

Rothesay



# Who needs to read this privacy notice?

You should read this privacy notice if you are a leaseholder in a property where your landlord has granted Rothesay Life Plc security over its interest in your property.

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# About us and our relationship with you

'Rothesay' is the trading name for Rothesay Life Plc, an insurance company established in the UK with company registration number 06127279 and ICO registration Z1003678. We are authorised in the UK by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority. Our registered office address is The Post Building, 100 Museum Street, London WC1A 1PB.

This Privacy Notice applies to all situations where we process data about any individual who is a leaseholder within a property where your **landlord** has granted Rothesay Life Plc security over its interest in your property. We make loans to companies (our **borrower**) who own (or have control over group companies who own) the freehold or headlease in properties. Often the units within these properties have been leased to individuals, like you. Under the terms of your lease, you may be required to pay your **landlord rent**. As security for our loan, your **landlord** (who is in the same group of companies as the **borrower**) granted us a charge of its interest in these properties.

This means that if the **borrower** breaches the loan agreement it has with us (for example, by failing to repay the amount which is due to us) or certain events occur with respect to the managing agent of your property, we have the right to appoint a new managing agent who will collect the **rent** from you, rather than you paying it to your **landlord**. This does not affect your rights under the lease, and we only have the same rights that your **landlord** already has. Our right to appoint a new managing agent to collect **rent** does not impact your rights in your property, the terms of your lease or the **rent** payable. Where a new managing agent is appointed, in order to enable the new managing agent to collect **rent** directly from you, we would need to **process your personal data**.

If at any time you breach the terms of your lease (for example, by failing to pay the **rent** due and falling into arrears or failing to keep the property in the standard required by your lease) and the **landlord** intends to take remedial action through the statutory legal process to cure the breach (such as the exercise of its forfeiture rights), the **landlord** will first be required to obtain our consent. As part of the consent process, we may receive your **personal data** in order to help us determine whether the landlord's proposed course of action to remedy the breach of your lease is fair, and whether we should provide our consent to the landlord to take such remedial action.

As a result, we are a **controller** under **data protection laws**. This privacy notice explains how we use and look after your **personal data**. This privacy notice also tells you about your privacy rights and how the law protects you.

## About this document

This privacy notice contains information about:

- The **personal data** that we **process** as a **controller**.
- Where the **personal data** has been obtained.
- The reasons why we **process** your **personal data** and the lawful basis we use to do so.
- The security measures that we have in place to keep your **personal data** secure.
- The length of time we store your **personal data** for.
- The organisations, or categories of organisation, with whom we might share your **personal data**.
- International transfers of your **personal data**.
- The rights you have under **data protection laws** in relation to our **processing** of your **personal data**.

The meaning of words which are shown in **bold underlined** text are explained in the **Glossary**. Throughout this notice any reference to “we” or “us” refers to Rothesay Life Plc.

**Please note that we may change this privacy notice from time to time.** The latest version of our privacy notice can be found on our website:

> [rothesay.com/data-protection](https://rothesay.com/data-protection)

To request a printed copy of this privacy notice please contact us using the contact details contained in the part of this privacy notice headed **Contact details**.

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## What personal data do we process?

The categories of **personal data** we **process** include the following:

1. **Leaseholder personal information: Personal data** relating to each leaseholder within a property that we have made a loan against. **Personal data** includes:
  - Name
  - Address of property
  - Correspondence address (if different)
  - Contact details (including phone number and email address, if you have already provided these details to your **landlord**)
2. **Lease information: Personal data** relating to details of a leaseholder's lease and property. This includes:
  - The amount of **rent** due to be paid to the **landlord**
  - Lease start date and end date
  - Use of property
  - Additional information – if you are in breach of the terms of your lease agreement, we will obtain more information about the reason for the breach to help determine what action to take.
3. **Sensitive personal data:** This includes the **processing** of health data during the assessment of extenuating or exacerbating circumstances surrounding a breach of lease.

## Where the personal data has been obtained.

**Personal data** will usually be collected from your **landlord** and third parties appointed by your **landlord**, such as its managing agent who collects your **rent** and, if you breach the terms of your lease, its legal representatives or tracing agents.

You can request a list of **landlords** to whom we have disclosed your **personal data** using the details contained in the part of this privacy notice headed **Contact details**.

## The reasons why and lawful bases to process your personal data

The table below provides details of the purpose and the lawful bases upon which we **process personal data**.

Type of personal data	Why do we need it?	Lawful bases for processing
<ul style="list-style-type: none"> <li>• <b><u>Leaseholder personal information</u></b></li> <li>• <b><u>Lease information</u></b></li> </ul>	<p><b>To operate our business</b></p> <p>We <b><u>process personal data</u></b> to operate our ground rent business and manage the risks aligned to our loans with <b><u>borrowers</u></b>. This includes the potential <b><u>processing of personal data</u></b> in connection with the sale or potential sale of our interest in the loans to other parties.</p>	<p><b>Legitimate interests pursued by us or by a third party</b></p> <p>We have a legitimate interest to operate our business effectively and efficiently, manage the risks associated with our business, and comply with our legal and contractual obligations. This includes selling interests in the loans to other parties.</p>
<ul style="list-style-type: none"> <li>• <b><u>Leaseholder personal information</u></b></li> <li>• <b><u>Lease information</u></b></li> </ul>	<p><b>To manage any amendment or variation to leases</b></p> <p>We <b><u>process personal data</u></b> in cases where our agreement is sought to amend or vary a lease over which we have a registered charge or restriction.</p>	
<ul style="list-style-type: none"> <li>• <b><u>Leaseholder personal information</u></b></li> <li>• <b><u>Lease information</u></b></li> </ul>	<p><b>To obtain a legal charge</b></p> <p>Rothesay <b><u>processes personal data</u></b> in order to take a charge over properties owned by a <b><u>borrower</u></b> as security for our loan to the <b><u>borrower</u></b>.</p>	
<ul style="list-style-type: none"> <li>• <b><u>Leaseholder personal information</u></b></li> <li>• <b><u>Lease information</u></b></li> </ul>	<p><b>To manage lease arrears or forfeiture cases</b></p> <p>We <b><u>process personal data</u></b> to enable any breach of a lease agreement to be remedied fairly, and to help us make a determination whether we should provide consent to the landlord to take any remedial action. We must also ensure the value of the property is preserved and, where</p>	

	<p>appropriate, help prevent a <b><u>borrower</u></b> from defaulting on their obligations under the loan agreement they have with us.</p> <p><b>To manage borrower defaults</b></p> <p>If our <b><u>borrower</u></b> defaults on its loan or an event relating to the managing agent occurs, we need to be able to exercise our legal rights in respect of the loan agreement.</p>	<p>run our business in accordance with laws and regulations.</p> <p><b><u>Sensitive personal data</u></b> such as health information might be received as part of a case analysis. In such circumstances, we will only <b><u>process</u></b> the <b><u>personal data</u></b> where we can rely on a substantial public interest condition, such as safeguarding the economic well-being of individuals.</p>
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We may also process **personal data** including **sensitive personal data** to comply with other laws, regulations or criminal reporting requirements that we are subject to. This includes compliance with law enforcement agency procedures in connection with various investigations and compliance with any requirement to prevent or detect unlawful acts.



## How do we keep your personal data secure?

Our commitment to corporate security is demonstrated through the implementation of policies, controls and procedures, which are externally certified and audited to the international information security standard, ISO 27001:2013.

Our security policies, controls and procedures are regularly reviewed and updated so that we maintain good practices across our business to keep your information safe.

We have contractual arrangements in place with all of our service providers who **process personal data** in accordance with **data protection laws**. We regularly check that our service providers are complying with their contractual commitments. This includes assessing and reporting on our service providers' information security controls to check their compliance using questionnaires and/or on-site audits.

## How long do we store your personal data?

We will only keep your **personal data** for so long as reasonably required and, in any event, only for as long as our internal rules and policies allow us in order to fulfil our business or legal and regulatory obligations. This will usually be six years after the date of the final repayment of the loan of the relevant **borrower**.

## Who has access to your personal data?

We share **personal data** with a variety of other companies to operate our business. However, we only share the **personal data** where necessary to help us satisfy one or more of the reasons for processing set out above.

We have detailed the types of companies with whom we currently share **personal data** below. The companies fall into two categories:

- **Processors with whom we share personal data**

For these companies, we determine the purposes for which the **personal data** we pass to them is **processed** and they should not **process** that **personal data** other than in accordance with our written instructions. Processors with whom we share personal data:

- 1. Back-up managing agent**

We appoint a back-up managing agent to hold the following data: (i) details of our loans (including the properties that we have charges over), (ii) the leaseholders of each property and (iii) the amount of **rent** payable in respect of each property (so that if a **borrower** breaches the loan or an event occurs with respect to the managing agent, we can replace the existing managing agent with the back-up managing agent who will collect **rent**). In such circumstances, the back-up managing agent will need to contact you to notify you that **rent** must be paid to them.

- 2. Other managing agent**

If our **borrower** defaults or an event occurs with respect to your managing agent, we may appoint a managing agent who is not our back-up managing agent. In such circumstances, they will need to contact you to notify you that **rent** must be paid to them instead of your existing managing agent.

- 3. IT service providers**

Our main IT infrastructure and core software is provided by Goldman Sachs Group, Inc.. This means that **personal data** we **process** is stored on Goldman Sachs' IT systems.

#### 4. Other service providers to our business

Other companies who **process personal data** on our behalf include those who provide day-to-day operational business services such as emails, archiving, document scanning and copying, document destruction and printing.

- **Controllers with whom we share personal data**

For these companies, we do not determine the purposes for which the **personal data** we pass to them is **processed** once it is shared. To understand how the other **controllers process** your **personal data**, you should refer to their privacy notices. Controllers with whom we share personal data:

1. **Other loan providers like us**

If we decide to sell our interests in certain of our loans to another provider, we may give your **personal data** to the actual or proposed purchaser.

2. **Group entities**

We will sometimes need to share **personal data** with entities within our corporate group for administrative purposes and as part of our internal financing arrangements.

3. **Professional advisers**

We sometimes have to share **personal data** with our professional advisers (including accountants and lawyers) where it is required for the purposes of their advice.

4. **Regulators, law enforcement and auditors**

We will share **personal data** when requested by regulators, law enforcement agencies or other third parties to comply obligations imposed on us by laws and regulations.

## International transfers of your personal data

Where personal data is transferred to and **processed** in a country outside of the UK or the EEA (as applicable), we take steps to provide appropriate safeguards to protect your **personal data**, including by entering into approved standard contractual clauses obliging recipients to protect your **personal data** and only transferring **personal data** to the extent that an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of **personal data** is ensured in compliance with **data protection laws**.

If you want further information on the specific mechanisms used by us when transferring your **personal data** outside of the UK or EEA, please contact us using the details contained in the part of this privacy notice headed **Contact details**.

## Your rights

Under certain circumstances, you have the following rights under **data protection law**:

- The right of access to **personal data** relating to you (known as Subject Access Requests).
- The right to correct any mistakes in your **personal data**.
- The right to require us to delete your **personal data**.
- The right to restrict our **processing** of your **personal data**.
- The right to object to us **processing** your **personal data, including for marketing purposes**.
- The right to have your **personal data** provided to another **controller**.

### **How to exercise your rights**

If you wish to exercise any of your rights, please contact us using the details contained in the part of this privacy notice headed **Contact details**.

## Contact details

### How to contact us regarding this privacy notice

You may want to contact us to:

- Ask any questions you have in relation to the information contained in this privacy notice.
- Exercise any of your rights under **data protection laws**.
- Request a printed copy of this privacy notice.
- Request a version of this privacy notice printed in large print or braille.
- Request an audio version of this privacy notice.
- Make a complaint (see below).

To contact us you can email our DPO at **[dpo@rothesay.com](mailto:dpo@rothesay.com)** or write to:

> Data Protection Team, Rothesay Life Plc, The Post Building, 100 Museum Street, London WC1A 1PB

If you live within the European Union, you can also contact our European representative. Their details are as follows:

> Bird & Bird GDPR Representative Services SRL, Avenue Louise 235, 1050 Bruxelles, Belgium

Or email **[EUrepresentative.Rothesay@twobirds.com](mailto:EUrepresentative.Rothesay@twobirds.com)**

### How to make a complaint

If you have a problem or concern relating to the ways we process your **personal data** or the contents of this privacy notice, please contact us in the first instance.

We hope that we will be able to address the problem or concern to your satisfaction. However, you also have the right to make a complaint to the Information Commissioner's Office. The process for making a complaint to the Information Commissioner's Office is available here: <https://ico.org.uk/make-a-complaint/>. Their contact details are as follows:

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

Or phone 0303 123 1113

> **[ico.org.uk](https://ico.org.uk)**

## Glossary

The terms shown in **bold underlined** text in this privacy notice have the meanings shown below.

**borrower**: the **landlord** (or a company in their group) who has entered into a loan agreement with Rothesay Life Plc under which it has charged its interest in respect of certain properties (including the property where you are a leaseholder) owned by it or its group company as security for the loan

**controller**: the entity which determines the purposes for which, and the manner in which, any **personal data** is **processed**.

**data protection laws**: any law relating to the use of Personal Data, as applicable to the Parties, including:

a) in the United Kingdom:

- i) the General Data Protection Regulation (EU) 2016/679 (GDPR) including as adopted by the United Kingdom as a result of its exit from the European Union ("UK GDPR") and the Data Protection Act 2018, and/or any corresponding or equivalent national laws and regulation in the United Kingdom and/or any other applicable jurisdiction; and/or
- ii) the Privacy and Electronic Communications (EC Directive) Regulations 2003, and any laws or regulations implementing Directive 2002/58/EC (e-Privacy Directive) and/or any corresponding or equivalent national laws and regulation;

b) in member states of the European Union (EU) and/or the EEA: the GDPR and the e-Privacy Directive, and all relevant EU and EEA member state laws or regulations giving effect to or corresponding with any of them; and

c) any judicial or administrative interpretation of any of the above.

**forfeiture**: a way in which a **landlord** can take possession of a property (which would include the eviction of a leaseholder if they are living in the property) if they break a condition of the lease, such as not paying the ground rent or service charges. The **landlord** would need to follow the statutory legal process in order for a court to grant the **landlord** with a possession order.

**landlord**: the company to whom you pay **rent**.

**Leaseholder personal information**: data relating to each leaseholder within a property that we have made a loan against. Data includes:

- Name
- Address of property
- Correspondence address (if different)
- Contact details (including phone number and email address, if you have already provided these details to your **landlord**)

**Lease information**: data relating to details of a leaseholder's lease and property. Data includes:

- Amount of **rent** due to be paid to the **landlord**
- Lease start date and end date
- Use of property
- Additional information – if you are in breach of the terms of your lease agreement, we will obtain more information about the reason for the breach from the **borrower** in order to help determine what action to take.

**personal data**: any information relating to a living identifiable individual, including:

- Information such as names, addresses, telephone numbers, email addresses, photographs, voice recordings and financial information
- Expressions of opinion and indications of intentions about individuals (and their own expressions of opinion/intentions)
- Information which on its own does not identify someone but which would identify them if put together with other information which we have or are likely to have in the future.

**processor**: any entity which **processes personal data** on behalf of a **controller**.

**Processing, processed** or **process**: this covers almost anything a company or individual can do with **personal data**, including:

- Obtaining, recording, retrieving, consulting, or holding it
- Organising, adapting, or updating it
- Disclosing, sharing, or otherwise making it available
- Cleansing, blocking, erasing, or destroying it.

**rent**: all amounts payable by you under the terms of your lease.

**sensitive personal data**: any information relating to any of the following:

- Racial or ethnic origin
- Political opinions
- Religious beliefs or beliefs of a similar nature
- Trade union membership
- Physical or mental health
- Sexual life or orientation
- Genetic data or biometric data for the purpose of uniquely identifying an individual
- Personal data relating to criminal convictions and offences.

# Rothestay

'Rothestay' is the trading name for Rothestay Life Plc. Registered in England No. 6127279. Registered office: The Post Building, 100 Museum Street, London WC1A 1PB.

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