

Brooks-Harper Recruitment (The Company) is a recruitment business that 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.

I. Collection and use of personal data

I. 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. The legal bases we rely upon to offer these services to you are:

- Legitimate interest
- Contractual obligation

I. Legitimate interest

Where the Company has relied on a legitimate interest to process your personal data, our legitimate interests are as follows:

- To provide and undertake recruitment services;
- To assess data against vacancies the Company judge may be suitable for you;
- To send your information to clients so they can receive your application which will include your name and job history or assess your eligibility for jobs;
- To enable you to submit your CV or apply for jobs;
- To improve the Company's service and to make the Company's services more relevant to you

(Including updating the Company's website to enhance your digital experience);

- Where you have consented to be contacted, send you promotions, offers, networking events and market information;
- To answer your queries;
- To carry out our obligations arising from any contracts entered into between you and the Company, or any contracts the Company enters into with third parties in relation to providing you recruitment services;
- To facilitate the Company's payroll and invoicing processes;

- To third parties that undertake references, qualifications and criminal reference checking services, the verification of the details you have provided from a third-party source, psychometric or skills evaluation; To third parties, regulatory or law enforcement bodies if the Company believes that they are required to disclose it

in connection with a crime, the collection of taxes/duties, or in order to observe any applicable law or legal proceedings.

I. Recipient/s of data

The Company will process your personal data and/or sensitive personal data with the following recipients, where relevant to your personal circumstances:

- Any of the Company's branches;
- Third parties who require reference information relating to your past or future employment;
- Third party services providers who supply processing services or perform functions on the Company's behalf;
- Outsourced IT and document storage providers that the Company has entered into contractual agreements with;
- Marketing technology suppliers and platforms;
- MSP and RPO suppliers, where the Company's clients utilise these suppliers.

I. 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:

- The Company may not be able to assist you with work-finding services.

II. 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 to ensure adequate protections are in place to ensure the security of your information. The EEA comprises the EU member states plus Norway, Iceland and Liechtenstein.

III. 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 and Employment Businesses Regulations 2003 requires 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 pension 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 sensitive personal data, we will do so in line with our obligations under the relevant data protection laws. Your

sensitive personal data will be processed for a period of two years. 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 sensitive personal data.

In addition to our obligations under the Conduct of Employment Agencies and Employment Businesses Regulations 2003, the Company will delete your personal data after three years if we have not had any meaningful contact with you or if we do not hold any records on you that are in our legitimate interests to keep.

“Meaningful contact” means, for example, any form of contact between us in relation to the Company assisting/providing recruitment services to you.

IV. **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 sensitive personal data you have the right to withdraw that consent at any time by contacting David Brooks-Harper at david@brooks-harper.co.uk

V. **Complaints or queries**

If you wish to complain about this privacy notice or any of the procedures set out in it please contact: David Brooks-Harper at david@brooks-harper.co.uk

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

- I. **The lawfulness of *processing* conditions for *personal data* are:**
 - i. *Consent* of the individual for one or more specific purposes.

- ii. *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.
- iii. *Processing* is necessary for compliance with a legal obligation that the controller is subject to.
- iv. *Processing* is necessary to protect the vital interests of the individual or another person.
- v. *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*.
- vi. *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.

I. **The lawfulness of *processing* conditions for *sensitive personal data* are:**

- i. Explicit *consent* of the individual for one or more specified purposes unless reliance on *consent* is prohibited by EU or Member State law.
- ii. *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.
- iii. *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*.
- iv. 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.
- v. *Processing* relates to *personal data* which is manifestly made public by the individual.
- vi. *Processing* is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
- vii. *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.
- viii. *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.
- ix. *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.

- x. *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.