

PROPERTY SERVICES  
REGULATORY AUTHORITY

INFORMATION SEMINAR  
FOR LICENSEES

2018

# General Data Protection Regulation (GDPR)

- ▶ 25 May 2018
- ▶ Data Protection Commission Website
- ▶ [WWW.GDPRANDYOU.IE](http://WWW.GDPRANDYOU.IE)
- ▶ Relates to Personal Data/Information held on your clients/employees
- ▶ Protecting and Securing personal data
- ▶ What personal data do you hold on Clients/Employees?
- ▶ Email addresses, Mobile phone numbers, PPS Numbers, Salary details, Home addresses

# GDPR

- ▶ What legal basis do you have to hold personal data
- ▶ Are you using personal data for purposes other than the original purpose for which personal data was provided?
- ▶ If YES, then you will be in breach of GDPR and if a complaint is made to the Data Protection Commissioners Office the complaint will be investigated.

# GDPR - HOLDING PERSONAL DATA

- ▶ Letting Property
  - ▶ Where personal data of prospective tenants are provided to you
    - ▶ References, Salary details, Contact details
      - ▶ Inform the person that where a prospective tenant is unsuccessful in acquiring the property, their personal details will be shredded
      - ▶ Send them an email confirming data shredded

# GDPR - HOLDING PERSONAL DATA

## ▶ Selling Property

- ▶ Where personal data of prospective purchaser is provided to you
  - ▶ Proof of Funds, References, Salary details, Contact details
    - ▶ Record sight of Proof of Funds and return document to prospective purchaser
    - ▶ Send them an email confirming data shredded

# GDPR - DATA RETENTION POLICY

- ▶ Legal Basis for retaining data
  - ▶ Property Services (Regulation) Act 2011
    - ▶ General Documents 6 Years
    - ▶ Client Regulation Documents 7 Years
  - ▶ Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 - 5 Years

# GDPR - Secure Personal Data

- ▶ Encryption
  - ▶ Computers, Laptops, iPads
- ▶ Anti- Virus
- ▶ Back-Up
- ▶ Remote Access
- ▶ Procedure to address breaches

## GDPR and the PSRA

- ▶ Communication with Licensees essential
- ▶ Communicate through email
- ▶ Permission Question is now on the licence renewal form to contact licensees on matters other than licensing
- ▶ Strongly request licensees to allow PSRA to contact licensees on matters other than licensing matters
- ▶ Engagement is critical



# LICENCE RENEWALS

- ▶ Majority of Licence Renewals on 5 July
- ▶ Letters of Invitations to Renew Licences will issue week commencing 9 April, 2018
- ▶ PIN Number critical to renew Licence online at [Licenses.ie](http://Licenses.ie)
- ▶ Place invitation letter in safe place
- ▶ Renewal deadline date 24 May 2018

# Licence Renewal Helpdesk

- ▶ Dedicated Helpdesk available from Wednesday 2 May 2018 to 29 May 2018
- ▶ 10am to 4pm
- ▶ Open through lunch
- ▶ Contact
  - ▶ 046-9033800
  - ▶ LoCall 1890 252712
  - ▶ Provide Direct Assistance

## New Licence Online Projects

- ▶ Online application form for New Employers - Live end March 2018
- ▶ Online application form for New Employees - Live June 2018
- ▶ Online Change of Employer Form - Planning Commenced
- ▶ Online Add new Category Application - Planning Commenced

# Complaints

- ▶ Average 300 complaints annually
- ▶ Poor Service Provision
  - ▶ Rudeness/Abusive Behaviour
  - ▶ Failure to Remove Signs when requested
  - ▶ False Advertising
  - ▶ Poor Communication
  - ▶ Delay in Refunding Booking Deposit
  - ▶ Details regarding VAT on prices quoted
  - ▶ What **IS** and **IS NOT** included in Sale

# Complaints

- ▶ Over Charging of Fees
- ▶ No Letter of Engagement, Letter of Engagement **NOT Signed or DATED**
- ▶ Withholding of Deposit, Holding Multiple Deposits on one property
- ▶ Not divulging Conflict of Interest
- ▶ Management of Property - Engagement Poor

# Code of Practice

- ▶ PSRA Strategy Statement 2017 - 2020
- ▶ Improper Conduct
  - ▶ Conflict of Interest
  - ▶ Bids
  - ▶ False Advertisement
  - ▶ Communication/Behaviour with Clients and Purchasers
  - ▶ Timelines e.g. return of deposits, payment of rents
  - ▶ Management Agent as members of OMCs
  - ▶ Agent has relevant competence and therefore reasonable expectation of fulfilling contract - resources, competence and ability

## Code of Practice

- ▶ Dates and Times to view property
- ▶ Due Care when viewing property
- ▶ Agent NOT to act for a client where housing offered for rent is not in compliance with minimum standards for rental accommodation Housing (Standards for Rented Houses) Regs 2017 S.I. 17/2017  
Licensees shall not create false or misleading records of offer

# Code Of Practice

- ▶ Licensees shall not impede, obstruct disrupt normal business operations of fellow licensees
- ▶ Management Agents to pass all records including soft copies to new management agent even when there are outstanding fees owed
- ▶ Licensees shall not require a purchaser or tenant to bear any cost of licensee's fees or expenses in respect of sale or letting
- ▶ Client confidentiality
- ▶ Licensee offered inducements - advise Client



## Compensation Fund

- ▶ Compensation Fund at €3.1 million
- ▶ 55 Claims for Compensation
  - ▶ Granted 29
  - ▶ Partially Granted 8
  - ▶ Refused 7
  - ▶ Claims on Hand 11
- ▶ Total Grants on the Fund €206,403

## E-Signature

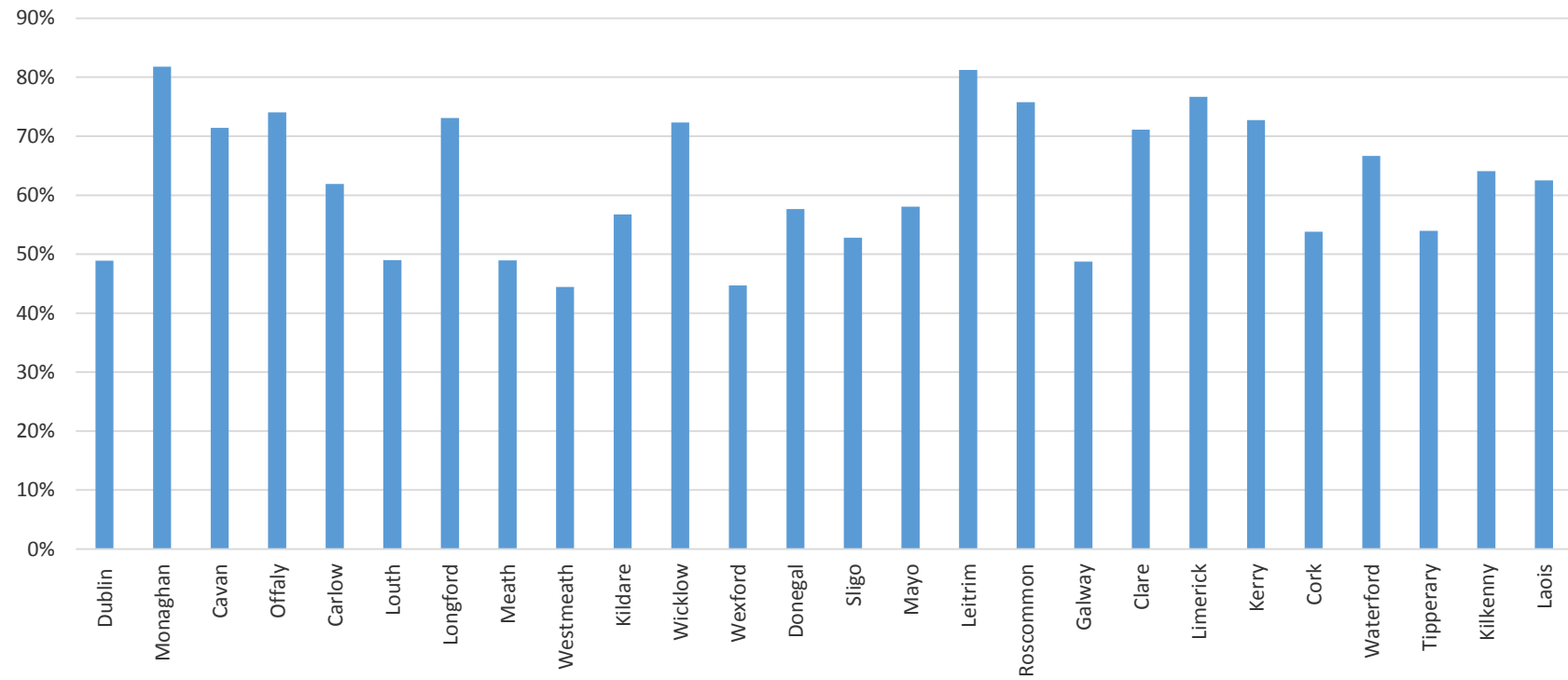
- ▶ PSRA approves the use of electronic signatures for signing all PSRA documents including Letters of Engagement
- ▶ Electronic signature system must be done through secure encrypted method which cannot be edited, or changed in anyway after signed document completed

# E-Signatures

- ▶ Electronic signature package system selected, **MUST** be capable of providing a full **AUDIT TRAIL** - date of signature or identification of the person signing the document
- ▶ A two factorial electronic signature system provides assurance that the person signing the contract is who they say they are
  - ▶ Factor one might be the email address
  - ▶ Factor two might be for example a unique password, security question, or **SMS** code - ensuring the person you are dealing with is the person who is signing the contract.
- ▶ **Warning**
  - ▶ Simply using an electronic signature where no authentication or auditable system exist as part of the electronic signature package is not permissible.

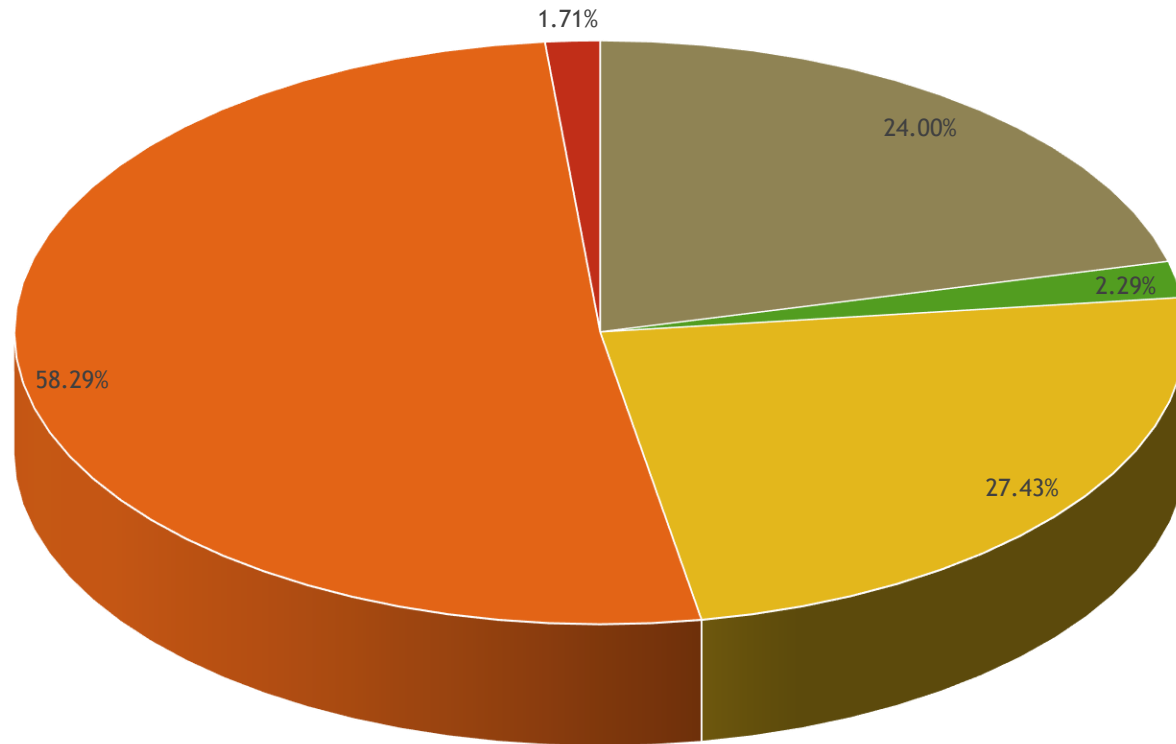
# Audits

% of PSPs Audited



# Common Breaches

Most Common Breaches



- Client Money Regs
- Section 29, Licensee Details on the PSRA Register
- Section 37, Possession, Production & Display of Licence
- Section 43, Letters of Engagement
- Section 61, Retention of Records of Offer

# PSRA LOGO

- ▶ PSRA Logo currently being developed for use by Licensees
- ▶ Conditions for Use currently being drafted
- ▶ Available on request
- ▶ Email / Newsletter to advise further

## Fianna Fáil Private Members Bill

### Property Services Regulatory Authority (Amendment )(Bidding) 2017

- ▶ Licensees aware of proposed FF Bill to protect purchasers from FALSE or FAKE Bids
- ▶ Backdrop to this Bill is that FALSE or FAKE Bids are prevalent and purchasers are paying in excess of bids actually received
- ▶ Aim of Bill to make provision for the public to ask the PSRA during the Bidding process, within 10 days, to affirm or otherwise the existence of Bids
- ▶ Section 61 requires Licensees to record Bids
- ▶ Media Interest
- ▶ Four complaints to the Authority prior to this Bill and no complaints of Fake or False Bids since publication of this Bill

# Commercial Leases

- ▶ Significant improvement in compliance
  - ▶ Letters to Tenants
  - ▶ Radio Advert
- ▶ IT improvement which assisted compliance
- ▶ Tenant responsible to register lease with PSRA
- ▶ 30,000 letters - 50% Compliance
- ▶ Agent to advise tenant of their legal obligation to register lease



## Anti-Money Laundering (AML)

- ▶ Audit of AML completed in conjunction with compliance audit
- ▶ Due Diligence
- ▶ Suspicious Transaction Reports
- ▶ Procedures
- ▶ Training
- ▶ Cash in Sector - Complete Cash Origin Form
- ▶ Know your Customer

## Continuous Professional Development (CPD)

- ▶ CPD compulsory for all Licensees
- ▶ Two entities accredited to deliver CPD on behalf of PSRS
  - ▶ IPAV
  - ▶ SCSI
- ▶ Licensees do **NOT** have to be a member of either body to avail of training
- ▶ CPD can be undertaken at any point throughout the year
- ▶ Not necessary to have completed CPD prior to licence renewal
- ▶ 5 hours formal training
- ▶ IPAV.ie and SCSI.ie to obtain information on dates for CPD

# City of Dublin Education Training Board Apprenticeship

- ▶ CDETБ - Aiming to establish an Apprenticeship Level 6 course
- ▶ Accreditation process near completion
- ▶ 2 Year training programme
- ▶ One day a week in house training - Remainder on the job learning
- ▶ Annual salary €20K - €22K
- ▶ 120 ECTS equivalent
- ▶ Employers required to be accredited by Solas to take on apprentices
- ▶ Expected to be rolled out in Dublin and Cork and other locations not as yet agreed

# Private Security Authority (PSA)

- ▶ Private Security Licence Required:
  - ▶ CCTV
  - ▶ Alarms
  - ▶ Access Control
  - ▶ Locksmiths

## Other Information

- ▶ PSRA Conference early 2019
- ▶ New Letters of Engagement published soon
- ▶ Scope of Practice Document at PSR.ie
- ▶ Ongoing Media Campaigns
- ▶ Newsletter
- ▶ [WWW.PSR.ie](http://WWW.PSR.ie)



▶ **QUESTIONS**