



DATA PROTECTION PRIVACY NOTICE
(when personal data is obtained from the data subject)

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.

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 jobs board. 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 we will only use your personal data in accordance with the terms of the following statement.

1. Collection and use of personal data

a. Purpose of processing and legal basis

The Company will collect your personal data (which may include special categories of 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.

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.

The legal bases we rely upon to offer these 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

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 is/are as follows:

- Recruiters provide work-finding services to both candidates and clients as part of their business.
- We will process your personal data in order to be able to provide these services and to allow us to check the identity of candidates, right to work and qualifications as well as process pay and manage entitlement to certain statutory rights.
- It is in the legitimate interests of all parties involved the recruiter, the work seeker and the client - that the recruitment business can process your personal data.

c. Recipient/s of data

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

- REC, ECIA, ISO 9001:2015 Computer management company, clients and/or companies offering work placements, this will include no guarantee of success

d. Statutory/contractual requirement

Your personal data is required by law and/or a contractual requirement (e.g. our client may require this personal data), and/or it is a requirement necessary to enter into a contract. You are obliged to provide the personal data and if you do not the consequences of failure to provide the data are:

- The Company will not be able to continue to provide-work-finding services to you.
- And subsequently Assignment cancellation



2. 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.

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 pensions auto-enrolment records for as long as is legally required by HMRC and associated national minimum wage, social security and tax legislation.

Where the Company has obtained your consent to process your personal and special categories of personal data/specify which personal data, we will do so in line with our retention policy see UP43, unless stated specifically as per nuclear vetting processing document NVP04. 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.

3. 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;
- 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 Michelle Johnson, Operations Manager at info@ukerltd.co.uk. 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. We will inform you if this is the case. Where this is the case, we will restrict the data to only what is necessary for the purpose of meeting 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 using the above details 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. Complaints or queries [NOTE Error! Reference source not found.]

If you wish to complain about this privacy notice or any of the procedures set out in it please contact: Catherine Win, Director info@ukerltd.co.uk

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



Annex 1

a) The lawfulness of *processing* conditions for *personal data* are:

1. **Consent:** *the individual has given clear consent for you to process their personal data for a specific purpose.*
2. **Contract:** *the processing is necessary for the performance of a contract with the data subject or in order to take specific steps before entering into a contract.*
3. **Legal obligation:** *the processing is necessary for compliance with a legal obligation to which the data controller/data processor is subject to.*
4. **Vital interests:** *the processing is necessary to protect someone's life.*
5. **Public task:** *the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official functions, and the task or function has a clear basis in law.*
6. **Legitimate interests:** *the processing is necessary for the legitimate interests pursued by the data controller or a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.*

b) The lawfulness of *processing* conditions for *special categories of personal data* are:

1. The *data subject* has given explicit consent to the *processing* of the *special categories of personal data* for one or more specified purposes, except where the *data subject* is not permitted or able to give *consent*.
2. *Processing* is necessary for carrying out obligations and exercising specific rights of the *data controller* or of the *data subject* under employment, social security or social protection law, in so far as it is authorised by UK law or a collective agreement, provided for appropriate safeguards for the fundamental rights and interests of the *data subject*.
3. *Processing* is necessary to protect the vital interests of the *data subject* or another person where the *data subject* is physically or legally incapable of giving *consent*.
4. *Processing* is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the *processing* relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the *personal data* are not disclosed outside that body without the consent of the *data subject(s)*.
5. *Processing* relates to *personal data* which manifestly made public by the *data subject*.
6. *Processing* is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
7. *Processing* is necessary for reasons of substantial public interest on the basis of UK law which is proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject domestic law.
8. *Processing* is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee [NOTE 21], medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of UK law or a contract with a health professional and subject to relevant conditions and safeguards.
9. *Processing* is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices on the basis of UK law.
10. *Processing* is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the *data subject*.