

Rothesay



Privacy Notice

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.

Understanding the terms used in this privacy notice

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

About this document

This privacy notice contains information about:

- The **personal data** that we **process** as a **controller**
- The reasons why we **process** your **personal data**
- The legal grounds upon which we **process** your **personal data**
- 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 with whom we might share your **personal data**
- The rights you have under the **data protection laws** in relation to our **processing** of your personal data

If you are reading this document electronically you can click on the page numbers shown in the contents table on the next page to jump straight to that page. There are also embedded links throughout the document shown in **bold** to help you to navigate through the document if reading online.

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**

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

We will notify you if the purposes for which we **process** your **personal data** change.

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About us

'Rothesay' is the trading name for Rothesay Life Plc, an insurance company established in the UK with company registration number 06127279. 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.

We are responsible for the payment of annuity liabilities to our policyholders. These annuities are long term in nature. Ground rent cashflows are secure, long-dated and often inflation linked and are therefore well suited to match annuity liabilities. For this reason, as part of our investment strategy, we have invested in ground rent backed debt.

In order to invest in ground rent backed debt, 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 when the **borrower** took the loan from us.

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.

In order for a new managing agent to be in a position to collect **rent** directly from you we need to know your name, address and certain other information in connection with your lease.

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 information about your specific circumstances, which could include **special category data**. This might include information about your health or financial circumstances. This information is required in order to help us determine whether the **landlord's** proposed course of action to remedy the breach of your lease is fair, and therefore whether we should provide our consent to the landlord to take such remedial action. This ultimately includes the landlord's rights to take possession of the property.

We are required to provide you with the information in this privacy notice in order to comply with our legal obligations. Please read it carefully – we take the privacy of your **personal data** very seriously.

What personal data do we process?

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

- 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**)
- Amount of **rent** due to be paid to the **landlord**
- Lease start date and end date
- Use of property
- Details of the breach or breaches of lease, including of the amount arrears (if any) and any circumstances which may be considered to be an extenuating or exacerbating circumstance. This may include relevant **special category data** such as information about your health or financial circumstances.

We obtain **personal data** about you 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.

The **landlords** that we have entered into loan agreements with are set out in the schedule to this notice.

The purposes for which we **process** your **personal data** are described in the following section of this privacy notice (**Why do we process personal data?**).

Why do we process your personal data?

When we provide a loan to a **borrower**, the **borrower** will enter into a loan agreement with us. The loan agreement provides us with a right, under certain circumstances, to appoint a new managing agent to collect **rent** of the properties which it has charged to us as security for the loan.

If a **borrower** is in default under the loan agreement (for example, by failing to repay the amount which is due) or certain events occur with respect to the managing agent of your property, we have the right to appoint a new managing agent to collect the **rent** directly from you. We also have the right, in certain circumstances to become the freeholder of the property, or to take ownership of the headlease.

The rights that we have been given in the loan agreement are the same rights that your **landlord** already has and our right to collect **rent** does not impact your rights in your property, the terms of your lease or the amount of **rent** payable.

In order to be in a position to exercise our rights, should it be necessary to do so, we need to know certain information about the property and about you. We hold this data in order to monitor repayment of our loans by our **borrower** and to be prepared in case our **borrower** defaults under the loan or an event related to the managing agent occurs.

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 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 will receive information about your specific circumstances, which could constitute **special category data**. This might include information about your health or financial circumstances. These are required in order to determine whether the **landlord's** proposed course of action to remedy the breach of your lease is fair and therefore whether we should provide our consent to such action.

We will also be informed by your **landlord** of any lease extension or deed of variation relating to your lease. We need to know about this because it could change the **rent** that you pay or because, under the terms of our loan agreement, your **landlord** may require our prior consent. It may also be the case that the Land Registry requires our consent before your **landlord** can make certain changes to your lease.

Legal grounds for processing your personal data

We are allowed to **process** your **personal data** on certain legal grounds:

- **Legitimate interests pursued by the controller or a third party.**

It is in our, and your **landlord's**, legitimate interests to process your **personal data**. Part of our business is to make loans to our **borrowers** and our **borrowers** have a right to raise money by using their assets as security. We receive minimal information about you, a significant amount of which is publicly available on the Land Registry. We only receive more detailed information if we need to provide our consent to a change to your lease (such as an extension) or you are in breach of your lease, and in that case we have an interest in ensuring that any breach is remedied in order to ensure the value of the property is retained and to prevent our **borrower** from defaulting on its obligations under the loan agreement it has with us.

The other uses of your **personal data** are to monitor compliance with the terms of our **borrower's** loan, or, if our **borrower** defaults or an event related to your managing agent occurs, to appoint a new managing agent to collect **rent** directly from you. It also allows us to operate our business and sell our interests in loans to other providers of finance like us.

The rights that we have in the loan agreement do not affect your property, the terms of your lease or the amount of **rent** payable.

You can object to **processing** that we carry out on the grounds of legitimate interests. See the section headed **Your rights** to find out how.

- **Establishment, exercise or defence of legal claims.**

As noted above, if our **borrower** defaults on its loan or an event related to the managing agent occurs, we need to be able to exercise our legal rights in respect of the loan agreement. This might involve **processing** your **personal data** and your **special category data**.

How do we keep your personal data secure?

We take the security of information, infrastructure and applications very seriously. 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. In addition, we are certified to Cyber Essentials, a government-backed scheme demonstrating cyber security.

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** which are compliant 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 keep your **personal data** until six years after the date of the final repayment of our loan by our **borrower**.

Who has access to your personal data?

We share **personal data** with a variety of companies and other organisations. However, we only do so where it is to help us satisfy one of the objectives described in the above section titled "**Legal grounds for processing your personal data**".

We have detailed the types of companies and other organisations with whom we currently share **personal data** with below.

1. Back-up Managing agent

We appoint a back-up managing agent to hold details of our loans, including the properties that we have charges over, the leaseholders of each property and 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. Currently, we use Gateway Property Management Limited as our back-up servicing agent.

2. 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. Professional advisers

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

4. IT service providers

Our main IT infrastructure and core software is provided by Goldman Sachs. This means that **personal data** we **process** is stored on Goldman Sachs' IT systems. The **personal data** is not available to Goldman Sachs staff

5. 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.

6. 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 archiving, document scanning and copying companies, document destruction companies and printers.

7. 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.

8. Law enforcement authorities and other organisations to whom we are required by law to disclose

We may occasionally be required by law to disclose your **personal data** to law enforcement agencies and others.

Your rights

You have the following rights under **data protection** laws:

- The right to object to us **processing** your **personal data**
- The right to correct any mistakes in your **personal data**
- The right to restrict our **processing** of your **personal data**
- The right of access to **personal data** relating to you (known as 'Subject Access Requests')
- The right to require us to delete your **personal data**
- Rights in relation to automated decision-making (not relevant here)
- The right to have your personal data provided to another **controller** (Note that this right is not relevant here)

These rights are described in the following section **Your rights in more detail**.

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**.

You can also make a request to exercise your rights via your **landlord**. If you choose to do this, your **landlord** will notify us and we will respond to your request.

When seeking to exercise any of your rights, please ensure that your request contains sufficient information and supporting documentation to enable us to consider your request and take appropriate action.

There are exemptions that apply to some of your rights. If any of these are applicable such that we are unable to comply with your request to exercise any of your rights, we will confirm this to you when responding to your request and apply those exemptions in accordance with **data protection laws**.

What will happen if your rights are breached?

You might be entitled to compensation for any damage caused by contravention of **data protection laws**.

Your rights in more detail

Your right to object to us processing your personal data

You may object to us **processing** your **personal data** where we rely on a legitimate interest as our legal grounds for **processing**. The section headed **Legal grounds for processing personal data** explains where this is the case.

If you object to us **processing** your **personal data** we will no longer be able to **process** your **personal data** unless we can demonstrate compelling grounds for continuing to do so. Although we will consider any objection on a case-by-case basis, we believe we have demonstrated compelling grounds in the section headed **Legal grounds for processing personal data**.

Your right to correct any mistakes in your personal data

You can require us to correct any mistakes (including adding missing information) in any of your **personal data** which we hold.

Your right to restrict our processing of your personal data

You may request that we restrict the **processing** of your **personal data** in any of the following circumstances:

- Where you do not think that your **personal data** is accurate. In this case we will start **processing** again once we have checked the accuracy of your personal data and it has been corrected if necessary
- Where the **processing** is unlawful, but you do not want us to erase your **personal data**
- Where we no longer need the **personal data** for the purposes of our **processing**, but you need the data to establish, exercise or defend legal claims
- Where you have objected to **processing** because you believe that your interests should override our legitimate interests. In this case we will start **processing** again once we have checked whether or not our legitimate interests override your interests

If our **processing** is restricted in any of the circumstances described above, we will inform you in advance if that restriction is to be lifted.

Your right to access your personal data (Subject Access Request)

You can ask us to confirm whether we are **processing personal data** relating to you. If we do, you may ask us to provide the following:

- A copy of your **personal data** (please note that, if you want more than one copy of your **personal data**, we reserve the right to charge a reasonable fee based on our administrative costs for the provision of such further copies)
- Details of the purpose for which your **personal data** is being, or is to be, **processed**
- Details of the recipients or classes of recipients to whom your personal data is, or might be, disclosed, including, if the recipient is based in a country outside of the United Kingdom or European Economic Area, what protections are in place in relation to the transfer to that recipient
- The period for which your **personal data** is held (or the criteria we use to determine how long it is held)
- Any information available about where we obtained your **personal data** from
- Confirmation as to whether we carry out any automated decision-making (including profiling) and, where we do, information about the logic involved and the envisaged outcome or consequences of that decision or profiling

Your right to require us to delete your personal data

You can ask us to delete your **personal data** in any of the following circumstances:

- You believe that we no longer need to **process** it for the purposes set out in this privacy notice
- You had given us consent to **process** it, but you withdraw that consent and there are no other legal grounds upon which we can **process** it
- You have successfully objected to our **processing** it
- It has been **processed** unlawfully or has not been erased when it should have been

Your rights in relation to automated decision-making

You have the right to ask a **controller** to review manually any automated decisions the **controller** makes about you. However, please note that we do not carry out decision-making by automated means in connection with our loans made to **borrowers**.

Your right to have your personal data provided to another controller

In specified circumstances, an individual can ask a **controller** to provide them with an electronic copy of **personal data** about them that they have provided to the **controller**, or to have such a copy transmitted directly to another controller. Those circumstances do not, however, apply in relation to our **processing** of **personal data** in connection with our loans made to **borrowers**. This is because we do not rely on consent or performance of a contract as our legal grounds for **processing**.

Contact details

Any queries regarding your property should in the first instance be directed to your **landlord's** managing agent whose contact details can be found on the invoices issued to you and on its website.

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 the **data protection laws**
- 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 us at **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**

How to make a complaint

If you have a problem or concern relating to the matters set out in this privacy notice that you would like us to look into, please contact us in the first instance.

We hope that we will be able to address the problem or concern to your satisfaction. However, if you remain unsatisfied you will 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 can be found on its website. 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**

Glossary

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

borrower: the **landlord** (or their group company) 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 person who determines the purposes for which, and the manner in which, any **personal data** is **processed**

data protection laws: the **GDPR** the Data Protection Act 2018 and any other data protection or privacy laws, regulations and provisions which apply in the UK from time to time

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** needs to follow the statutory legal process in order for a court to grant the **landlord** with a possession order

GDPR: the General Data Protection Regulation (EU) 2016/679 as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018

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

personal data: any information relating to an identified or identifiable living 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

processing 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

special category 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

Schedule

Landlords

A J Wait & Co Ltd

Amicrest Recovery 52 Ltd

Annanbury Limited

Backpen Limited

Blackthorn GR Limited

Blanco Estates Limited

Blencare Limited

Bradmosse Limited

Brenbase Properties Limited

Brigante Properties Limited

Byron Halls Limited

Calibri GR Limited

CG Three Limited

Chichester Freeholds Limited

Citistead Limited

Countryside Three Limited

Danecarr Limited

Development Securities (No 76) Limited

Development Securities (Romford 2) Limited

Eclipse Ground Rents Limited

Fairhold Apollo Limited

Fairhold Artemis Limited

Fairhold Athena Limited

Fairhold Atlas Limited

Fairhold Crescent Limited

Fairhold Freeholds No 2 Limited

Fairhold Homes (No 16) Limited

Fairhold Homes (No 17) Limited

Fairhold Homes (No 18) Limited

Fairhold Homes (No 19) Limited

Fairhold Homes (No 20) Limited

Fairhold Leda Limited

Fairhold Mercury Limited

Fairhold Properties No 4 Limited

Fairhold Properties No 5 Limited

Fairhold Properties No 6 Limited

Fairhold Properties No 7 Limited

Fairhold Properties No 8 Limited

Fairhold Properties No 9 Limited

Fairthatch GR Limited

Flambayor Limited

Frays Property Management (No 3) Limited

Freehold Properties 25 Limited

Freehold Properties 26 Limited

Freehold Properties 32 Limited

Freehold Services Limited

Gateway (AUB) Limited

Gateway (NWB) Limited

Gateway Freeholds Limited

Gateway Ground Rents Limited

Gateway Ground Rents No 1 Ltd

Gateway Ground Rents No 2 Ltd

Gateway Holdings (AUB) Limited

Gateway Holdings (NWB) Limited

Gateway Properties No 1 Ltd

Gateway Properties No 2 Limited

Gateway Property Holdings Limited

Gateway Reversions Limited

Gradehurst Management Limited

Ground Rents Gateway Limited

Hadham Securities 4 Limited

Hadham Securities No 6 Limited

Hands Off Limited

HB Ground Rents 2010 Limited Partnership

Investment Freeholds (Parkside) Limited

Iris GR Limited

Ishguard Limited

Jessica Ventures Limited

Kamario Limited

Lamda GR Limited

Littleblade Investment Properties Limited

Long Term Reversions (Dulwich) Limited

Long Term Reversions (Glastonbury) Limited

Long Term Reversions (Harrogate) Limited

Long Term Reversions (Penzance) Limited

Long Term Reversions (Torquay) Limited

Long Term Reversions Limited

LTR (Altitude Point) Limited

LTR (Bedford House) Limited

LTR (Bermondsey Works) Limited

LTR (Bourchier Court) Limited

LTR (Caledonian Road) Limited

LTR (Liberty Buildings) Limited

LTR (Regency Heights) Limited

LTR (Riverwalk) Limited

LTR (Venue) Limited

LTR Freehold (Brandon) Limited

LTR Freehold Limited

LTR Rooftop Developments Limited

Lylecraft Limited

Magnus Design Limited

Magnus Midland Limited

Parkbrace Limited

Perseus Exchanges Limited

Perseus GR Limited

Perseus Properties No 2 Limited

Proxima GR Properties Limited

Quadro Developments Ltd

Radcliffe Investment Properties Limited

Ramvel Limited

Retirement Care (BH) Limited

Reversions Limited

RG Capital Partners Limited

RG Reversions 2014 Ltd

RG Securities (No 2) Limited

RG Securities (No 3) Limited

RMB 102 Limited

Rockwell (108) Limited

Rockwell (120) Limited

Rockwell (FC100) Limited

Rockwell (FC101) Limited

Rockwell (FC102) Limited

Rockwell (FC103) Limited

Rosleb Limited

Roswall Limited

Rowan Finance Limited

Rowan Land Limited

Samnas Limited

Sanhall GR Limited

Sendtour Limited

SF 103 Limited

SF 104 Limited

SF 105 Limited

SF 201 Limited

SF 3US Limited

SF 5US Limited

SF 803 Limited

SF Aldingbourne Estates LLP

SF Funding Limited

SF General Partner (Ground Rents 2010) Limited

SF General Partner (Ground Rents 2010)
Nominee Limited

SF GR2010A Limited

SF GR2010B Limited

SF GR No 5 Limited

SF GR Properties No 2 Limited

SF GR2 Limited

SF Ground Rent No 1 Limited

SF Ground Rents Limited

SF Ground Rents No 15 Limited

SF Ground Rents No 18 Limited

SF Ground Rents No 21G Limited

SF Ground Rents No 22G Limited

SF Ground Rents No 23G Limited

SF Ground Rents No 1 LLP

SF Ground Rents No 11 LLP

SF Ground Rents No 2 LLP

SF Ground Rents No 5 LLP

SF Ground Rents No 8 LLP

SF Member No 1 Limited

SF Member No 2 Limited

SF Property (South) Limited

SF T101 Limited

SF T105 Limited

South London Ground Rents Ltd

Stanley N Evans (Estates) Ltd

Theowal Limited

This is G2 Limited

Tor Sands Freehold Limited

Trinity Green Reversion Limited

Twinleaf GR Limited

Vega 1001 Limited

Vega 603 Limited

Vega Ground Rents No 3 LLP

Vega Ground Rents No 4 LLP

Vega Ground Rents No 6 LLP

Vega Holdco 1 Limited

Vega Holdco 2 Limited

Vega Holdco 3 Limited

Vega Holdco 4 Limited

Vega Holdco 5 Limited

Vega Holdco 6 Limited

Vega Properties No 3 Limited

Venus GR Limited

Victoria Investments No 2 Limited

Waterglen Limited

Whitelake Properties Investment Limited

Worsley Investment Properties Limited

Zeta GR Limited

Zonemeadow Limited

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.

Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority
and Prudential Regulation Authority. Firm Reference Number 466067.