

<b>Company Name:</b>	Langley James Limited ('the Company')
<b>Company Contact details:</b>	James Toovey the data protection lead in the Company
<b>Document DP5B</b>	Privacy Notice (when personal data is obtained from a 3 <sup>rd</sup> party)
<b>Topic:</b>	Data protection
<b>Date:</b>	23 <sup>rd</sup> May 2018
<b>Version:</b>	Version no. 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 [NOTE Error! Reference source not found.]

*The Company has collected the following personal data on you:*

*Personal data:*

- *Name/contact details including but not limited to email address and telephone numbers*
- *Date of Birth*
- *Gender*

*The company may require sensitive personal data:*

- *Disability/criminal conviction*
- *Copy of passport*
- *Copy of National Insurance No*
- *Personal Bank details*

**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 candidate records up to date;
- Providing work-finding services to an individual candidate, including sending information to our clients where the work seeking candidate has demonstrated an interest in doing that particular type of work but not expressly consented to us passing on their cv;

**d. Recipient/s of data**

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

- With prospective client companies that employ either as permanent staff or sub contractors IT Personnel
- Former or prospective new employers to obtain or provide references to
- The Recruitment and Employment Confederation, APSCo, CIPD of which we are members
- Any other third parties who carry out audits to ensure that we run our business correctly
- Payroll service providers who manage our payroll on our behalf
- Umbrella companies that we may pass candidate data to
- Other recruitment agencies in the supply chain (e.g. master/neutral vendors and second tier suppliers);
- Our insurers
- Our legal advisers
- Social networks
- Your IT and CRM providers
- Any public information sources and third party organisations that we 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;

**e. 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 and if you do not the consequences of failure to provide the data are:

- Langley James "The Company" may not be able to introduce or supply you, the work seeker to a client.

## 2. Any other organisations an individual asks us to share their data with.

### 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 data/sensitive personal data, such as contact details including but not limited to home address, personal email address, mobile and landline telephone number, date of birth, gender, National Insurance Number, Passport Number and Bank Details, we will do so in line with our retention policy (a copy of which can be found on our website under retention policy). 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.

## 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/sensitive personal data you have the right to withdraw that consent at any time by contacting James Toovey, Managing Director who can be reached by emailing [jt@langleyjames.com](mailto:jt@langleyjames.com) who within our organisation handles data protection issues and, where applicable, any representative of the controller and the data protection officer.

*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. Source of the personal data

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

- *A job boards database*
- *Your application to an advert on a job board*

This information did not come from a publicly accessible source.

## 6. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact: James Toovey by the following email address [jt@langleyjames.com](mailto:jt@langleyjames.com) who the person in the Company who handles data protection issues.

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

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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.