



# GDPR Handbook for agents

The content of this document is for information only and is not intended to be construed as legal advice and should not be treated as a substitute for specific advice (although we hope you won't need any expensive legal advice after you have read this).



# GDPR handbook

With the GDPR deadline fast approaching, ensure your agency is ready. BestAgent's GDPR handbook has been created to help you easily understand what is required of your business before the 25 May 2018 deadline, as well as saving you from the lengthy 11-chapter read detailing GDPR regulations.

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# Easy Introduction to GDPR

GDPR requires that you record consent to contact anyone you speak to, and separately record consent before sharing anyone's details with third parties.

Simplified specifics:

- . Record each applicant's consent to contact them.
- . Do not share anyone's personal details without recording their prior consent.
- . Be prepared to present the information you hold on each person promptly.
- . Be prepared to delete anyone's personal details from your system on request.
- . Educate your staff about these points, because a violation will be costly.

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# Background on GDPR

The General Data Protection Regulation (GDPR) regulates personal data, data controllers (i.e. agents) and data processors (i.e. software providers).

As an agent, you use personal data every working day. This includes:

- . Phone numbers
- . ID numbers
- . Email addresses
- . Photos
- . IP address information
- . Applicant information
- . Financial information

You control the personal data held on your applicants, vendors, landlords, tenants and staff. This is why the change in GDPR is highly important for estate and letting agents.

The change in regulations has a significant impact on businesses, although none more so than agents who hold a wide range of data. BestAgent's GDPR handbook is designed to help your agency implement the changes, whilst providing practical and necessary steps, in time for that all-important deadline.

You're not in it alone: Business management software, portals and tech tools are all affected by GDPR because they process personal data. The same rules that apply to you also apply to your agency suppliers and partners. As such, you must ensure your agency is equally demanding of your software provider and partners, to avoid the situation where you become liable for the shortcomings of your software provider.





# What happens if you break GDPR rules?

Put very simply, you face a fine of 4% of your annual business turnover rate or £20m, whichever is higher.

Do not bury your head in the sand.

Many businesses are currently breaking current data privacy laws, as enforcement hasn't been rigorous.

With the introduction of GDPR, the penalties are worse and there is greater emphasis on consumers to question what data businesses hold. Therefore, they can question how you got their data, why you have it, and whether you violated their privacy rights.

Privacy is highly important to consumers. As a result, it should be taken seriously by enforcers.

We've all been there, getting emails and phone calls we don't want. GDPR is designed to prevent this. So, if you follow these steps, you will be in compliance with the most drastic changes yet in data privacy law.



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# Marketing

Your agency should NOT:

- . Send emails or correspondence of any kind, or make phone calls to people who have not given you permission ("consent" in the GDPR) to contact them.
- . "CONSENT" IN GDPR REQUIRES THE APPLICANT OPT-IN, RATHER THAN OPT-OUT. This means they must tick the "I accept" box, rather than un-tick it to opt-out of contact.
- . Accept or purchase contact lists from third parties, unless they show you that they have consent from every single person on that list to give their information to you.

Your agency can:

- . Send marketing letters to homes in your target area (addressed to "homeowner") because street addresses are public information.
- . Purchase directed-virtual advertisements (Facebook ads, for example).
- . Capture contact information online and in person, if you have consent to contact the individual using that information.

<http://www.tpsonline.org.uk/tps/index.html>

Your agency must:

- . Make it easy for people to opt-out of all forms of marketing.
- . Check phone numbers against the Telephone Preference Service (TPS) list before making any unsolicited calls and keep an up to date "do not call" list.
- . Record consents
- . When an applicant provides you contact information in person, have them sign/initial a statement that says: "I authorise \_\_\_ to contact me regarding their property sales/letting services."
- . When an applicant provides you contact information online, have them tick a box with the same language. Instruct your IT team to record this.
- . Purge anyone's information if you have not obtained and recorded authorisation to contact them, of course aside from your active vendors.



Feefo is a global reviews and customer analytics solution, helping over 4,000 clients to boost sales & build trust. Feefo collects reliable, genuine and authentic customer feedback to deliver up to date insights so businesses and consumers can make better decisions.



# Template email for registering applicants

\*Please use the language in this template (and customise as you see fit) to ensure you have ticked all boxes for GDPR compliance.

When an applicant registers with you, send them an email confirmation and require their reply. Save this correspondence, indefinitely, in a separate email folder.

“Hello \_\_\_\_.

Please respond I AGREE to this email so we may begin the process of finding you a new home. If there is anything you do not agree to in the following points, please make explicit note of that in your response. Although, please note that point 1 is required for us to do our job.

By registering as an applicant with \_\_[agency]\_\_, you consent to the following:

1. Us retaining your personal information for the purposes of finding you a new home. We must be able to contact you. We will retain this information for as long as we need to do our job; and
2. Us passing along your information to related third party industry suppliers, whose services will help you move house.

Please respond to this email so we may help you find you your new home.”

This email gives the applicant the option of not agreeing to become a lead, while still letting them enter your database for the purpose of finding a home. If they respond and say “I Agree, but not to number 2,” you must put them in your “do not pass along to third parties” list.

Come 25 May 2018, you are not authorised to contact any applicants who have not actively consented to you doing so. So at a minimum, going forward (starting from today) make sure you send this email or similar to all newly registering applicants.

It is also worthwhile sending this template email out to all current applicants, to ensure you retain and record permissions.



# Registering applicants

Your agency should not:

- . Be sloppy about storing and recording contracts and consents.
- . Leave contact lists around carelessly - i.e. accessible by third parties.

Your agency must:

- . Set up security measures for your database, and write them in a document. You trust your staff, they are part of your team, but restrict shared lists and access. Create password-protected virtual lists, and maintain a lock on paper ones.
- . Obtain and record applicants' consent to being contacted.
- . If an applicant stops using your services, delete their data from your systems.



## Existing applicants

Your agency should not:

- . Pass any information to third parties, unless you receive consent to do so when a contact registers.
- . If it was an opt-out consent (they had to deselect the box if they did not want to consent), this is not valid come May 2018. Applicants must provide opt-in consent.
- . If this was opt-in consent and the language was clear (about with whom and for what purpose you were sharing their information), then this is sufficient.
- . Make sure you have a record of that consent somewhere.

Your agency must:

- . Continue to contact vendors for the purposes of doing your job. Your terms of engagement with a vendor is a legal basis for remaining in contact.
- . Send the template email to existing and historic applicants - basically your whole database aside from active vendors. You have until May to comply with GDPR, so for practical purposes, at a minimum, ensure that 100% of applicants registered going forward receive and reply to the template email supplied.
- . If you wish to pass along leads, you must get and record specific consent to do so.
- . Make it easy for data subjects to withdraw their consent, and if they do, you must inform the third parties that they've withdrawn their consent.
- . Do not delete your email to the third party(ies), because this is proof of your compliance.



# Send out matches and book viewings

Your agency should not:

- . Send out matches, or any communications, to applicants who have not given you consent to contact them.

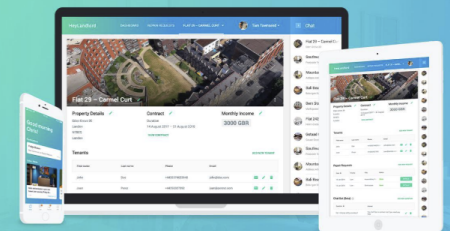
Your agency can:

- . Send out the template email provided by BestAgent to applicants and save their responses as proof of consent.
- . At a minimum, starting from today send out your template email to all newly-registering applicants.
- . Purge your system of any and all applicants who no longer wish to use your services, as ongoing correspondence is prohibited under GDPR.

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## Third party leads

Some agencies pass personal information to third parties for extra revenue, these are known as “introduction” commissions or “leads” commissions.

Your agency should not:

- . Pass along leads until you have been given opt-in consent.

Your agency must:

- . Explicitly obtain and record each person’s opt-in consent before you pass their information. This consent must be opt-in, and explain to what kind of third parties the information will be passed.
- . If a person revokes consent, you must tell any relevant third party they are not allowed to contact them further. Record your communication of the revocation.



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## CRM software

Your agency should not:

- . Assume that your CRM software complies with new or existing data privacy laws, as this won't always be the case.

Your agency should:

- . Centralise all the data you hold into one system.
- . Send an enquiry to your CRM software company asking them how they are preparing for GDPR.
- . Question whether your CRM easily show you all the information you have about a person? Can this information be easily deleted if necessary? Will your CRM automatically delete all previous contacts who have not recorded consent before 25 May, as they will no longer be permitted to hold such data without consent?
- . Make a list of all the software your company use that handles personal data e.g. MailChimp, Google Drive etc. and make sure they are password-protected.





## Staff education and training

Your agency should not:

- . Be lax about the security surrounding the personal data of your applicants.
- . Have staff who are uninformed on the basics of GDPR.

Your agency can:

- . Ensure all staff who have or might have access to personal data understand the GDPR basics - consents, contacting, informing subjects of rights, passing to third parties, etc.
- . Download a copy of this handbook for each of your staff, and have them sign it as proof that they have been educated on the basics.
- . Create a Security Policy that describes what data you keep, where you keep it, and what protection you have in place: This can be as simple as a typed up list of what databases have passwords.

Make sure your staff are aware of the security procedures you have in place for data.

Keep a checklist of what to do when an employee leaves your agency. This includes eliminating access to client databases, the former employee confirming they have purged their personal devices of all client information, and that they will not pursue interaction with clients.



## Useful information for business-owners

- . Data breach notification: You need a sure-fire way of knowing whether your system has been breached. Also, you need to have a system in place to notify your customers within 72 hours of it happening, even if you have sorted the breach.
- . Cookie Policy on your website: If you use cookies, you are gathering personal data, your cookie policy must require the visitor to accept before navigating on your site should suffice. You also should give the visitor options as to what cookies to turn off if they want.
- . Informing consumers of their rights: When you collect information on someone, they automatically get the right to: access that information at no cost, know how that information is being used, rectify that information, demand deletion, and to transfer that information.
- . Providing consumers with a copy of the information you hold on them. The outgoing DPA allows you to charge a fee for this. The new GDPR requires you provide this at no-charge.
- . Have a password-protected WIFI for your staff and a separate (open) one for your guests.

### CERTIFICATION:

I certify that I, \_\_\_\_\_, have read and understood this document in full.

Position at company: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

