

Website & Agency Worker – Privacy Notice



Revision: 2

Effective Date: 23/5/2018

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Company Name:	Employ Recruitment UK LTD ('the Company')
Company Contact details:	Data Protection Lead: Managing Director Data Protection Lead Representatives: Operations Directors Data Protection Officer: HR Manager
Document:	Privacy Notice – Website and Agency Worker
Topic:	Data protection
Date:	23 May 2018
Version:	1

The Company is a recruitment business which provides work-finding services to its clients and work-seekers. The Company must process personal data (including sensitive personal data) so that it can provide these services – in doing so, the Company acts as a data controller.

The Company needs to keep and process information about you for your contract. The information we hold and process will be used for our administrative and management use only. We will keep and use it to enable us to run the company and manage our relationship with you effectively, lawfully and appropriately, during the recruitment process, whilst you are working for us, at the time when your contract ends and after you have left. This includes using information to enable us to comply with the contract, to comply with any legal requirements, pursue the legitimate interests of the Company and protect our legal position in the event of legal proceedings.

Initially, you may give your personal details to the Company directly, such as on an application or registration form or via our website, or we may collect them from another source such as a job board. Following confirmation of your assignment you will be required to provide personal and sensitive data to process your contract. The Company must have a legal basis for processing your personal data. For the purposes of providing you with work-finding services and/or information relating to roles relevant to you, and to process your contract we will only use your personal data in accordance with this privacy statement. At all times we will comply with current data protection laws.

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1. Collection and use of personal data

a. Purpose of processing and legal basis

The Company will collect your personal data (which may include sensitive personal data) and will process your personal data for the purposes of providing you with work-finding services. This includes for example, contacting you about job opportunities, assessing your suitability for those opportunities, updating our databases, putting you forward for job opportunities, arranging payments to you and developing and managing our services and relationship with you and our clients.

If you have opted-in we may also send you marketing information and news via email/ text. You can opt-out from receiving these at any time by clicking “unsubscribe” when you receive these communications from us.

In some cases we may be required to use your data for the purpose of investigating, reporting and detecting crime and also to comply with laws that apply to us. We may also use your information during the course of internal audits to demonstrate our compliance with certain industry standards.

We must have a legal basis to process your personal data. The legal bases we rely upon to offer our work-finding services to you are:

- Your consent
- Where we have a legitimate interest
- To comply with a legal obligation that we have
- To fulfil a contractual obligation that we have with you
- Where we have a vital interest

b. Legitimate interest

This is where the Company has a legitimate reason to process your data provided it is reasonable and does not go against what you would reasonably expect from us. Where the Company has relied on a legitimate interest to process your personal data our legitimate interests are as follows:

- Managing our database and keeping work-seeker records up to date;
- Providing work-finding services to you and our clients;
- Contacting you to seek your consent where we need it;
- Giving you information about similar products or services that you have used from us recently;
- Direct marketing;
- Jobs alerts and work-finding services;
- Company newsletters;
- Testimonials for marketing content;
- Website and social media platforms using diagnostic analytics;
- Recruitment and selection purposes;
- Offer and acceptance;
- References;
- Administrative purposes;
- Payroll including additional payments;
- Pension purposes;
- Business management and planning;
- Learning, training and development requirements;
- Agency worker monitoring for safety or management purposes;
- Managing and reporting on agency worker leave including but not limited to sickness absence;
- Managing performance, infringements and incidents;

- Dealing with legal disputes/proceedings involving you, or other agency workers, and contractors, including accidents in the workplace;
- To monitor your use of information and communications systems;
- Tachograph cards to record agency workers driving hours and any infringements;
- IT and network security to prevent and/or deduct fraud;
- To comply with health and safety requirements;
- To report on agency workers data including but not limited to retention data;
- Equal opportunities monitoring.

We will never process your data where these interests are overridden by your own interests.

c. Statutory/contractual requirement

The Company has certain legal and contractual requirements to collect personal data (e.g. to comply with the Conduct of Employment Agencies and Employment Businesses Regulations 2003, immigration and tax legislation, and in some circumstances safeguarding requirements.) Our clients may also require this personal data, and/or we may need your data to enter into a contract with you. If you do not give us personal data we need to collect we may not be able to continue to provide work-finding services to you.

d. Recipient/s of data

The Company will process your personal data and/or sensitive personal data with the following recipients:

- The company's selected job boards to process the recruitment cycle;
- The company's software and computerised databases to process the recruitment cycle;
- Clients (whom we may introduce or supply you to);
- Former employers whom we may seek references from;
- References to process the agency worker contract;
- The company's clients' including logistics companies in order to provide work-finding services, to process your assignments and process your contract;
- The company's software and computerised databases in order to provide work-finding services and process agency worker data;
- The company's real-time management systems;
- The company's automated decision-making processes in order to manage the recruitment cycle, process performance data and psychometric assessments;
- The company's suppliers in order to process services and/or goods;
- The company's and clients' training providers for learning, training and development purposes;
- The company's subsidiary business Employ Driver Training UK Ltd in order to market and administer Driver Certificate of Professional Competence (CPC) training courses;
- The company's payroll software and associated HM Revenue Customs requests;
- The company's pension scheme;
- The company's approved driving licence validation service;
- The company's approved tachograph card in order to download and access the agency workers driving hours and any infringements;
- The company's clients' dash-cams used in their vehicles in order to monitor and access footage in the event of an incident;
- The company's and company's clients to process the agency workers data for the purposes of conducting drug and alcohol testing;
- The company's approved trade bodies in the interest of industry knowledge, best practise and compliance and/or where an affiliation with the company exists;
- The company's software-based telephone system including the recording of all phone calls for training and monitoring purposes.

2. Information to be provided when data collected not from the data subject

Categories of data: The Company has collected the following personal data on you:

Personal data:

- Personally identifiable information including full name, date of birth, contact details including telephone number, mobile number, email address, postal address and next of kin details.
- National insurance number
- CV, work experience, training, qualifications and references
- Right to work in the UK and passport number
- Cultural and/or social identity and/or nationality
- Diving licence
- Digital tachograph card
- Driver qualification card

Sensitive personal data:

- Disability and health conditions relevant to the role
- Criminal convictions and offences
- Race or ethnic origin
- Religious beliefs
- Equal opportunities

3. Data retention

The Company will retain your personal data only for as long as is necessary for the purpose we collect it. Different laws may also require us to keep different data for different periods of time. For example, the Conduct of Employment Agencies and Employment Businesses Regulations 2003, require us to keep work-seeker records for at least one year from (a) the date of their creation or (b) after the date on which we last provide you with work-finding services.

We must also keep your payroll records, holiday pay, sick pay and pension auto-enrolment records for as long as is legally required by HMRC and associated national minimum wage, social security and tax legislation. This is currently 3 to 6 years.

Where the Company has obtained your consent to process your personal/sensitive personal data, we will do so in line with our retention policy included in our **Data Protection Policy and Procedure**. Upon expiry of that period the Company will seek further consent from you. Where consent is not granted the Company will cease to process your personal data and sensitive personal data.

4. Your rights

Please be aware that you have the following data protection rights:

- The right to be informed about the personal data the Company processes on you;
 - The right of access to the personal data the Company processes on you;
 - The right to rectification of your personal data;
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- The right to erasure of your personal data in certain circumstances;
- The right to restrict processing of your personal data;
- The right to data portability in certain circumstances;
- The right to object to the processing of your personal data that was based on a public or legitimate interest;
- The right not to be subjected to automated decision making and profiling; and
- The right to withdraw consent at any time.

Where you have consented to the Company processing your personal data and sensitive personal data you have the right to withdraw that consent at any time by contacting the Data Protection Lead and/or, Data Protection Lead Representatives and/or Data Protection Officer (*contact details are detailed in 12 – Complaints or Queries*). Please note that if you withdraw your consent to further processing that does not affect any processing done prior to the withdrawal of that consent, or which is done according to another legal basis.

There may be circumstances where the Company will still need to process your data for legal or official reasons. Where this is the case, we will tell you and we will restrict the data to only what is necessary for those specific reasons.

If you believe that any of your data that the Company processes is incorrect or incomplete, please contact us using the details above and we will take reasonable steps to check its accuracy and correct it where necessary.

You can also contact us if you want us to restrict the type or amount of data we process for you, access your personal data or exercise any of the other rights listed above.

5. Automated decision-making

The company will process your personal data using automated decision-making, including profiling, within the following context;

- In order to manage the recruitment cycle for job-seekers the company will process your personal data using automated decision-making, including profiling, to assess your suitability to a job. For agency workers this would include assessing and validating your HGV licence.
- In order to process performance data the company will process your personal data using automated decision-making, including profiling, to analyse and assess your performance.
- In order to process psychometric assessments the company will process your personal data using automated decision-making, including profiling, to identify and assess your suitability to a job and/or provide necessary training.

6. Cookies

We may obtain data about you from cookies. These are small text files that are placed on your computer by websites that you visit. They are widely used in order to make websites work, or work more efficiently, as well as to provide information to the owners of the site.

Most web browsers allow some control of most cookies through the browser settings. Please note that in a few cases some of our website features may not function if you remove cookies from your browser.

7. Log Files

We use IP addresses to analyse trends, administer the site, track users' movements, and to gather broad demographic information for aggregate use. IP addresses are not linked to personally identifiable information.

8. Links to external websites

The Company's website may contain links to other external websites. Please be aware that the Company is not responsible for the privacy practices of such other sites. When you leave our site we encourage you to read the privacy statements of each and every website that collects personally identifiable information. This privacy statement applies solely to information collected by the Company's website.

9. Sale of business

If the Company's business is sold or integrated with another business your details may be disclosed to our advisers and any prospective purchasers and their advisers and will be passed on to the new owners of the business.

10. Data Security

The Company takes every precaution to protect our users' information. The security measures include the use of SSL certificate and use of passwords.

Only employees who need the information to perform a specific job (for example, consultants, our accounts clerk or a marketing assistant) are granted access to your information.

The Company uses all reasonable efforts to safeguard your personal information. However, you should be aware that the use of email/ the Internet is not entirely secure and for this reason the Company cannot guarantee the security or integrity of any personal information which is transferred from you or to you via email/ the Internet.

If you share a device with others we recommend that you do not select the "remember my details" function when that option is offered.

If you have any questions about the security at our website, you can email the Data Protection Lead and/or, Data Protection Lead Representatives and/or Data Protection Officer (*contact details are detailed in 12 – Complaints or Queries*).

11. Changes to this privacy statement

We will update this privacy statement from time to time. We will post any changes on the statement with revision dates. If we make any material changes, we will notify you.

12. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact one of the below:

- Data Protection Lead and Data Protection Officer:
 - Managing Director, Sadie Weston - sadie@eruk.co.uk
- Data Protection Lead Representatives:
 - Finance Director, Zoe Dawson – zoe@eruk.co.uk
 - Operations Director, Leann Lewis – leann@eruk.co.uk

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You also have the right to raise concerns with Information Commissioner's Office on 0303 123 1113 or at <https://ico.org.uk/concerns/>, or any other relevant supervisory authority should your personal data be processed outside of the UK, if you believe that your data protection rights have not been adhered to.