



DATA PROCESSING NOTICE – CUSTOMER DATA

27th March 2023

This Notice is referred to and incorporated within the [Privacy Notice](#)

This Notice is relevant to the extent that we process the data of your customer

Dye & Durham UK (formerly Property Information Exchange Limited), its Subsidiary Companies and PSG Franchisees (“We”/ “Our”/ “Us”)

This Notice was originally published on 26th May 2018 and published as amended here on 27th March 2023.

See below for the definition of terms used in this Notice.

1. Data Protection

1.1 It is your responsibility to ensure that any Customer Data You (or your Introducers) provide to Us has been collected in accordance with Data Protection Laws.

1.2 Where We process Customer Data We shall:

(a) process Customer Data only in accordance with Schedule 1, unless You instruct Us to do otherwise or We are required to do so by Law.

(b) ensure that We have in place Protective Measures as appropriate to protect against a Data Loss Event having taken account of the:

- i. nature of the Customer Data to be protected;
- ii. (harm that might result from a Data Loss Event;
- iii. state of technological development; and
- iv. cost of implementing any measures;

(c) ensure that:

- i. our Personnel do not process Customer Data except in accordance with this Notice (and in particular Schedule 1);
- ii. We take all reasonable steps to ensure the reliability and integrity of any Personnel who have access to Customer Data and ensure that they are aware of and comply with our duties under this Notice, are subject to appropriate confidentiality undertakings with us or any Sub-processor, are informed of the confidential nature of the Customer Data and do not publish, disclose or divulge any of the Customer Data to any third party unless directed in writing to do so by You or as otherwise permitted by this Notice, and have undergone adequate training in the use, care, protection and handling of the Customer Data; and

(d) not transfer Customer Data outside of the EU unless We are satisfied that the recipient complies with its obligations under the Data Protection Laws by providing an adequate level of protection to Customer Data that is transferred;

(e) return Customer Data (and any copies of it) to You on termination of our agreement with You unless we are required by Law to retain it. Please note that We keep records of names and address of Customers and copies of certain Search Products without limit in time to be able to provide copies of such Search Products and investigate claims made in respect of the same. This is because We need to be able to investigate claims or provide copies of Search Products to You or the Customer. As the Search Products are used in conveyancing transactions and the need for re-examination of an order may arise at any time, particularly when the property is re-sold, We may need to retrieve the Search Product after many years. We will anonymise Customer Data where possible save as required above.

1.3 We shall share Customer Data with Suppliers as required to provide you with Search Products.

1.4 We shall notify you immediately if we:

- i. receive a Data Subject Access Request (or purported Data Subject Access Request);
- ii. receive a request to rectify, block or erase any Customer Data;
- iii. receive any other request, complaint or communication relating to either Party's obligations under the Data Protection Laws;
- iv. receive any communication from the Information Commissioner or any other regulatory authority in connection with Customer Data processed under this Notice;
- v. receive a request from any third party for disclosure of Customer Data where compliance with such request is required or purported to be required by Law; or
- vi. become aware of a Data Loss Event.

1.5 Taking into account the nature of the processing, We shall provide full assistance in relation to your obligations under Data Protection Laws and any complaint, communication or request made under clause 1.4 (and insofar as possible within the timescales reasonably required) including by promptly providing:

- i. full details and copies of the complaint, communication or request;
- ii. such assistance as You reasonably request as to comply with a Data Subject Access Request within the relevant timescales set out in the Data Protection Laws;
- iii. at your request, copies of Customer Data we hold;
- iv. reasonable assistance as You request following any Data Loss Event;
- v. such assistance as You reasonably request to comply with any request from the Information Commissioner's Office, or any consultation with the Information Commissioner's Office.

1.6 We shall maintain complete and accurate records and information to demonstrate its compliance with this Notice.

1.7 We shall allow you access for audits of this Data Processing activity on reasonable notice.

1.8 We have appointed a data protection officer (see the [Privacy Notice](#) for more details)

1.9 You acknowledge and agree that in the course of providing services We use third parties to provide Us with certain Search Products and other services and in some instances this requires Us to share Customer Data with these third parties on Your behalf. This notice and the terms and conditions of the third party govern their and Our limits of liability for the service they have provided at Your request.

1.10 We may, at any time on not less than 30 Working Days' notice, revise this Notice by replacing it with any applicable controller to processor standard clauses or similar terms forming part of an applicable certification scheme.

1.11 Our aggregate liability in respect of any loss, cost, harm, expense (including reasonable legal fees), liabilities or damage suffered or incurred by You or agreed to be paid by You as a result of a Data Loss Event, Our breach of the Data Protection Laws or otherwise by breach of this Notice shall be limited to £100,000.

1.12 You shall indemnify us against any loss, cost, harm, expense (including reasonable legal fees), liabilities or damage suffered or incurred by us from a breach of your obligations under this Notice.

Definitions used in this Notice

Data Protection Laws: means any applicable UK or EU law relating to the processing, privacy, and use of Personal Data, as applicable to Us and/or the Subscribed Services including: the EU Data Protection Directive (95/46/EC) as implemented in each relevant jurisdiction; the Privacy and Electronic Communications (EC Directive) Regulations 2003 and the EU Privacy and Electronic Communications Directive 2002/58/EC as implemented in each relevant jurisdiction; and the General Data Protection Regulation EU 2016/679 (GDPR); and any corresponding or equivalent national laws or regulations and any amending, equivalent or successor legislation to any of the above from the date that they come into force and the guidance and codes of practice issued by the Information Commissioner or any other supervisory authority in any relevant jurisdiction;

Controller, Processor, Data Subject, Personal Data, Personal Data Breach, data protection officer take the meaning given in the GDPR.

Data Loss Event: any event that results, or may result, in unauthorised access to Personal Data held by us under this Notice, and/or actual or potential loss and/or destruction of Personal Data in breach of this Notice, including any Personal Data Breach.

Customer Data: includes contact data, transaction data, financial data, identification data.

Data Subject Access Request: a request made by, or on behalf of, a Data Subject in accordance with rights granted pursuant to the Data Protection Legislation to access their Personal Data.

Introducer: any individual, firm or entity whom You allow to access our services on Your behalf;

Search Products: the property related products including AML and insurances We are able to provide;

Personnel: means all directors, officers, employees, agents, consultants and contractors of either party.

Privacy Notice: Our Group Privacy Notice at [\(link\)](#)

Protective Measures: appropriate technical and organisational measures which may include: pseudonymising and encrypting Personal Data, ensuring confidentiality, integrity, availability and resilience of systems and services, ensuring that availability of and access to Personal Data can be restored in a timely manner after an incident, and regularly assessing and evaluating the effectiveness of the such measures adopted by it.

Schedule 1 Processing, Personal Data and Data Subjects

Subject matter of the processing - We process Customer Data only as relevant to the order of products and services from Us.

Duration of the processing- We process this data for the period required to fulfil these services.

Type of Personal Data- contact data, transaction data, financial data, identification data.

Categories of Data Subject – your Customers or prospective Customers.