E Personnel Recruitment Limited

Data Protection and Privacy Policy
Document DP3

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- Annex A – Legal bases for processing personal data and special categories of personal data

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Introduction

All organisations that process personal data are required to comply with data protection legislation. This includes in particular the **Data Protection Act 2018** and the **UK General Data Protection Regulation** (together the 'Data Protection Laws'). The Data Protection Laws give individuals (known as 'data subjects') certain rights over their personal data while imposing certain obligations on the organisations that process their data.

As a recruitment business, the Company collects and processes both personal data and special categories of personal data. In some cases, it is required to do so to comply with other legislation. It is also required to keep this data for different periods depending on the nature of the data.

This policy sets out how the Company implements the Data Protection Laws. It should be read in conjunction with the Data Protection Procedure.

Definitions

- **consent**: any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or clear affirmative action, signifies agreement to the processing of personal data.
- **data controller**: a person or body which determines the purposes and means of processing personal data.
- **data processor**: a person or body which processes personal data on behalf of a controller.
- **data subject**: the identified or identifiable living individual to whom personal data relates.
- **personal data**: any information relating to an identified or identifiable individual.
- **personal data breach**: a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
- **processing**: any operation performed on personal data, whether automated or not, such as collection, storage, use, disclosure, or deletion.
- **profiling**: automated processing of personal data to evaluate personal aspects of an individual, e.g. performance, interests, behaviour, or movements.
- **pseudonymisation**: processing personal data so it cannot be linked to a specific person without additional information kept separately.
- **special categories of personal data**: information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health, sex life, or sexual orientation.

The Company processes personal data in relation to its own staff, work-seekers, and individual client contacts and is a data controller. The Company is registered with the ICO, registration number **Z7756693**.

Data Processing under the Data Protection Laws

The Company may hold personal data on individuals for the following purposes:

- Staff administration
- Advertising, marketing, and public relations
- Accounts and records
- Administration and processing of work-seekers' data for work-finding services
- Administration and processing of clients' data for introducing and supplying work-seekers

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The Data Protection Principles

The Company must ensure personal data is:

1. Processed lawfully, fairly, and transparently.
2. Collected for specified, explicit, and legitimate purposes.
3. Adequate, relevant, and limited to what is necessary.
4. Accurate and kept up to date.
5. Kept no longer than necessary.
6. Processed securely with appropriate measures.
7. Managed with accountability and proof of compliance.

Legal Bases for Processing

The Company only processes data where a legal basis applies (see Annex A). Regular reviews will ensure data is lawfully processed, accurate, and up to date. No data will be transferred to third parties without lawful reason.

International Data Transfers

Where personal data is transferred outside the UK, the Company will ensure that appropriate safeguards are in place. These include the **UK International Data Transfer Agreement (IDTA)** or the **UK Addendum to EU Standard Contractual Clauses (SCCs)**. Individuals will be informed of such transfers and the safeguards applied.

Privacy by Design and by Default

The Company ensures that data protection is integral to all processing activities, including:

- Data minimisation
- Pseudonymisation
- Anonymisation
- Cyber security

Rights of the Individual

Privacy Notices

Individuals will be given a privacy notice at the time their data is collected or within a reasonable timeframe if collected from another source.

Subject Access Requests

Individuals may request access to their personal data.

Rectification

Individuals may request correction of inaccurate or incomplete data.

Erasure

Individuals may request deletion of their data, subject to legal obligations.

Restriction of Processing

Individuals may request restrictions under certain conditions, e.g. contesting accuracy.

Data Portability

Individuals can receive their data in a machine-readable format or request transfer to another controller.

Object to Processing

Individuals may object to data processing based on legitimate interests or public interest. They have an absolute right to object to direct marketing.

Enforcement of Rights

The Company must respond to requests within one month, extendable by two months for complex cases.

Automated Decision Making

No automated decision-making producing legal or significant effects will be carried out without explicit consent, necessity for a contract, or authorisation by law.

AI and Recruitment Technology

The Company may use artificial intelligence (AI) tools to assist with candidate matching and shortlisting. These tools will always:

- Operate with transparency and fairness.
- Include human oversight.
- Be communicated to individuals where used.
  Final hiring or placement decisions remain with human recruiters.

Personal Data Breaches

All breaches must be reported internally without delay.

Where the Company is the Data Controller

If a breach risks individuals' rights, the ICO and affected individuals will be notified.

Where the Company is the Data Processor

The controller will be notified immediately.

Communicating Breaches

Where there is a high risk, individuals will be informed without undue delay.

Data Retention

The Company retains data only as long as necessary:

- **Candidate data**: 2 years after last meaningful contact, unless law requires longer.
- **Client data**: during business relationship + 6 years.
- **Employee data**: during employment + 6 years.
- **Financial records**: at least 6 years in line with HMRC requirements.

Data no longer required will be securely deleted or anonymised.

Complaints

Complaints about data handling should be directed to one of the responsible persons listed below.
Alternatively, the ICO may be contacted on **0303 123 1113** or https://ico.org.uk/global/contact-us/email/.

Responsible Persons

The following are responsible for data protection duties:

- Michelle Collins

- Sylvia Kaluzna

Annex A – Legal Bases for Processing

Personal data may be processed under:

- Consent
- Contract
- Legal obligation
- Vital interests
- Public task
- Legitimate interests

Special categories of data may be processed under:

- Explicit consent
- Employment, social security, or protection law
- Vital interests where consent cannot be given
- Legitimate activities of not-for-profit bodies
- Data made public by the data subject
- Legal claims or judicial purposes
- Substantial public interest
- Preventative or occupational medicine, health care, or social care
- Public health
- Archiving, research, or statistics in the public interest