

Data Protection Notice for your website

What is this Notice for?

We take issues relating to your personal data really seriously. Our Data Protection Manger is Ami Jones to whom you should address any queries.

This Notice is to explain more to you about how we handle personal data. It is important that you read this, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about your staff so that you are aware of how and why we are using such information.

What do various terms mean?

"Personal data" means recorded information we collect, store or hold about individuals from which a person can be identified. It may include the following:-

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses or company email addresses
- Date of birth.
- Gender.
- Marital status and dependants.
- Payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date.
- Location of employment or workplace.
- Driving and other licences.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, training records and professional memberships).

- Compensation history.
- Performance information.
- Disciplinary and grievance information.
- CCTV footage and other information obtained through electronic means such as swipecard records or data from vehicle tracking software where your organisation gathers such data
- Information about a person's use of their employer's information and communications systems.
- Photographs.
- Information about qualifications a person holds.

"Processing" means doing anything with the data, such as accessing, disclosing, destroying or using the data in any way.

"Sensitive Personal Data" or "special categories of data" includes

- information about a person's physical or mental health or condition (you may tell us about this or we may be assisting an you to monitor sick leave and take decisions as to a person's fitness for work or to otherwise advise in respect of managing that person in work);
- racial or ethnic origin or religious or similar information (you may tell us about this or we may be advising you in relation to circumstances in work where these issues have been raised);
- political opinions (you may tell us about this or we may be advising an organisation in relation to circumstances in work where these issues have been raised);
- information about a person's sexual life (you may tell us about this or we may be advising an organisation in relation to circumstances in work where these issues have been raised);
- information about a person's criminal record or criminal proceedings (you may tell us this or we may be advising an organisation in relation to this issue);
- whether you are a trade union member or not (you may tell us this or we may be advising an organisation in relation to this issue);

- biometric information (such as that used for security purposes to access your workplace) (you may tell us this or we may be advising an organisation in relation to this issue); and
- genetic information (such as information about a genetically inherited illness) (you may tell us this or we may be advising an organisation in relation to this issue).

How is personal data collected?

Typically you have given us the data in relation to a matter we are advising on. If we are asked to interview a person they may have given us the data themselves. We do not buy in personal data for marketing purposes.

Occasionally we are passed details by a third party such as an accountant or another HR consultant or a solicitor where they ask us to contact a person because they require our assistance. In such cases if a person does not wish to proceed to instruct us we will not retain any records.

What purposes do you use personal data for?

We will only use personal information when the law allows us to. Most commonly, we will use personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use personal data in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

The situations in which we will process personal data are listed below and relate to either advising an employer regarding:

- Recruitment or appointments.
- Determining the terms on which people work.
- Checking people are legally entitled to work in the UK.
- Provision of benefits
- Business management and planning, including accounting and auditing.

- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary or appeal hearings
- Making decisions about continued employment or engagement
- Making arrangements for the termination of the working relationship.
- Education, training and development related issues.
- Dealing with legal disputes in relation to employees and workers including accidents at work.
- Advising on monitoring.
- Ascertaining fitness to work and managing sickness absence.
- Complying with health and safety obligations.
- Advising on TUPE transfers
- Administering the contract we have entered into with our client.
- Dealing with complaints
- To prevent fraud.
- Equal opportunities monitoring and advice.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of personal data.

What if there is a change of purpose?

We will only use your personal data for the purposes for which we collected it or are given it unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use personal data for an unrelated purpose, we will notify you and we will explain the legal basis which we believe, allows us to do so.

Please note that we may process your personal data without an individual's knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How do we use particularly sensitive personal information?

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with the explicit written consent of a person.
2. Where we need to carry out our legal obligations and in line with this data protection notice.
3. Where it is needed to assess a person's working capacity on health grounds, subject to appropriate confidentiality safeguards and we are qualified to advise on that issue.

Usually we are processing this type of information where it is needed in relation to legal claims or where it is needed to protect someone interests and an individual is not capable of giving consent, or where they have already made the information public. We may also process such information about employees or former employees in the course of legitimate business activities with the appropriate safeguards.

What safeguards are in place?

We will comply with the eight data protection principles in the DPA, which say that personal data must be:

- (a) Processed fairly and lawfully.
- (b) Processed for limited purposes and in an appropriate way.
- (c) Adequate, relevant and not excessive for the purpose.
- (d) Accurate.
- (e) Not kept longer than necessary for the purpose.
- (f) Processed in line with individuals' rights.

(g) Secure.

Not transferred to people or organisations situated in countries without adequate protection. (We don't transfer any client data outside of the UK). We do not use any data for automatic profiling.

We will keep the personal data we store accurate and up to date. Data that is inaccurate will be amended when we are made aware that it is out of date. Please notify us if your personal details change or if you become aware of any inaccuracies in the personal data we hold about you.

We will not keep personal data for longer than is necessary for the purpose or carrying out our retainer. This means that data will be destroyed or erased from our systems when it is no longer required. For insurance purposes we are required to keep our files for a [six] year period after which they are securely destroyed.

We will ensure that appropriate measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

We have in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. Maintaining data security means guaranteeing the confidentiality, integrity and availability (for authorised purposes) of the personal data. For example, we take the following steps to protect data:

- Staff are trained in relation to the importance of privacy and data security.
- Laptops are encrypted
- We don't give advice via social media or text message
- Electronic files can only be accessed via password logins
- No visible labels on physical files e.g.:- when visiting your premises
- Attachments to emails are password protected
- Verification of recipients of emails before they are sent

We will only pass your data to third parties where you have asked us to. For example, you might ask us to refer your contact details to outplacement consultants or other professionals. We only make referrals of this kind when consent has been expressly given. We do not sell any data or pass any data to other organisations.

We will not disclose your personal data to a third party without your consent unless we are satisfied that they are legally entitled to the data. Where we do disclose your personal data to a third party, we will have regard to the eight data protection principles. We will only transfer personal data to a third party if he agrees to comply with those procedures and policies, or if he puts in place adequate measures himself.

What rights do I have?

Your duty to inform us of changes

It is important that the personal information we hold for you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law individuals have the right to:

- Request access to your personal information (commonly known as a "data subject access request"). This enables a person to receive a copy of the personal data we hold about them and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about them. This enables them to have any incomplete or inaccurate information we hold about them corrected.
- Request the erasure of personal information. This enables a person to ask us to delete or remove personal data where there is no good reason for us continuing to process it. They also have the right to ask us to stop processing personal information where we are relying on a legitimate interest and there is something about their particular situation which makes them want to object to processing on this ground.
- Request the restriction of processing of personal information. This enables a person to ask us to suspend the processing of personal data about them, for example if they want us to establish its accuracy or the reason for processing it.
- Request the transfer of personal information to another party.

If a person wants to review, verify, correct or request erasure of their personal data, object to the processing of personal data, or request that we transfer a copy of your personal information to another party, please contact Ami Jones in writing.

No fee usually required

A person will not have to pay a fee to access their personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if the request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need

We may need to request specific information from a person to help us confirm their identity and ensure their right to access the information (or to exercise any of their other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where a person may have provided consent to the collection, processing and transfer of their personal data for a specific purpose, they have the right to withdraw their consent for that specific processing at any time. To withdraw consent, please contact Ami Jones. Once we have received notification that a person has withdrawn consent, we will no longer process their information for the purpose or purposes they originally agreed to, unless we have another legitimate basis for doing so in law.

Data protection manager

We have appointed a data privacy manager to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle personal information, please contact Ami Jones. Anyone has the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

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