

## **PRIVACY DECLARATION OF Elegant Homes Marbella**

(version 16 March 2020)

This Privacy Statement applies to all users of the <https://www.eleganthomesmarbella.be> website and all its sub-sites (hereinafter referred to as 'the Website') provided by Elegant Homes Marbella S.L., having its registered office at 29679 Benahavis -Malaga - Spain, Urb Alcuzcuz, Res Azalia Blq4, registered with the Crossroads Bank companies under number CIF B93615946. Elegant Homes Marbella S.L. is the owner and manager of the Website.

### **Why a privacy statement?**

Your privacy is very important to Elegant Homes Marbella. We therefore abide by the privacy laws. This means that your data is safe with us and that we always use it correctly. This privacy statement informs visitors to <https://www.eleganthomesmarbella.be> about the way in which personal data is collected and processed by us. By doing so, we express our intention to process personal data in a transparent manner in accordance with the General Data Protection Regulation (AVG/GDPR).

We pay particular attention to the protection of the privacy of visitors and users of the website and therefore undertake to take all necessary, reasonable and feasible measures to protect personal data against loss, theft, distribution and all other unauthorised use.

"Personal data" means any information relating to an identified or identifiable person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by means of an identifier such as a name, an identification number, location data, an online identifier or one or more elements characterising the physical, physiological, genetic, psychological, economic, cultural or social identity of that natural person.

If the visitor or user wishes to respond to one or more of the provisions listed below, he or she can contact us at the following address: 29679 Benahavis -Malaga - Spain, Urb Alcuzcuz, Res Azalia Blq 4 or via the following e-mail address: [info@eleganthomesmarbella.be](mailto:info@eleganthomesmarbella.be) .

This privacy statement applies to all information transmitted to us by electronic means or as a result of a direct visit to our offices or contact with an employee on site. This information can be collected using the forms on our Website as through the information you provide us via email or directly following a visit.

Please note that when you contact us via another electronic medium (such as Facebook or Twitter), the privacy policy of those websites takes precedence in the event of conflicts with this privacy statement.

### **For which personal data are processed**

For all processing we ask you, as a future or current customer of Elegant Homes Marbella, your consent to the processing of personal data or we process them when they are necessary for the execution of the agreement between you and Elegant Homes Marbella.

In case we obtain data from you via the Website, all processing of personal data will take place on the basis of the legal basis 'consent'. In case we obtain data from you as a result of an agreement that you enter into with us, the processing ground for these data is "the execution of an agreement".

In some cases, other legal grounds may underlie the processing of personal data.

In the following we will explain the purposes of data processing as well as which personal data will be used for this purpose.

We collect and process the following personal data for the following purposes:

### **1.To get in touch with you**

Through the various forms on the website you can request information or contact us:

**1.1.** You can use the contact form to request general information. In order to comply with this information obligation, we process the following personal data about you

-Name

-First name

-E-mail address

-telephone number

We have obtained your consent to the use of this information. This data will be kept by us for up to 1 year after we are sure that you have received a complete answer to your question. If you contact us again within the year, we can give you a faster and more appropriate answer.

**1.2.** Through the form request brochure renovations, you want us to send you our digital brochure about renovation projects and possibilities. In order to comply with your request, we will process your following personal data:

-Name

-First name

-E-mail address

-telephone number

We have obtained your consent to the use of this information. This information will be kept by us for up to 1 year after you have received the digital brochure. If you contact us again within the year, we can give you a faster and more appropriate answer.

**1.3.** Through the form "subscribe to newsletter" you want to stay informed about offers and the possibilities of buying a property in Spain. In order to keep you informed, we process the following personal data about you:

-E-mail address

We have obtained your permission to use this information. Your e-mail address will be kept as long as you notify us of your un subscription from the newsletter. For reasons of proof, we will keep your e-mail address and the date of unsubscribing from our newsletter for a period of 1 year after you unsubscribe.

**1.4.** Through the form "request for a visit" you want to explore with us the possibilities of a visit on site. In order to further explore this option with you, we will process the following personal data about you:

-Name

-First name

-E-mail address

-telephone number

We have obtained your consent to the use of this information. This data will be kept by us for up to 1 year after you have either actually made a trip or decided not to make a visit. If you contact us again within the year, we can give you a faster and more appropriate answer.

## **2. To comply with our contractual obligations**

**2.1.** When we conclude a sales order with you, we process the following personal data about you:

-Name

-First name

-Address

-E-mail address

-Telephone number

-KBO number

We process these data on the basis of "the execution of an agreement" that we concluded with you. At the end of the execution of our order, we retain this data for the legally required retention period. The basis is then "compliance with a legal obligation". This data is shared with lawyers, the intervening notary when a sale is concluded, the buyer and the broker.

**2.2.** When we enter into a preliminary sales agreement (compromise), we process the following personal data about you

-Name

-First name

-Address

-E-mail address

-Telephone number

-Registration number

-Date of birth

We process these data on the basis of "the execution of an agreement" that we concluded with you. At the end of the execution of our order, we retain this data for the legally required retention period. The basis is then "compliance with a legal obligation". This data is shared with lawyers, the intervening notary when a sale is concluded, the buyer and the broker.

## **3. In the context of conflict management**

**3.1.** In order to prepare our defence and evidence in the context of disputed cases, we process the following personal data about you

-Name and first name

-E-mail address

-Telephone number

-Address

We invoke our legitimate interest in this respect. The data will be kept for a period of and up to 2 years after the period for filing disputes or legal actions. This data is shared with lawyers, bailiffs, courts, experts and all parties called upon for this purpose.

**3.2.** In order to collect outstanding debts towards us, we process the following personal data from you

-Name and first name

-E-mail address

-Telephone number

-Address

We invoke our legitimate interest in this respect. The data will be kept until full payment has been obtained. This data is shared with lawyers, bailiffs and courts.

**4.** Within the framework of the general management of Elegant Homes Marbella

**4.1.** Visiting tours before booking

If you ask us to arrange a visit to our premises for you, we will process the following personal data about you:

-Name and first name

-Address details

-E-mail address

-Telephone number

-Date of birth

-Place of birth

We obtained your permission for this. This data will be processed for a period of 1 year after either the trip or the request for information about visiting trips. This data is shared with the tour operator, tour operator, airline company, etc.

**4.2.** Websites

In order to ensure the proper functioning and security of our websites, the following personal data is processed by placing different types of cookies

-IP address

-Used browser

-Device with which you visit our website

-What pages of our website you visit and how long you stay on each page

Except for cookies that are strictly necessary, we have obtained your permission for this. In the cookie policy you can read all about how long these different types of cookies are stored and who they are all shared with.

**4.3.** In order to enable us to develop our commercial relationship with you, we process the following personal data about you

-Name and first name

-E-mail address

-IP address

-Used browser

-Device with which you visit our website

-What pages of our website you visit and how long you stay on each page

We obtained your permission for this. These personal data will be processed by us until you withdraw your consent.

In order to comply with legal obligations

**5.1.** In order to comply with our tax obligations, we process the following personal data about you

-Name

-First name

-Address details

The basis for this is the execution of a legal obligation. Depending on the legal basis, the data will be kept for the duration of the legal retention obligation.

### **New purposes**

We may use your information for new purposes, which have not yet been provided for in our privacy policy. In that case we will contact you by e-mail or via the website before using your data for these new purposes, to inform you of the changes to our privacy rules and to give you the opportunity to refuse your consent.

### **Way of data collection**

We collect personal information from you in the following ways:

-Via the quotation form

-Via sent e-mails

-Via a sales contract

-Via a provisional sales contract

-By placing cookies on your browser

Statistics and profiling

We keep statistics about the use of our website. We use these statistics to improve our website so that, for example, only relevant information is shown. We may combine your personal information to learn more about you. Of course, we will respect your privacy at all times.

**The statistics we keep are always anonymized.**

In the statistics we can also see your individual data

Our statistics are done via Google Analytics. We do not allow Google to use the obtained Analytics information for other Google services. We do not let Google anonymize the IP addresses.

For the use of this data have your permission. If you do not give us permission, we will not process this data.

**Minors**

We ensure that minors' privacy is protected and encourage parents to be actively involved in their children's online activities.

Elegant Homes Marbella will not knowingly or intentionally collect personal information from minors.

Elegant Homes Marbella encourages minors, when they visit our website, to inform their parents about their online activity and ask for their opinion before transmitting any personal information to us.

**Who has access to your data?**

We have access to your data when it is necessary to carry out a processing operation as described above.

We will not pass on your data to third parties without your consent.

Your data is stored in a hard drive to which access is restricted and the necessary technical and organizational measures have been taken to ensure security. Persons who have access to the hard disk are bound to secrecy.

We may share your information with the following parties:

- With our staff to carry out their assignment.
- With our affiliated companies and external service providers who provide services or process data on our behalf, or for data centralization and/or logistic purposes. They only act as processors, and only use your data under our strict conditions. We have concluded a processing agreement with each of them.
- With suppliers, consultants, marketing partners and other service providers who need access to such information in order to work on our behalf. -They, too, only act as processors, and thus only use your data under our strict conditions.
- With the competent authority in response to a request for information if we believe that disclosure is in accordance with, or otherwise required by, any applicable law, regulation or legal process.
- We will not transfer your data to processors outside the EEA (European Economic Area) without your express consent".

**Advertising**

We would like to send you advertisements about offers and new products or services. We do this in the following ways:

- by post
- by email
- via social media
- by phone

You may object to this advertising at any time in the following manner:

- Every letter says how.
- Each e-mail contains an unsubscribe link.
- You can block us or use the unsubscribe option.
- You can indicate this when you receive a call.

### **Location details**

When you visit our website, we will never try to find out where you are at that time.

### **Advertisements**

Our website does not display any general advertisements.

### **Cookies**

When visiting our website or using a digital application or app, cookies, files and technologies may be used that store information on your terminal equipment (PC, laptop, smart phone, tablet, etc.) or access information already stored on your terminal equipment.

Visitors to our websites, apps or applications may refuse or allow the use of these cookies, files and technologies, except for purely functional cookies that can never be refused. You may change your consent at any time.

These files and technologies may include cookies, web beacons or pixel tags, log files, settings and information on your terminal equipment and the like.

A complete overview of cookies can be found in our cookie policy.

We ensure that the files and technologies we use do not contain viruses or other harmful applications. These files and technologies are sometimes temporary (session cookies, which are deleted when you close the browser), sometimes permanent (persistent cookies, which remain until they expire or until you delete them), or sometimes both.

Some of these cookies, files and technologies are placed and managed by third parties and are required, among other things, to share information via social media and/or enable certain applications on our applications. When third parties use such files and technologies through our website to automatically collect, process and possibly enrich data, we are not responsible.

Some of the files and technologies used described here contain information that may directly or indirectly identify you. For more information and your rights regarding the processing of personal data, please refer to the section on your rights.

## **You can manage cookies in different ways:**

There are several ways to manage the cookies that are placed on your device when you visit our website.

Some cookies cannot be disabled. Please note that deleting our cookies or disabling future cookies may prevent you from accessing certain areas or features of our site.

### **1.Cookie Consent Tool/Manager**

You can manage the cookies set on your device by configuring the settings in the pop-up cookie banner/cookie tool. Strictly necessary cookies are indispensable as they ensure network communication. You can choose to accept or decline other types of cookies, such as performance or language preference cookies.

You can also modify the settings of your web browser to enable or disable cookies. Please note that if you use your browser settings to block all cookies, you may not be able to access parts of our Websites. These are links to the cookie settings of the most popular browsers:

- Google Chrome
- Internet Explorer
- Mozilla
- Opera
- Safari
- Safari for mobile apps

### **Security**

Security of personal data is very important to us. We make sure that your data is properly secured with us. Elegant Homes Marbella takes care of the appropriate technical and organizational measures in order to guarantee a level of security with regard to the processing of the collected data, in accordance with the risks that may occur with regard to the processing of the data and adapted to the nature of the data to be protected.

Elegant Homes Marbella takes into account the state of knowledge, the costs and the nature, scope, context and purpose of the processing, as well as the risks for the rights and freedoms of data subjects.

In the event that the personal data processed by Elegant Homes Marbella are violated, we will act swiftly in order to identify the cause, limit the damage and remedy the situation.

We will inform the persons concerned and/or the competent authority when the law obliges us to do so.

### **Changes to the Privacy Statement**

If our website changes, we will of course also have to change the privacy statement. So always pay attention to the date at the top and check regularly for new versions. We will do our best to announce changes separately.

Inspection of and changes to your data

The General Data Protection Regulation provides you as a user of this website with a number of rights, which can be invoked under certain conditions. Below you will find a list of these with a brief explanation.

### **What are your rights?**

The General Data Protection Regulation provides you as a user of this website with a number of rights which can be invoked under certain conditions. Below you will find a summary of these rights with a brief explanation. As indicated above, these rights can be invoked via the following channels:

#### **Right of inspection**

Right of access means first and foremost that we have to inform you about what happens to your data and that we have to describe your rights.

In addition, we must provide you with a copy of your personal data upon request. We have one month to do this unless this is (technically) impossible for us. You will receive a copy upon simple request via one of the channels mentioned above. Please note that only the first copy is free of charge. We reserve the right to ask you to provide us with proof of your identity (to prevent us from passing on your personal data to other persons). We will send you the information by e-mail, unless you specifically request the information by post or if an e-mail is not possible due to technical circumstances.

It is possible that certain documents may contain personal data of other persons who enjoy the same protection as you. We must therefore make certain documents anonymous, which may take some time. We will always inform you if we are unable to comply with the request within one month.

#### **Right of rectification (right of rectification)**

If we are in possession of incorrect or no longer up-to-date data, we will adjust this upon simple request. In the event that we ourselves suspect that your information is no longer up-to-date, we may contact you to verify this.

#### **Right to oblivion**

If you meet one of the criteria below, we will delete your data. Your e-mail address and/or telephone number and/or address and/or name will be saved on a blacklist so that our system will recognise that you no longer wish to be contacted.

#### **Circumstances in which we can remove your details:**

- We no longer process your data or no longer need them.
- You revoke your consent for a processing that was based solely on consent.
- You invoke your right of objection (see below).
- Your data have been processed unlawfully.
- There is a legal obligation to delete the data.
- Your data have been collected in connection with the provision of information society services.

There are some specific situations where the request for deletion cannot be complied with. Most of these situations are common in our sector. The reasons for not being able to comply with your request are one of the following:

- For compliance with a legal obligation.
- For archiving, research or statistical purposes in accordance with article 89 of the GTC.
- For filing, exercising or defending legal claims.
- For reasons of public health.
- The processing is necessary to exercise the right to freedom of expression and information.

### **Right to restrict processing**

We will suspend or stop processing in the event that we do:

- We are in possession of incorrect data.
- When our processing is considered unlawful.
- We no longer need the data, but you ask us not to delete them because you still need them.
- You object to the processing unless we are of the opinion that we have compelling legitimate grounds that outweigh your interests, rights and freedoms. If you disagree, we will suspend the processing until such time as this has been clarified.

If the restriction on processing no longer has a *raison d'être*, we will inform you of the reasons for lifting the restriction.

### **Right to notification**

When you exercise the above rights, with the exception of the right of access, we will pass this on to any recipient to whom the personal data has been provided, unless this proves impossible or involves a disproportionate effort. We will inform you about those recipients at your request.

### **Right to data portability**

All data you have provided to us, which we process on a consensual basis and which we process by automated means, will be sent to you or another controller (if technically possible) in "readable format" upon request. This enables us to provide you with an Excel file of your data or to transfer it to another party you designate.

### **Right of objection**

If we process data on the basis of a legitimate interest or on the basis of the performance of a task of general interest, you may object. We will examine your objection and only continue processing after examination if we can prove that we have a legal reason to continue processing. The conclusion of the investigation will be communicated to you.

If you object to direct marketing on the basis of legitimate interest, we will no longer send you direct marketing as soon as we receive your request.

### **Withdrawal of your consent**

You may withdraw your consent to the processing of your data at any time.

**However, there are two exceptions.**

1. If there is another legal basis for processing your data, we will still process your data within that legal basis.
2. Revocation of your consent cannot be used to circumvent contractual obligations. If you withdraw your consent, it will only work towards the future and all previous processing will be considered legal. If there is a need to perform a contract, your data will continue to be processed on that basis.

**You can revoke your consent by contacting us via:**

-Sending an e-mail to [info@eleganthomesmarbella.be](mailto:info@eleganthomesmarbella.be)-Het sending a letter to Elegant Homes Marbella, 29679 Benahavis -Malaga-Spain, Urb Alcuzcuz, Res Azalia Blq 4

**Filing a complaint**

If you feel that we are not helping you in the right way, you have the right to lodge a complaint with the data protection authority at 1000 Brussels, rue du Printépress 35 or via this link.

**Contact details** - address: Elegant Homes Marbella, 29679 Benahavis -Malaga - Spain, Urb Alcuzcuz, Res Azalia Blq 4-E-mail address: [info@eleganthomesmarbella.be](mailto:info@eleganthomesmarbella.be) -Telefoon: (+34) 646 140 816 or (+32) 472 055 262-Site: <https://www.eleganthomesmarbella.be>