have a 'need to know'. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected information security incidents that could result in a personal data breach and will notify you and any applicable regulator of a suspected breach, where we are legally required to do so.

Your Rights over your Personal Data

Your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with personal data

Under certain circumstances, by law you have the right to:

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal data 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 data for direct marketing purposes.
- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal data to another party.
- **Request that a decision made using automated processing** of your personal data which

significantly affect you, be reviewed by an individual to whom you may make representations and contest the decision. This right only applies where we use your information with your consent or as part of a contractual relationship with you.

- **Withdraw your consent to our use of your personal data for a specific purpose**, at any time, where our use of your personal data for the purpose relies on consent as a legal condition for that use.

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, please contact dataprotection@crownestatescotland.com in writing.

No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

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 another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

For more information and guidance about any of these rights, please go to the website of the Information Commissioner's Office at <https://ico.org.uk/>.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact dataprotection@crownestatescotland.com. Once we have received notification that you have withdrawn your consent, we will no longer process your personal data for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Complaints

If you think there is an issue in the way in which we handle your personal data, you have a right to raise a complaint with the Information Commissioner's Office. The ICO website contains details of how to make a complaint: <https://ico.org.uk/> or you can contact the ICO by phone: 0303 123 1113. However, we would welcome an opportunity to deal with the issue in the first instance, if you wish to contact us at: dataprotection@crownestatescotland.com.

Changes to this Privacy Notice

We may update this Notice at any time. It is important that you read this notice, together with any other privacy notice we provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using such information.

This notice was last updated on 20 July 2020.

FURTHER INFORMATION

For further information about any aspect of this notice please contact our Data Protection Officer
dataprotection@crownestatescotland.com