

## **Privacy Notice**

The Company is a recruitment business which provides work-finding services to its clients and work-seekers. The company must process personal data so that it can provide these services – in doing so, the Company acts as a data controller for the purpose of data protection law. This means that we are responsible for deciding how we hold and use your personal data. We are required by data protection law to give you the information in this privacy notice. This privacy notice applies from 25<sup>th</sup> May 2018 when the General Data Protection Processing Regulations come into force. It does not give you any contractual rights and we may update this privacy notice at any time.

### **What is personal data?**

Any information relating to a living individual who can be identified (directly or indirectly) by reference to an identifier (e.g., name, NI number, email address, physical features). It can be factual (e.g., date of birth), an opinion about an individual's actions or behaviour, or information that may otherwise impact the individual in a personal or business capacity.

Data protection law divides personal data into two categories: ordinary personal data and special category data. Any personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, or biometric or genetic data that is used to identify an individual is known as **special category data**. The rest is ordinary personal data.

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.

### **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 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:

- 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 or our clients

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 include the following:

- Managing our database and keeping work-seeker records up to date;
- Providing work-finding services to you, including sending information to our clients;
- Contacting you with information about similar services we can offer you;
- Establishing compliance with contractual obligations with Clients or suppliers;
- Exercising or defending any legal claims

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 a requirement necessary to enter into a contract. You are obliged to provide the personal data. If you fail to do so, we will not be able to provide work-finding services to you.

## Recipient/s of data

We share your personal data and/or sensitive personal data that is relevant, where appropriate, with the following recipients:

- Home Office (to enable us to verify your right to work in the UK)
- Parties who process data on our behalf, which may include:
  - Umbrella companies
  - IT Support
  - Storage service providers, including cloud providers
- Any other third parties who carry out audits to ensure we run our business correctly or in line with industry standards
- Legal/professional advisers (to obtain legal or other professional advice about matters relating to you or in the course of dealing with legal disputes)
- Clients (Contractual obligation)
- Insurers

## Overseas Transfers

The Company may transfer only the information you provide to us to countries outside the European Economic Area (EEA) for the purposes of providing you with work-finding services. We will take steps as far as is reasonably practicable to ensure adequate safeguards are in place to ensure the security of your information. The EEA comprises the EU member states plus Norway, Iceland and Liechtenstein.

## Data retention

The Company will retain your personal data only for as long as is necessary. Different laws require us to keep different data for different periods of time. The Conduct of Employment Agencies & 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.

## References

If you give us details of referees, we require you to inform them what personal data of theirs you are giving to us. You must also give them our contact details and let them know that they should contact us if they have any queries about how we will use their personal data.

## 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.

## Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it, please contact the Data Protection Officer at [support@eresourcegroup.co.uk](mailto:support@eresourcegroup.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/concerns> if you believe that your data protection rights have not been adhered to.