

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 the rent payable under your lease.

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 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 its 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 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 the lease you may be required to pay your **landlord rent**. As security for our loan, our **borrower** (who is also your **landlord** or in the same group of companies as your **landlord**) has granted us a charge of its interest in these properties in the loan agreement that it signs when it takes the loan from us.

This means that if our **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.

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.

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.

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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.

What personal data do we process?

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

- Name
- Address of property
- Correspondence address (if different)
- Amount of **rent** due to be paid to the **landlord**
- Lease start date and end date
- Use of property
- Details of breaches of lease, including arrears

If our **borrower** breaches the loan agreement it has with 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 rent from you. At that point, we may need further **personal data** as necessary for us to collect the rent.

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), we might receive information about your specific circumstances, which could include **sensitive personal data** such as information about your health or other benefits you receive. These are required in order to determine (with your **landlord**) the fairest course of action for seeking a remedy for breach of your lease.

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 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 personal data?

When we provide a loan to a **borrower**, the **borrower** will enter into a loan agreement. The loan agreement provides us with a right to appoint a new managing agent to collect **rent** of the charged properties 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 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 you breach the terms of your lease (for example, by falling into arrears or missing payments) at any time, we might need to review your circumstances and liaise with your **landlord** in order to determine the best course of action for remedying the breach. We might need to carry out this review because the Land Registry requires our consent before your **landlord** can make certain changes to their property and to your lease or because our loan agreement with our **borrower** requires them to obtain our consent before they or your **landlord** take other actions.

We will be informed by your **landlord** of any lease extension, deed of variation, sale or other transaction relating to your lease. We need to know about this because it could change the **rent** that you pay or because your **landlord** needs our consent for the same reasons as set out in the paragraph above.

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, most of which is 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) where we may need to consent to the terms offered by your **landlord** 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 only 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. 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.**

If our **borrower** defaults on its loan or an event related 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 **sensitive personal 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 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 personal data?

We share **personal data** with a variety of other companies in order to operate our business and make loans to **borrowers**. Where required by law or law enforcement authorities, we will share personal data with them to comply with law.

The companies we share **personal data** with are **processors**. This means that 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. We only share the **personal data** that these companies need to provide their services to us.

1. Back-up servicing agent

We appoint a back-up service 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 service agent who will collect **rent**. In such circumstances the back-up servicing 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 servicing 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.

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.

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** (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**.

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. 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 European Union, 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

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 **groundrent-gdpr@rothesay.com** or write to:

Compliance – GDPR
Rothesay
The Post Building
100 Museum Street
London WC1A 1PB

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

> 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** and any other data protection or privacy laws, regulations and provisions which apply in the UK from time to time

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 (the "GDPR"), and the Data Protection Act 2018 and any other national legislation that relates to data protection and privacy

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

personal data: any information from which a living individual can be identified, 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 person or service provider who **processes personal data** on behalf of a **controller**

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

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

Rothestay

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