

Company Name:	Braundton Consulting Limited
Company Contact details:	Lisa Murray – Founder & Director of Braundton Consulting
Document DP5B	Privacy Notice & Record Keeping Policy
Topic:	Data protection
Date:	21.5.18
Version:	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.

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 has collected 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.

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. Categories of data

The Company has collected the following personal data on you:

Personal data:

- [Name/contact details]

Sensitive personal data:

- [Disability/criminal conviction]

c. 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:

- Managing our database and keeping work-seeker records up to date;
- Contacting the individual to seek your consent where you need it;
- Providing work-finding services to the individual, including sending their information to your clients where they have demonstrated an interest in doing that particular type of work but not expressly consented to you passing on their cv;
- Contacting the individual with information about similar products or services that they have used from you recently; and
- Passing work-seeker's information to debt collection agencies

d. Recipient/s of data

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

- Clients that we introduce or supply individuals to within a range of office related jobs, typically around HR, Admin, Marketing, Customer Service, Management, Director Level, PA, Facilities, Finance, and most roles within the office remit.
- Candidates' former or prospective new employers that we obtain or provide references to
- The Recruitment and Employment Confederation (and any other trade body that we are a member of who may have access to your candidates' data)
- Any other third parties who carry out audits to ensure that we run your business correctly or line with your
- Payroll service providers who manage your payroll on your behalf
- Any umbrella companies that Braundton would pass candidate data to
- Other recruitment agencies in the supply chain (e.g. master/neutral vendors and second tier suppliers);
- Our insurers
- legal advisers
- Social networks
- IT and CRM providers & Training and Testing Provider
- Any public information sources and third party organisations that Braundton may use to carry out suitability checks on work-seekers e.g. Companies House, the Disclosure and Barring Service (DBS), National College for Teaching and Leadership (NCTL), Nursing and Midwifery Council (NMC), General Medical Council (GMC), DVLA, credit reference agencies
- Government, law enforcement agencies and other regulators e.g. the Police, Home Office, HMRC, Employment Agencies Standards Inspectorate (EASI), Local Authority Designated Officers (LADOs), GLAA,

- Trade unions;

2. Overseas Transfers

The Company will not transfer the information you provide to us to countries outside the European Economic Area ('EEA') for the purposes of providing you with work-finding services. The EEA comprises the EU member states plus Norway, Iceland and Liechtenstein.

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.

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] sensitive personal data/specify which personal data], we will do so in line with our retention policy [(a copy of which is attached below see Annex B. 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;
- 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 Lisa Murray – Director of Braundton Consulting by either calling 0203 538 3939 or by emailing lisa@braundtonconsulting.co.uk

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. Automated decision-making - is not used by Braundton Consulting Limited

6. Source of the personal data

The Company sourced your personal data/sensitive personal data by the following means:

This information came from a publicly accessible source (such as Job boards) or recruitment / resourcing agencies who have sent your information to Braundton, or via you directly. You have the rights under current data protection laws, as well as your own right to withdraw your consent to processing your personal data at any time.

7. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact: Lisa Murray – Founder and Director of Braundton Consulting lisa@braundtonconsulting.co.uk or 0203 538 3939

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.

Annex A

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

1. *Consent* of the individual for one or more specific purposes.
2. *Processing* is necessary for the performance of a contract with the individual or in order to take steps at the request of the individual to enter into a contract.
3. *Processing* is necessary for compliance with a legal obligation that the controller is subject to.
4. *Processing* is necessary to protect the vital interests of the individual or another person.
5. *Processing* is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the *data controller*.
6. *Processing* is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of the individual which require protection of *personal data*, in particular where the individual is a child.

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

1. Explicit *consent* of the individual for one or more specified purposes, unless reliance on *consent* is prohibited by EU or Member State law.
2. *Processing* is necessary for carrying out data controller's obligations under employment, social security or social protection law, or a collective agreement, providing for appropriate safeguards for the fundamental rights and interests of the individual.
3. *Processing* is necessary to protect the vital interests of the individual or another individual where the individual is physically or legally incapable of giving *consent*.
4. In the course of its legitimate activities, *processing* is carried out 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 only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without the *consent* of the individual.
5. *Processing* relates to *personal data* which are manifestly made public by the individual.
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 EU or Member State law which shall be proportionate to the aim pursued, respects the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the individual.
8. *Processing* is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of EU or Member State law or a contract with a health professional and subject to the necessary 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 healthcare and of medicinal products or medical devices, on the basis of EU or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the individual, in particular professional secrecy.
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 fundamental rights and interests of the individual.

Annex B

BRAUNDTON CONSULTING LIMITED -Record Keeping Policy

In line with REC compliance and in line with keeping data in accordance with Data Protection Laws Braundton Consulting is registered with the ICO. All businesses must keep personnel and financial records in order to run their business efficiently and to comply with statutory requirements. The type of record will determine the length of time the record must be kept for.

Personnel Records

A

Work-Seeker records including Application Form, CV, ID Checks, Terms of Engagement, Details of Assignments, opt out notices and Interview Notes

B

Hirer Records including Client Details, Terms of Business, Assignment/Vacancy Details

A&B will be stored 1 year from the last date of providing work –finding services, as an Employment Agency or Employment Business (Conduct of Employment Agencies and Employment Business Regulations 2003 Conduct Regulations)

There is no legal obligation to keep records where no action is taken in relation to an application .

Terms of Engagement with Temporary worker and Terms of Business with Client

These will be kept for 6 years in order to deal with any Civil Action in the form of Contractual Claim (Limitation Act 1980) Please note 6 years is not a minimal legal requirement but is the time period in which a contractual claim can be made. Braundton would still need to establish why it is necessary to keep these records.

Working Time Records

48 Opt hour Notice

Annual Leave Records

These will be kept for 2 years from the time they are created

References

Under Data Protection Laws, Braundton will only keep records regarding references for as long as necessary. However, the conduct regulations require references to be kept for 1 year following the introduction or supply of a work seeker to a client.

Records relating to Right to Work

Will be kept for 2 years after employment or engagement has ended (must not be alterable)

Criminal Records Checks/Disclosure Barring Checks

There is no longer a 6 month time limite on how long DBS Certificates can be kept for. When it comes to handling storing certificates, the new DBS Code requires registered bodies to handl all information provided to them by the DBS, as a consequence of applying for a DBS product, in line with Obligations under the Data Protection Act 1998

National Minimum Wage Documentation

Total pay by the worker, and the hours worked by the worker.

Overtime/ Shifts

Any deduction or payment of accommodation

Any absences, eg rest breaks, sick leave, holiday

Any travel or training during working hours and its length

Total number of hours in pay reference period

The above will be stored for 3 years after the end of the pay reference period following the one that the records cover. (National Minimum Wage Act 1998)

Sickness Records/ Statutory Sick pay

Will be kept in a flexible manner in line with our payroll records

Statutory maternity, paternity, adoption pay

Will be stored 3 years from the end of the tax year to which it relates

Pension auto-enrolment (including auto-enrolment date, joining date, opt in and opt out notices**Contributions paid**

Will be stored for 6 years except for opt out notices which will be kept for 4 years

Company Financial Records

VAT – 6 years

Company Accounts – 6 Years

Payroll Information / CIS Records – 3 years from end of tax year