

Company Name:	KH Recruitment Ltd ('the Company')
Company Contact details:	Data Protection Officer – Little Market Row, Leybourne Kent ME19 5QL e: dataprotection@khr.co.uk t:01732 870011
Privacy Notice	When personal data is obtained from a 3 rd party
Topic:	Data protection
Date:	4 th May 2018
Version:	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 or LinkedIn. 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

The Company may have collected the following personal data on you:

Personal data:

- Name
- Age/Date of birth/Birth Number
- Contact details, including telephone number, email address and postal address
- Experience, training and qualifications
- CV including experience, education details, employment history
- National insurance number (or equivalent in your country) and any other tax-related information
- A copy of your Passport, ID Card, driving licence, Birth Certificate
- Bank Details
- Photograph
- Emergency contacts and details of any dependants
- Referee details;
- Immigration status (whether you need a work permit);
- Nationality/citizenship/place of birth;
- Financial information (where we need to carry out financial background checks)
- Social security number (or equivalent in your country)
- Details about your current remuneration, pensions and benefits arrangements
- Information on your interests and needs regarding future employment, both collected directly and inferred, for example from jobs viewed or articles read on our website;
- Extra information that you choose to share with us;
- Extra information that your referees choose to share

Sensitive personal data:

- Disability/health condition relevant to the role
- Criminal conviction
- Marital Status
- Sex/gender
- Ethnicity
- Gender
- Sexual Orientation
- Religion/Belief

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 in-house database to keep records up to date
- Contacting Individuals to seek their consent
- Contacting individuals with specific jobs
- Sending their Information to our clients where there is an interest in that particular type of work
- Passing individuals information when requested to debt collection agencies, HRMC & reference requests.

d. Recipient/s of data

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

- Our customers: Typically these might be Manufacturing companies, Financial service companies, Insurance companies, Warehouses, FMCGs, Factories, Local authorities, Construction companies, Accountancy firms, legal practices, IT and Digital companies, Marketing agencies.
- Payroll service suppliers, Umbrella companies & Accountants
- REC & their legal team
- Social Networks
- IT and CRM providers
- Insurers
- 3rd party suppliers that provide suitability checks e.g DBS, Credit Check, Credit Reference
- Master/neutral vendors and 2nd tier suppliers
- Government organisations e.g HRMC, DWP
- 3rd Party advisors e.g ACAS
- Any other organisation an individual asks us to share their data with.

2. 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.

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 and sensitive personal data, we will do so in line with our retention policy **a copy of which is attached**. 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 and sensitive 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 and sensitive personal data, you have the right to withdraw that consent at any time by contacting the Data Protection Officer – Little Market Row, Leybourne Kent ME19 5QL e: dataprotection@khr.co.uk t: 01732 870011

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. Automated decision-making

We use automated decision-making techniques because they help us identify key skills, experience and industry knowledge and importantly, enable us to place people into work sooner, and more cost-effectively, than we otherwise would.

Automated decision making is primarily run on using Boolean Search techniques on information that you have given through previous interactions with us. This may include broad information relating to you, such as geographic and data on your CV (ie Skills, postcode etc), in order to have a better understanding of your potential relevance for a role.

This helps us to only contact you with the most relevant communications.

When using Automated Decision making, we always consider factors such as:

- The individual's reasonable expectations
- The potential effect on them of the processing
- For activities that segment results in reference to postcodes or other information we already have this represents a relatively low level of intrusion into privacy and in these cases, the legitimate interest condition may be a valid basis for processing.

6. Source of the personal data

The Company sourced your personal data/sensitive personal data from a publicly accessible source. As well as the commonly used search engines, personal networks, social media platforms and other publicly published media we may have used the following publicly accessible means:

- LinkedIn

- Bitbucket x Ray
- Flickr
- Github
- Google+
- Stackoverflow
- Twitter
- Xing
- About.me

7. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact:
Data Protection Officer – Little Market Row, Leybourne Kent ME19 5QL t: 01732 870011 e:
dataprotection@khr.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

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 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.