

# ARK HOMES BUILDERS AND DEVELOPERS LIMITED

## Privacy Notice

### 1. What is the purpose of this document?

ARK Homes Builders and Developers Limited (“**ARK Homes**”) is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your relationship with us, in accordance with the General Data Protection Regulation (“**GDPR**”).

ARK Homes is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice does not form part of any contract to provide services that we have entered into with you. We may update this notice at any time.

It is important that you read this notice so that you are aware of how and why we are using such information.

### 2. The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data, which require a higher level of protection.

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- Identity data includes first name, maiden name, last name and title (“**Identity Data**”).
- Contact data includes billing address, delivery address, email address and telephone numbers (“**Contact Data**”).

- Financial data includes bank account details (“**Financial Data**”).
- Transaction data includes details about payments to and from you and other details of products and services you have purchased from us (“**Transaction Data**”).
- Profile data includes purchases or orders made by you, your interests, preferences, feedback and survey responses (“**Profile Data**”).
- Usage data includes information about how you use our website, products and services (“**Usage Data**”).
- Marketing and Communications data includes your preferences in receiving marketing from us and our third parties and your communication preferences (“**Marketing and Communications Data**”).

Collectively the above listed data types shall be referred to as “**Personal Data**”. The more sensitive “special categories” of data includes data such as information about race, ethnicity, religious belief, sexual orientation, political opinions, health, genetic or biometric information and information about criminal offences or convictions. Processing of this data is prohibited unless one of the additional grounds in Article 9 of the GDPR apply.

We do NOT currently collect, store or use any of the “special categories” of more sensitive personal information.

### **3. How is your personal information collected?**

We collect personal information about you when you make an enquiry with us regarding our services (whether by telephone, email or otherwise) and we will continue to collect personal information by email, by letter, on the telephone or in person throughout our working relationship.

We may also sometimes collect additional information from third parties, including industry related suppliers and sub-contractors.

### **4. How we will use your personal information, and the legal basis for this**

We need all the categories of information in the list above (see paragraph headed “The kind of information we hold about you”) primarily to allow us to perform our contract with

you and to enable us to comply with legal obligations. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests.

The specific situations in which we will process your personal information are listed below:

- We will use Identity, Contact, Financial and Transaction Data for the purpose of entering into and performing our contract with you / processing and fulfilling your order. The basis for this processing will be that it is necessary for the performance of our contract with you or in order to take steps at your request prior to entering into such a contract.
- We may use Identity, Contact, Transaction, Profile, Usage and Marketing and Communication Data to provide you with marketing information in relation to goods and services supplied by us which we believe may be of interest to you. The basis for this processing will be that it is necessary for the purpose of our legitimate interests. The legitimate interest in question is to develop our products/services and grow our business. The processing will only take place whilst such consent has been given and has not been withdrawn.
- We will use Personal Data to maintain our own administrative and accounting records and to fulfil related legal obligations to which we may be subject. This is necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise). The basis for this processing will be that it is necessary for compliance with legal obligations to which we are subject.

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

## **5. If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to enter into a contract with you or perform a contract we have entered into with you, or we may be prevented from complying with our legal obligations.

## **6. Automated decision-making**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention.

At present we do NOT use Automated decision-making to process personal data.

## **7. Data sharing**

We may need to share your personal information with third parties where required by law, where it is necessary as part of our working relationship with you or where we have another legitimate interest in doing so.

## **8. Which third-party service providers process my personal information?**

We may share your personal data with industry related third parties, used at ARK Homes' discretion, for the purposes set out in section 4 above.

We may also share your personal data with third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **9. How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **10. What about other third parties?**

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

## **11. Transferring information outside the EU**

We may transfer the personal information we collect about you to countries outside the EU in order to perform our contract with you. When we do so, we will determine whether

there is an adequacy decision by the European Commission in respect of those countries or another lawful basis for the transfer under GDPR.

If, for any reason, we intend to transfer the personal information we collect about you to countries outside the EU for which there is no basis for transfer as above, we will write to you to advise you of the potential risks and to seek your explicit consent to the proposed transfer before it takes place.

## **12. Data security**

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

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

## **13. 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 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 and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. If, for any reason, you cease to be a customer of the company, we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

#### 14. Your duty to inform us of changes

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

#### 15. Your rights in connection with personal information

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

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
- **Object to 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.
- **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.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact us at the details below:-

- Sharon Cook
- sharon@arkhomes.co.uk
- 01206 383858

- ARK Homes Builders and Developers Limited, Head Office, 6 Rushmere Close, West Mersea, Essex CO5 8QQ

#### **16. No fee usually required**

You will not have to pay a fee to access your personal information (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.

#### **17. 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 the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

#### **18. 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. To withdraw your consent, please contact us using the details listed above (see paragraph headed “Your rights in connection with personal information”). 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 have another legitimate basis for doing so in law.

#### **19. Further information**

Should you have any further questions about how we process your personal information, then please contact Sharon Cook. Her details are listed above (see paragraph headed “Your rights in connection with personal information”).

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

## **20. Changes to this privacy notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.