

Dynamic Talent Consulting – PRIVACY NOTICE

What is the purpose of this document?

Dynamic Talent Consulting is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (EU) 2016/679(GDPR).

This notice applies primarily to candidates for roles, but it is also applicable to individuals who come into contact with Dynamic in other ways (representing an employer or client or a potential client, acting as referee for a candidate, working for one of our core service providers, and in due course being members of our staff).

For the dual purposes of the GDPR and the Data Protection Act 2018, Dynamic Talent Consulting is a "data controller" for the small amounts of personal data we require to run our business and be of most assistance to candidates and employer businesses. However, the vast majority of the personal data we require is held by our candidates on their social media platforms, where the data is held and maintained by the third party platform in question (mainly LinkedIn).

All of this means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers, contractors, candidates and individuals at clients or potential clients of ours in respect of whom we hold personal data. This notice does not form part of any contract of employment, a contract to provide services or any other contract. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions or for specific groups of individuals (such as staff) when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data protection principles

We operate in accordance with the latest data protection principles enshrined in Article 5 of the GDPR, including the principles of purpose-limitation, storage-limitation, data accuracy, data security and integrity, and data minimisation.

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- 1) The "transparency" principle – we accept the lawfulness of processing, the fairness and the transparency required by modern data protection law.
- 2) The "data minimisation" principle - we take no more data from people than we need in order to run our business effectively and prudently.
- 3) The "purpose limitation" principle - we only collect data for the clear range of uses and purposes we have set out in this privacy notice.
- 4) The "accuracy" principle –we keep any records we hold (such as email addresses, contact details) up to date.
- 5) The "retention" principle – we make sure that we store your data on our systems for no longer

than is necessary, to minimise risks to you and us.

- 6) The “data security” principle - we take security of data seriously to avoid our business, candidate data or payment data being compromised in any way.

The kind of information we may hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed or altered in a key way (anonymised data or pseudonymised data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

Depending on the circumstances, we may collect, store, and use the following categories of personal information about you:

- Registration information taken when you sign up to using our services
- Personal contact details such as name, title, addresses, telephone numbers, and email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date(s) of job roles.
- Location of employment or workplace.
- Qualifications, certifications and exam results.
- Memberships of accrediting bodies, associations, trade or industry bodies (such as the British Medical Association, the Chartered Institute of Professional Development, or the Institute of Directors by way of example)
- Copy of identity documents, such as passport, driving licence, utility bills.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).

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- Employment records (including job titles, work history, working hours, training records and professional memberships (where these are different or supplemental to the memberships of accrediting bodies referred to above)).
- Salary/payments history.
- Performance information.
- Disciplinary and grievance information.
- CCTV footage and other information obtained through electronic means such as telephone recordings, email usage data, internet usage data and swipecard records.
- Information about your use of our information and communications systems.
- Photographs.

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your health relevant to your work, including, for example, any medical condition including any particular disability which affects your ability to undertake certain kinds of work, along with your health profile and sickness records.
- Limited information about criminal convictions and offences as part of a recruitment process.

How may your personal information be collected?

Information you provide to us: We collect personal information about candidates primarily. In addition, we may have reason now or in future to collect personal data about employees plus individuals at clients or potential clients of ours who communicate and contact us in a number of different ways. This includes CV and social media profile and biographical information, and any information provided through a typical search, application, sift and recruitment process, either directly from candidates or the potential employer and sometimes from another employment agency, employment business or background check provider. This will naturally include information provided to us over the phone or in a one to one meeting or interview.

Information we may collect about you from others: We may sometimes collect information from third parties such as other recruitment businesses, background check providers, credit reference agencies or service providers, disclosure and barring service providers (in respect of criminal convictions), your named referees, former employers, credit reference agencies or other background check agencies.

Individuals at clients may provide us with their contact details as part of a discussion about our services. We may also collect personal data which is publicly available on websites such as jobs boards, LinkedIn, or newer recruitment-related websites. We may use third-party applications which source their data from publicly-available websites.

Information through the 3rd Party Applicant Tracking System: as a professional subscriber to the software, applications and service of Eboss recruitment, it is feasible that your personal details or some of them may be sifted and processed and furnished to us via the LinkedIn search functionality or automated CV compiling functionality provided by this applicant tracking system.

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We may collect additional personal information in the course of job-related activities throughout the period of you working for us or where you undertake a placement.

How we may use information about you

We will only use your personal information when the law allows us to. Most commonly, we may use your personal information in the following circumstances:

1. Where we are taking steps at your request prior to entering into a contract.
2. Where we need to perform a contract which we have entered into with you.
3. Where we need to comply with a legal obligation.
4. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

5. Where it is necessary to protect the vital interests of you or another person.
6. Where it is needed in the public interest or for official purposes.

Situations in which we may use your personal information

The situations in which we may process your personal information are listed below. The list below indicates the categories of data which may be involved in processing your personal information (depending on the circumstances). The list also indicates, by numbers at the end of each category corresponding to the list in the box above 'How we may use information about you', the purpose or purposes for which we may process your personal information (depending on the circumstances).

- Making a decision about your recruitment or appointment. [1]
- Determining or agreeing with you (or your employer or a company related to you) the terms on which we work together. [1]
- Checking you are legally entitled to work in the UK. [1]
- Paying you and, if you are an employee, deducting tax and National Insurance contributions. [2]
- Providing contractual benefits to you. [2]
- Liaising with your pension provider. [2]
- Administering the contract we have entered into with you. [2]
- Business management and planning, including accounting and auditing. [2], [3], [4]
- Conducting performance reviews, managing performance and determining performance requirements. [2]
- Making decisions about salary reviews and compensation. [2]
- To assess your suitability for potential roles with clients. [1], [2], [4]
- To contact you about a potential role with a client. [1], [2], [4]

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- To contact you about your service requirements. [1], [2], [4]
- To propose a candidate for engagement (either on a temporary or permanent employment basis) by your employer. [1], [2], [4]
- Conducting a credit check on you prior to you commencing work for a client. [1], [2], [3], [4]
- Assessing qualifications for a particular job or task, including decisions about promotions. [1] [2]
- Gathering evidence for possible grievance or disciplinary hearings. [2]
- Making decisions about your continued employment or engagement. [1], [2], [3]
- Making arrangements for the termination of our working relationship. [2], [3]
- Education, training and development requirements. [2], [3]
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work. [2], [3]
- Ascertaining your fitness to work. [1], [2], [3]
- Managing sickness absence. [2], [3]
- Complying with health and safety obligations. [2], [3]
- To prevent fraud. [1], [2], [3]
- Equal opportunities monitoring. [1], [2], [3]
- To contact you with information about our services. [1], [2], [4]
- To monitor your use of our information and communication systems to ensure compliance with our IT policies. [1], [2], [3]
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution. [1], [2], [3]
- To conduct data analytics studies to review and better understand employee retention and attrition rates. [4]

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the

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original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

We may process your personal information without your knowledge or consent where this is required or permitted by law.

How we may use special categories personal information

"Special categories" of sensitive personal data require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. Where we need to carry out our legal obligations or exercise specific rights (either yours or ours) related to employment and in line with applicable law or this privacy notice.
2. Where it is needed in the public interest, such as for equal opportunities monitoring, in relation to our occupational pension scheme.
3. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
4. In limited circumstances, with your explicit written consent.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

Our obligations as an employer

We may use special categories of personal information in the following ways:

- We may use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We may use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- We may use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

Setting Out Our Lawful Bases for Holding Personal Data

If you have been through our Registration Process prior to using our services, or if you are deemed to be bound by our terms and conditions of business, you will note that we insist on very clear, affirmative action from you to signify **your consent** to our registering you, contacting and communicating you and acting for you or for client employers and potential clients. But consent is but one lawful basis under which we have rights to hold personal data. Furthermore, we do not need your consent if we use special categories of your personal information in accordance with this notice to carry out our legal obligations or exercise specific rights in the field of employment law.

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You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us – you are entirely free to give and withdraw consent at any time, as the law allows.

We also have a compelling need to process your data in order to **fully perform our contract** for making the service available to you as a candidate or as an employer client as the case may be. We will also process your data where we need to comply with **other legal obligations** – for example connected with regulatory requests from the Information Commissioner or a health trust. In addition, Dynamic Talent Consulting will not collect or process any data in relation to individuals unless we are satisfied that we have a **legitimate interest** in doing so (in adherence to the GDPR). This means that we will continually assess our legitimate business needs against the needs to maintain and protect individual rights and freedoms. We have undertaken the following 3-stage test to challenge ourselves and confirm our legitimate interests to hold personal data as follows:

- (i) **Identifying our legitimate business interests** – We are a commercial recruitment enterprise servicing a growing market for hiring talent especially in the healthcare and medical sectors. We believe our business interests are aligned with modern candidate and employer-led demands and attitudes towards hiring, scrutinising biographical material, reporting, sifting and providing high standards of recruitment information in order to benefit a sector of the economy that is vital to our economy at this time.
- (ii) The **necessity** of processing an individual's data is clear to us. We primarily collect candidate information, then store, file, dissect and re-present (via anonymising) data sets on individuals for the purposes of matching that candidate with a suitable employer. We also process personal data in order to fulfil our contracts to people, to grow our business, make optimal use of online social media platforms which carry the vast majority of the individuals' data, and to improve the engagement experience for all our candidates and employer clients alike. We have researched the market and conclude there is a distinct lack of any other less intrusive means to deliver the above interactions, customer services, brand enhancement, and benefits for individuals than via the data-processing we currently conduct in a responsible and measured way.
- (iii) We have **weighed the balance** of the interests of our business with rights and interests of the candidates, individuals at employers, and in due course the staff whose personal information we hold or will hold. We respect all individuals' rights to have their privacy protected. We have determined that the individuals we engage with reasonably expect us contact, engage, and communicate with them. Furthermore, we have considered the impact of our types of data processing in relation to individuals (from having emails, names, biographical data, and other contact data). When compared with other industries and other kinds of data processing which can involve a lot of sensitive personal data we take the view that there is marginal or nil harm or risk to the rights and freedoms of the valued individuals which Dynamic Talent Consulting can and does interact with.

Finally, at all times, our legitimate interests are prudently counterbalanced by the constant right of individuals to make a data access request to us (such as an objection to processing).

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with this Privacy Notice or with a client or employer's data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not

capable of giving your consent, or where you have already made the information public.

We envisage that we may hold a very small and infrequent amount information about criminal convictions. We may use information about criminal convictions and offences to consider your suitability for a role with clients or with us.

Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in any of the following circumstances:

1. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
2. Where we have notified you of the decision and given you 21 days to request a reconsideration.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any special category data, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions which have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

Data sharing

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU, but at present we do not think such transfers are likely.

If we do, you can expect a similar degree of protection in respect of your personal information.

Why might you share my personal information with third parties?

We may share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents). There are a small number of Third party service providers we use which you should be aware of:

- 1) Eboss Recruitment Software – to help us manage our records, pipeline of candidates and roles, our search and role suitability functionality and a range of related services, apt for the recruitment sector. Please see this Third Party's privacy terms as follows <https://www.ebossrecruitment.com/privacy-policy/>
- 2) Microsoft One Drive – for cloud hosting and back up services which support Dynamic Talent Consulting's business and records management. A frequently asked question to most

businesses is “where is your data stored and backed up?”. We are mindful of this concern and have confirmed that our version of Microsoft One Drive is UK centric: <https://products.office.com/en-us/where-is-your-dataocated?geo=UnitedKingdom#UnitedKingdom>

- 3) Indirectly we use the facilities, profiles and processed information supplied by LinkedIn as a helpful tool for our business. LinkedIn positions itself as a community of members and users and we are no different in subscribing and accessing those services. We have reviewed the privacy terms set by LinkedIn and are content this platform provides a robust source of “member” data for general use and interest. Please see LinkedIn privacy terms at this link: attached. <https://www.linkedin.com/legal/privacy-policy>

How secure is my information with third-party service providers?

All our third-party service providers already take appropriate security measures to protect your personal information in line with our policies and expectations. We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

Transferring information outside the EU

We may transfer the personal information we collect about you to countries outside the EU for our legitimate business interest, for the performance of a contract, with your consent, or for other legal reasons as we have set out above:

Data security

We have put in place measures to protect the security of your information, for example to backup and protect the integrity of our electronic communications and data storage systems. Third parties may only process your personal information on our instructions and where they have terms in place so that they treat the information confidentially and to keep it secure.

We have put in place appropriate IT security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know.

We have put in place procedures to deal with any suspected data security breach via our **Data Breach Response Protocol** and will notify you and any applicable regulator of a suspected breach where we are legally required to do so or where we believe we are not legally required to inform you or an applicable regulator but nevertheless we are of the view that it is the right thing to do in the circumstances.

Data retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised

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use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise or pseudonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker, contractor or candidate of the company or an individual working at a clients or potential client of ours, we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

YOUR RIGHTS OVER YOUR INFORMATION

(i) First and foremost you have a right to be informed. This privacy notice provides you with the legally required level of information with respect to our purpose for collecting and using your personal data.

Sitting underneath this primary right you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it. We will provide you with a copy of the personal data undergoing processing in electronic emailable form. Any additional copies will incur a fee to cover our reasonable costs. To make a subject access request, the individual should send the request to our Data Protection Officer
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please write to us.

Your right to withdraw consent (object)

This right triggers at any time where our processing of your data is based on consent. Linked to this you have the right to object to the processing of data where the processing is based on either the

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conditions of public interest or our legitimate business interests. Furthermore, you have the right to prevent processing that is likely to cause unwarranted substantial damage or distress to you.

Copies of your data and our data protection officer

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. We also have arrangements in place with Keystone Law whose data protection lawyers are on hand to advise our DPO should a legal query or issue of interpretation arise. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO on the following email address: rick@dynamictalentconsulting.com

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact us.