

CLAVERTON CONSULTING DATA PROTECTION UPDATE TO COMPLY WITH THE DATA PROTECTION ACT 2018 (DPA 2018).

WHO DO WE SHARE YOUR PERSONAL DATA WITH?

- Where appropriate we may share your personal data, in various ways and for various reasons, with the following categories of people:
 - Individuals and organisations who hold information related to your reference or application to work with us, such as current, past or prospective employers, educators and examining bodies and employment and recruitment agencies;
 - Tax, audit, or other authorities, when we believe in good faith that the law or other regulation requires us to share this data (for example, because of a request by a tax authority or in connection with any anticipated litigation);
 - Third party service providers who perform functions on our behalf (including external consultants, business associates and professional advisers such as lawyers, auditors and accountants, technical support functions and IT consultants carrying out testing and development work on our business technology systems);

In the case of Candidates:

- Potential employers and other recruitment agencies/organisations to increase your chances of finding employment.

In the case of Candidates referees:

- Third parties who we have engaged or retained to provide services such as reference, qualification and criminal convictions checks, to the extent that these checks are appropriate and in accordance with local laws.

HOW DO WE SAFEGUARD YOUR PERSONAL DATA?

- We are committed to taking all reasonable and appropriate steps to protect the personal information that we hold from misuse, loss, or unauthorised access. We do this by having in place a range of appropriate technical and organisational measures. These include measures to deal with any suspected data breach.
- If you suspect any misuse or loss of or unauthorised access to your personal information, please let us know immediately.

HOW LONG DO WE KEEP YOUR PERSONAL DATA FOR?

- We will erase your personal data from our systems if we have not had any meaningful contact with you (or, where appropriate, the company you are working for or with) for two years (or for such longer period as we believe in good faith that the law or relevant regulators require us to preserve your data).

After this period, it is likely your data will no longer be relevant for the purposes for which it was collected.

- For those Candidates whose services are provided via a third party company or other entity, "meaningful contact" with you means meaningful contact with the company or entity which supplies your services. Where we are notified by such company or entity that it no longer has that relationship with you, we will retain your data for no longer than two years from that point.
- When we refer to "meaningful contact", we mean, for example, communication between us (either verbal or written). If you are a Candidate, we will consider there to be meaningful contact with you if you submit your updated CV to us. We will also consider it meaningful contact if you communicate with us about potential roles, either by verbal or written communication.

HOW CAN YOU ACCESS, AMEND OR TAKE BACK THE PERSONAL DATA THAT YOU HAVE GIVEN TO US?

- One of the main objectives of DPA 2018 is to protect and clarify the rights of UK citizens and individuals in the UK with regards to data privacy. This means that you retain various rights in respect of your data, even once you have given it to us. These are described in more detail below. To get in touch about these rights, please contact us. We will seek to deal with your request within one month (subject to any extensions to which we are lawfully entitled). Please note that we may keep a record of your communications to help us resolve any issues which you raise.
1. Right to object: this right enables you to object to us processing your personal data where we do so for recruitment purposes.
 - If your objection relates to us processing your personal data because we deem it necessary for your recruitment purposes, we must act on your objection by ceasing the activity in question unless:
we can show that we have compelling legitimate grounds for processing which overrides your interests; or we are processing your data for the establishment, exercise or defence of a legal claim.
 2. Right to withdraw consent: Where we have obtained your consent to process your personal data for certain recruitment activities you may withdraw this consent at any time and we will cease to carry out the particular activity that you previously consented to unless we consider that there is an alternative reason to justify our continued processing of your data for this purpose in which case we will inform you of this condition.
 3. Data Subject Access Requests (DSAR): You may ask us to confirm what information we hold about you at any time, and request us to modify, update or delete such information. We may ask you to verify your identity and for more information about your request. If we provide you with access to the information

we hold about you, we will not charge you for this unless your request is "manifestly unfounded or excessive". If you request further copies of this information from us, we may charge you a reasonable administrative cost where legally permissible. Where we are legally permitted to do so, we may refuse your request. If so we will always tell you the reasons for doing so.

- a. Right to erasure: You have the right to request that we erase your personal data in certain circumstances. Normally, the information must meet one of the following criteria:
 - the data are no longer necessary for the purpose for which we originally collected and/or processed them;
 - where previously given, you have withdrawn your consent to us processing your data, and there is no other valid reason for us to continue processing;
 - the data has been processed unlawfully (i.e. in a manner which does not comply with the DPA 2018);
 - it is necessary for the data to be erased in order for us to comply with our legal obligations as a data controller; or
 - if we process the data because we believe it necessary to do so for our legitimate interests, you object to the processing and we are unable to demonstrate overriding legitimate grounds for our continued processing.
- b. We would only be entitled to refuse to comply with your request for one of the following reasons:
 - to exercise the right of freedom of expression and information;
 - to comply with legal obligations or for the performance of a public interest task or exercise of official authority;
 - for public health reasons in the public interest;
 - for archival, research or statistical purposes; or
 - to exercise or defend a legal claim.
- c. When complying with a valid request for the erasure of data we will take all reasonably practicable steps to delete the relevant data.
- d. Right to restrict processing: You have the right to request that we restrict our processing of your personal data in certain circumstances. This means that we can only continue to store your data and will not be able to carry out any further processing activities with it until either: (i) one of the circumstances listed below is resolved; (ii) you consent; or (iii) further processing is necessary for either the establishment, exercise or defence of legal claims, the protection of the rights of another individual, or reasons of important UK public interest.
- e. The circumstances in which you are entitled to request that we restrict the processing of your personal data are:

- where you dispute the accuracy of the personal data that we are processing about you. In this case, our processing of your personal data will be restricted for the period during which the accuracy of the data is verified;
- where you object to our processing of your personal data for our legitimate interests. Here, you can request that the data be restricted while we verify our grounds for processing your personal data;
- where our processing of your data is unlawful, but you would prefer us to restrict our processing of it rather than erasing it; and
- where we have no further need to process your personal data but you require the data to establish, exercise, or defend legal claims.

- f. If we have shared your personal data with third parties, we will notify them about the restricted processing unless this is impossible or involves disproportionate effort. We will, of course, notify you before lifting any restriction on processing your personal data.
- g. Right to rectification: You also have the right to request that we rectify any inaccurate or incomplete personal data that we hold about you. If we have shared this personal data with third parties, we will notify them about the rectification unless this is impossible or involves disproportionate effort. Where appropriate, we will also tell you which third parties we have disclosed the inaccurate or incomplete personal data to. Where we think that it is reasonable for us not to comply with your request, we will explain our reasons for this decision.
- h. Right to lodge a complaint with a supervisory authority: You also have the right to lodge a complaint with your local supervisory authority. The details are:-
The Information Commissioner's Office.
Phone: 0303 123 1113
Email: casework@ico.org.uk
Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- i. If you would like to exercise any of these rights, or withdraw your consent to the processing of your personal data (where consent is our legal basis for processing your personal data), please contact us. Please note that we may keep a record of your communications to help us resolve any issues which you raise.
- j. 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 the period for which we hold your data.

OUR LEGAL BASES FOR PROCESSING YOUR DATA

LEGITIMATE INTERESTS

- Article 6 of the DPA 2018 is the one that is relevant here – it says that we can process your data where it "is necessary for the purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of you which require protection of personal data."
- We don't think that any of the following activities prejudice individuals in any way. However, you do have the right to object to us processing your personal data on this basis.

CANDIDATE DATA:

- We think it's reasonable to expect that if you are looking for employment or have posted your professional CV information on a job board or professional networking site, you are happy for us to collect and otherwise use your personal data to offer or provide our recruitment services to you, share that information with prospective employers and assess your skills against our bank of vacancies. Once it's looking like you may get the job, your prospective employer may also want to double check any information you've given us (such as the results from psychometric evaluations or skills tests) or to confirm your references, qualifications and criminal record, to the extent that this is appropriate and in accordance with local laws. We need to do these get the jobs you deserve.
- We want to provide you with tailored job recommendations and relevant articles to read to help you on your job hunt. We therefore think it's reasonable for us to process your data to make sure that we send you the most appropriate content.
- We have to make sure our business runs smoothly, so that we can carry on providing services to Candidates like you. We therefore also need to use your data for our internal administrative activities, like payroll and invoicing where relevant.
- We have our own obligations under the law to share your data in connection with crime detection, tax collection or actual or anticipated litigation.

CLIENT DATA:

- To ensure that we provide you with the best service possible, we store your personal data and/or the personal data of individual contacts at your organisation as well as keeping records of our conversations, meetings, registered jobs and placements.

SUPPLIER DATA:

- We use and store the personal data of individuals within your organisation in order to facilitate the receipt of services from you as one of our Suppliers. We also hold your financial details, so that we can pay you for your services. We deem all such activities to be necessary within the range of our legitimate interests as a recipient of your services.

PEOPLE WHOSE DATA WE RECEIVE FROM CANDIDATES AND STAFF, SUCH AS REFEREES AND EMERGENCY CONTACTS:

- If you have been put down by a Candidate as one of their referees, we use your personal data in order to contact you for a reference. This is a part of our quality assurance procedure and so we deem this to be necessary for our legitimate interests as an organisation offering recruitment services and employing people ourselves.
- If a Candidate has given us your details as an emergency contact, we will use these details to contact you in the case of an accident or emergency. We are sure you will agree that this is a vital element of our people-orientated organisation, and so is necessary for our legitimate interests.

CONSENT

- In certain circumstances, we are required to obtain your consent to the processing of your personal data in relation to certain activities. Depending on exactly what we are doing with your information, this consent will be opt-in consent or soft opt-in consent.
- Article 4(ii) of the DPA 2018 states that (opt-in) consent is "any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her." In plain language, this means that:
 - you have to give us your consent freely, without us putting you under any type of pressure;
 - you have to know what you are consenting to so we'll make sure we give you enough information;
 - you need to take positive and affirmative action in giving us your consent we're likely to provide a tick box for you to check so that this requirement is met in a clear and unambiguous fashion.We will keep records of the consents that you have given in this way.
- As we have mentioned, you have the right to withdraw your consent to these activities.

ESTABLISHING, EXERCISING OR DEFENDING LEGAL CLAIMS

- Sometimes it may be necessary for us to process personal data and sensitive personal data in connection with exercising or defending legal claims. Article 9(2)(f) of the DPA 2018 allows this where the processing "is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity".
- This may arise for example where we need to take legal advice in relation to legal proceedings or are required by law to preserve or disclose certain information as part of the legal process.