

BARCLAY ANDERSON LTD - GDPR - PRIVACY POLICY

INTRODUCTION

This policy explains what we do with your personal data, whether we are in the process of helping you find a job, continuing our relationship with you once we have found you a role, providing you with a service, receiving a service from you, or using your data to ask for assistance in relation to one of our candidate.

It describes how we collect, use and protect your personal data, and how we comply with our legal obligations to you. It applies to the personal data of our candidates, clients, suppliers, and any other people whom we may contact in order to find out more about our candidates or who our candidates nominate as an emergency contact. It also applies to the emergency contacts of our staff at Barclay Anderson Ltd.

Our legal basis for processing your data is Article 6(1)(f) of the GDPR . This 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."*

PERSONAL INFORMATION

The information described below is in addition to any personal data we are required by law to process.

Candidate Data

We may collect some or all of the information listed below to enable us to offer you employment opportunities suitable to yourself. These can include:

- Name
 - Gender
 - Date of Birth
 - Marital Status
 - Contact Details
 - Education Details
 - Employment History
 - Emergency Contact Details
 - Referee Details
 - Immigration Status (whether you hold a work permit etc)
 - Nationality / Citizenship / Place of Birth
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- National Insurance Number
- A copy of your driving licence and/or passport/identity card
- Details of any criminal conviction if this is required for a role that you are interested in applying for
- Details regarding your current remuneration, pension and benefits package
- Information on your needs/wants of your future employment, both collected directly and inferred
- Any extra information that you choose to tell us
- Any extra information that your referees choose to tell us about you
- Any extra information that our clients may tell us about you or that we find from other third party sources such as job sites.

Please note that the above list of categories is not exhaustive.

We collect candidate personal data in two ways:

- 1 Data that the candidate gives us in order for us to provide a quality and bespoke service to that candidate. This can include:
 - Leaving a hard copy of your CV at our office via postal service or by hand
 - Emailing your CV to a Barclay Anderson consultant and/or being interviewed by them face to face or via telephone
 - Applying for jobs through a job aggregator that redirects you to Barclay Anderson.
- 2 Data that we receive from others. This can include:
 - Obtaining information about the candidate from third party sources such as LinkedIn and other job sites
 - Our clients may share personal information about you to us
 - Your referees may disclose personal information about you to us.

Having gained information about the candidate, we use it in three ways;

- 1 *Recruitment activities* in placing the correct candidate with the correct vacancy. Below is a list of ways in which we use the candidate information for this purpose (please note this list is not exhaustive).
 - Collecting data from you and other sources (as above)
 - Storing your details on our database so we can contact you in relation to recruitment
 - Updating our stored information on our database as required
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- Providing you with our recruitment services to facilitate the recruitment process
- Assessing data about you against vacancies which we think may be suitable for you
- Sending your information to clients in order to apply for jobs or to assess your eligibility for jobs
- Enabling you to submit your CV, apply online for jobs or to subscribe to alerts about jobs we think may be of interest to you
- Carrying out our obligations arising from any contracts entered into between us
- Carrying out our obligations arising from any contracts entered into between Barclay Anderson and third parties in relation to your recruitment
- Facilitating our payroll and invoicing processes
- Verifying details you have provided using third party resources (such as psychometric evaluations or skills test) or to request information (such as references, qualifications and potentially any criminal convictions, to the extent that this is appropriate)
- Complying with our legal obligations with the detection of crime or the collection of taxes or duties

We may use your personal data for the above purposes if we feel it is necessary for our legitimate interests. If you are not happy about this, in certain circumstances you have the right to object.

2 *Marketing activities* such as sending you information that we think you may find interesting, or to ask for your help with connecting with other candidates with jobs. Below is a list of ways in which we use the candidate information for this purpose (please note this list is not exhaustive).

- To enable us to develop and market other products and or services
- Market our full range of recruitment services to you
- Send you details of reports, promotions, offers, networking and client events and general information about the industry sectors that may be of interest

3 *Equal opportunities monitoring/sensitive personal data.* Some of the information we collect about you may come under the umbrella of "diversity information" (ie ethnic background, gender, disability, age, religion or other similar beliefs, and/or social-economic background). Where appropriate/necessary, we may use this information to monitor our compliance with our equal opportunities policy. We may also disclose this to clients where it is contractually required or the client specifically requests such information to enable them to comply with their own employment processes. However, before we give them such information, we will ask for your consent by offering you an opt-in. This means that you have to explicitly and clearly tell us that you agree to us collecting and using this information.

We may also collect other sensitive personal data about you such as health-related/religious affiliation/any criminal convictions if this is required for a role that you are interested in being put forward for. Again we will never do this without your specific consent. If you are not happy about this

you have the right to withdraw your consent.

Additionally in more unusual circumstances, we may use your personal data to help us to establish, exercise or defend any legal claims.

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.

Client Data

We need to have your contact details (or the details of individual contacts at your organisation such as their names, telephone numbers, email addresses) to enable us to ensure our business relationship runs smoothly. We may also hold extra information that someone in your organisation has chosen to tell us.

We collect client personal detail in two ways:

- 1 Data that we receive directly from you when
 - You contact us proactively by phone/email or other communication
 - We contact you by phone/email or other communication or through our consultants' business development activities more generally.
- 2 Data that we receive from other sources, for example
 - We may seek more information about you or your colleagues from other sources by way of due diligence or other market intelligence
 - From our candidates to the extent that they provide us with your details to act as a referee for them.
 - Your referees may disclose personal information about you to us.

Having gained information about the client, we may use it in two ways;

- 1 *Recruitment activities.* As a recruitment agency our priority is placing the right candidates in front of our clients. In order to do this we use any data on our clients as below (please note this list is not exhaustive).
 - Storing your details (updating them when necessary) on our database so we can contact you in relation to recruitment activities
 - Keeping records of our conversations and meetings so we can better target our services to you
 - 2 *Establish, Exercise or Defend a Legal Claim.* In unusual circumstances, we may use your personal data to
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help us to establish, exercise and defend any legal claims.

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.

Supplier Data

We will collect details for our contacts within your organisation such as names, telephone numbers, email addresses and bank details so we can pay you. We may also hold extra information that someone in your organisation has chosen to tell us.

Having gained information about our suppliers, we may use it in the following ways;

- 1 To store and update when necessary, your details on our database, so that we can contact you in relation to our agreements.
- 2 To offer services to you or to obtain support and services from you.
- 3 To perform certain legal obligations
- 4 In more unusual circumstances, to help us to establish, exercise or defend legal claims.

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.

Referees/Emergency Contacts

We require from referees that they know our candidate or prospective member of staff. Emergency contact details give us somebody to contact in case of emergency. For both referees and emergency contact, we require contact details such as name, email address and telephone numbers.

We will only use the information that our candidates/staff members give us for the following:

- If our candidates/staff put you down on our form as an emergency contact, we'll contact you in the case of an accident or emergency affecting them
- If our candidate/staff or a prospective member of staff gives us your details as a referee, we may contact you to take up a reference.

WHO DO WE SHARE YOUR PERSONAL DATA WITH?

Where appropriate we may share your personal data with the following:

- 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
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recruitment agencies

- Tax, audit or other authorities when the law/regulation requires us to share this data
- Third party service providers who perform functions on our behalf (ie business associates, professional advisers, technical support functions etc)
- Third party outsourced IT and document storage providers where we have an appropriate processing agreement in place.

In the case of candidates, we may share your data with the following:

- Potential employers and other recruitment organisations to increase your chances of finding employment
- Third party partners, job boards and job aggregators where we consider this will improve the chances of finding you the right job
- Third parties who we have retained to provide services such as reference, qualification and criminal convictions check.
- If Barclay Anderson Ltd merges with or is acquired by another business or company in the future (or is in meaningful discussions about such a possibility), we may share your personal data with the future owners of the business/company.

HOW DO WE SAFEGUARD YOUR PERSONAL DATA?

Barclay Anderson Ltd is committed to taking every 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 delete your personal data from our systems if we have not had any meaningful contact with you (or where you are working for or with), for two years (or longer if we believe in good faith that the law/relevant regulators require us to do so).

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 that supplies your services. When we are notified that the company/entity no longer has a relationship with you, we will retain your data for no longer than two years from that point.

Meaningful contact means communication between us either verbal or written or where you are actively engaging with us. If you are a candidate and submit your CV to us we will consider this to be meaningful contact. We will also consider it meaningful contact if you communicate with us regarding potential roles either by verbal or written communication.

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 using your information for, this consent will be opt-in consent or soft opt-in consent.

Article 4(11) of the GDPR 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"*.

This means

- 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
- You should have control over which processing activities you consent to and which you don't
- You need to take positive and affirmative action in giving us your consent

We will keep records of the consents that you have given us in this way.

We are able to rely on soft opt-in consent for marketing products or services to you which are related to the recruitment services we provide as long as you do not actively opt-out from these communications.

As we have mentioned, you have the right to withdraw your consent to these activities.

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

One of the GDPR's main objectives is to protect and clarify the rights of EU citizens and individuals in the EU 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. To get in touch about your rights, please email your enquiry to contractadmin@barclayanderson.com. We will seek to deal with your request without delay and in any event within one month (subject to any extensions to which we are lawfully entitled). We may keep a record of your communications to help us resolve any issues that you raise.

Right to Object

This enables you to object to us processing your personal data where we do so for one of the following four reasons:

- Our legitimate interests
 - To enable us to perform a task in the public interest or exercise official authority
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- To send you direct marketing materials
- For scientific, historical, research or statistical purposes.

The legitimate interests and direct marketing categories are most likely to apply to our candidates, clients and suppliers. If your objection relates to us processing your personal data because we deem it necessary for your legitimate interests, 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
- We are processing your data for the establishment, exercise or defence of a legal claim.

If your objections relates to direct marketing, we must act on your objection by ceasing this activity.

Right to Withdraw Consent

Where we have obtained your consent to process your personal data, 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 in which case we will inform you of this condition.

Data Subject Access Requests (DSAR)

You may ask us to confirm what information we hold on you at any time and request us to modify, update or delete this information. We may ask you to verify your identify 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". Where we are legally permitted to do so, we may refuse your request however we will always tell you the reasons for doing so.

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:

- The data is 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 unlawfully processed (ie in a manner which does not comply with the GDPR)
 - It is necessary for the data to be erased in order for us to comply with our legal obligations as a data controller
 - 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.
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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
- To exercise or defend a legal claim

When complying with a valid request for the erasure of data we will take all reasonably practicable steps to delete the relevant data.

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

- One of the circumstances listed below is resolved
- You consent
- 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 EU or Member State public interest.

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 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
- Where we have no further need to process your personal data but you require the data to establish, exercise or defend legal claims

Where 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.

Right to Rectification

You 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 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.

ESTABLISHING, EXERCISING OR DEFENDING LEGAL CLAIMS

Sometimes it may be necessary for us to process personal data and where appropriate and in accordance with local laws and requirements, sensitive personal data in connection with exercising or defending legal claims. Article 9(2)(f) of the GDPR 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.

HOW TO CONTACT US

If you wish to

- Access, amend or take back the personal data that you have given to us
- If you suspect any misuse or loss of or unauthorised access to your personal information
- Withdraw your consent to the processing of your personal data (where consent is the legal basis on which we process your personal data)
- Suggest any comments to the Privacy Policy.

Please contact us at Barclay Anderson Ltd, 4 Chester Court, High Street, Knowle, Solihull, B93 0LL or alternatively send an email to contractadmin@barclayanderson.com

RIGHT TO LODGE A COMPLAINT WITH A SUPERVISORY AUTHORITY

Barclay Anderson Ltd's Registration Reference: Z5883331

Details of your local supervisory authority:

Information Commissioner's Office (ICO)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.org.uk

Phone: 0303 123 1113

GLOSSARY OF TERMS

Candidates

Includes applicants for all roles advertised or promoted by Barclay Anderson Ltd including permanent, part-time and temporary positions and freelance roles with Barclay Anderson Ltd's clients as well as people who have supplied a speculative CV to Barclay Anderson Ltd not in relation to a specific job.

Clients

Barclay Anderson Ltd's customers, clients and others to whom Barclay Anderson Ltd provides services in the course of its business.

Suppliers

Refers to partnerships and companies (including sole traders) and atypical workers such as independent contractors and freelance workers who provide services to Barclay Anderson Ltd. In certain circumstances Barclay Anderson Ltd will sub-contract the services it provides to clients to third party suppliers who perform services on Barclay Anderson Ltd's behalf. In this context, suppliers that are individual contractors, freelance workers or employees of suppliers will be treated as candidates for data protection purposes.

Staff

Includes employees/apprentices engaged directly in the business of Barclay Anderson Ltd (or who have been accepted an offer to be engaged).

Other People That Barclay Anderson Ltd May Contact

These may include candidate and Barclay Anderson Ltd's staff emergency contacts and referees that will only be contacted in appropriate circumstances.

General Data Protection Regulation (GDPR)

A European Union statutory instrument which aims to harmonise European data protection laws. It has an effective date of 25 May 2018 and any references to it should be construed accordingly to include any national legislation implementing it.

Delete

While we will endeavour to permanently erase your personal data once it reaches the end of its retention period or where we receive a valid request from you to do so, some of your data may still exist within our systems (for example if it is waiting to be overwritten).