Applicant and Employee Data Protection Fair Processing Notice

Grindeys LLP ('**we**' or '**us**') provide this notice to make job applicants and employees aware of our policies relating to the processing of personal data in accordance with the Data Protection Act 2018 (**DPA**) and the General Data Protection Regulations (EU 2016/679). We are committed to safeguarding the privacy of the personal information concerning our prospective, current and former employees.

Data Protection Legislation

We are your data controller. As your data controller, we will collect and/or process personal information in accordance with the DPA and any future replacement data protection legislation or regulations.

Personal data

We ask for personal information from job applicants to assist with our recruitment processes for the purpose of managing your actual or potential employment relationship with us. Any information about you which is obtained by us during the application process (including any information obtained directly from you or from third parties, such as your referees), may be retained and used by us for the purposes of considering your suitability for employment, to take up your references, conduct appropriate checks and as otherwise reasonably required for the purposes of our business or applicable law.

We will assume that any and all information provided to us by you during the application process and thereafter is true and accurate to the best of your knowledge and belief.

If you provide details of a referee, it is your responsibility to ensure the referee is aware that you have forwarded his/her details to us and that he or she is happy for you to do so.

During the recruitment process, we may research comments, opinions and photographs made public on social networking sites such as LinkedIn, Facebook and Twitter.

We may disclose information we receive from you to Team Leaders in departments other than the one to which you may have originally applied to work. This is only done if there are potential vacancies elsewhere that you may be able to fill.

If we do not employ you, we will retain your information for a maximum of six months. The information may be used to reconsider your application should further positions become available. If you would rather we do not do so, please let us know.

Personal Identification and Background Checks

All new employees will be asked to provide ID to confirm their identity and we may also use a third party verification service (Lexis Nexis Tracesmart) to confirm your identity.

As part of our fraud prevention procedures, we will conduct a Disclosure and Barring Service (DBS) report on all new employees using the Law Society's approved provider, Atlantic Data Ltd (**Atlantic**). We will be told if you have passed the check and will be given a certificate number. We do not receive a copy of your certificate. If the search has indicated conviction information you will receive a report directly from Atlantic

with the details. We do not see this report. Atlantic will advise you to inform us, and the Law Society, of the result. You must inform us immediately.

We will also confirm your credit worthiness of all new employees with either Call Credit or Know Your Candidate. They will carry out a new employee vetting (credit) check and supply a report to us. This will not affect your credit rating.

Sensitive personal data

You may also supply us with sensitive personal data relating to your *physical or mental health,* which is gathered for the following purposes:

- To monitor equality of opportunity;
- To assess suitability for particular jobs;
- To consider whether adjustments may need to be made to accommodate an applicant with a disability;
- To be able to fully inform paramedics should you be taken ill/have an accident.

We do not request or consider information concerning religion, sexual life, political opinions or trade union membership in connection with recruiting.

The provision of such sensitive personal data by you is entirely voluntary. Disclose of your sensitive personal data is only made to the person or people responsible for your interview and appointment.

If you are appointed and have a medical condition which your working colleagues may need to be aware of, then this may be disclosed to them only with your express consent.

Purpose for processing your personal data

We collect your personal information because you have applied to us for a job or because you are a new, current or former employee.

This information is only used because we have or may have a contractual relationship with you, to meet our legal obligations and for our legitimate interest as an employer. Such uses of your information may include:

- management and administration of recruiting
- managing your employment relationship with us
- payment of salary and other statutory entitlements
- grievance and disciplinary issues
- career and talent development
- performance evaluations
- training
- employee communications
- compensation and benefits (including pensions)
- for the prevention of money laundering, anti-bribery and corruption, financial crime and fraud
- vehicle identification, control and driving permissions

If you are applying for a job and your application is successful and you subsequently become employed by us, the information initially provided will become part of your personnel file.

Updating your personal data

You must notify us immediately if your details change or are inaccurate, so that we can maintain accurate information about you. This is required in order to perform our necessary duties, such as paying you.

In certain cases, for example a change of name, we may need to retain the original data in order to assist us in the future with activities such as employee, payroll and taxation and pension management. In other cases (such as change of bank details) your old data will be deleted or replaced by more up to date data.

Every year we will ask you to confirm that there have been no changes to the key data we hold on you.

Other Bodies

We will not disclose any information about you without your express permission. However, there are circumstances where there is a legal or statutory obligation for us to make a disclosure. If the request appears to be unusual and we are not prevented from disclosing the request, then we will advise you that disclosure has taken place.

We may obtain from and provide information to a wide variety of other bodies which may include, but is not limited to:

- Her Majesty's Revenue and Customs (HMRC)
- Disclosure and Barring Service
- Law Society and Solicitors Regulation Authority
- Home Office
- Child Support Agency
- Central government, government agencies and departments
- Other local authorities and public bodies
- Ombudsman and other regulatory authorities
- Courts/Prison Service
- Financial institutions in connection with your mortgage or lending applications
- Credit Reference Agencies
- Pension and employee benefit consultants (currently Punter Southall)
- Utility providers
- Educational, training and academic bodies
- Law enforcement agencies including the National Crime Agency and Police
- Emergency services (Ambulance and the Fire and Rescue Services)
- Statutory Auditors

- Department for Work and Pensions (DWP)
- Relatives or guardians of an employee where there is a legal duty to do so

Protection of your information

We employ technical and organisational measures designed to protect the integrity, confidentiality, security and availability of applicant and employee data and to comply with applicable legal requirements for information security.

We strictly limit access to internal systems that hold applicant and employee data to individuals who need access for a legitimate business purpose.

Data Retention

We only retain information for as long as there is a business or legal requirement to do so. Full details of the data and related retention periods are given in the firm's Data Retention Policy. The main data retention periods for personnel records that would usually be applied are:

- Application forms and interview notes for unsuccessful candidates – six months
- Salary and pay records – six years (current tax year and the previous six complete years)
- Personnel records (which would include the information obtained during the application process and subsequent ID verification and anti-fraud checks) – the duration of your employment and up to two years after you leave

Records

Our personnel records are retained manually but some limited information is held on computer.

All information is currently kept in the UK.

We shall at all time store and process your personal information securely and where possible, this shall be within the European Economic Area (**EEA**). However, if at any time in the future it becomes necessary for us to store your information outside of the EEA, we will do so only if we are assured that your information will be given the same protection as if it were in the UK.

We use Microsoft's Azure Cloud System to hold the digital data and Mimecast for e-mails, with both systems administered on our behalf by Quiss Technology plc.

Close circuit television

For security, the detection of crime and to deal with any complaints of poor behaviour, we use CCTV on our sites, including car parks. When images are recorded, they are stored for a maximum of seven days. Copies of images may be provided to law enforcement and/or viewed by our staff.

Photographs

We will use your image on access security cards that allow you to access our buildings. Your card should be handed into your Team Leader or the Human Resources Manager when you leave and the card will be destroyed.

If we need to use your image for marketing purposes, we will seek your consent. This includes use on our website, on printed material and on social media, for example. However, once your image appears on the internet or in printed form, we will not be able to delete it from media that we don't control.

Driving

If you use your or a company vehicle for business purposes we will carry out checks with the Driving and Vehicle Licencing Authority (DVLA) of your entitlement to drive and any convictions or disqualifications you may have. We will seek your consent whenever a check is made.

Data Processors

In relation to your personal data, we are classified as a Data Controller under the Act. We do not currently outsource any personnel related services to third parties who would act be acting as our Data Processors.

However, we do share Data Controller responsibilities with third parties. Examples would include the DBS or ID verification checks.

Revisions to this notice

We reserve the right to modify this Notice by posting changes to our website. If you submit additional Applicant Data or request to be considered for a position with us following the effective date of a modified Notice, your Applicant Data will be handled in accordance with the Notice in effect at that time.

Interpretation of this fair processing notice

Any interpretation of this fair processing notice will be made by the Practice Director. This fair processing notice includes examples but is not intended to be restricted in its application to such examples, therefore where the word 'includes' is used, it shall mean 'includes without reasonable limitation'.

Rights of the Data Subject

In accordance with applicable law, you are entitled to ask for a copy of the information that we hold about you and to ask us to correct any inaccuracies. There is no charge for providing a copy of your personal data. Please contact our Data Protection Lead (**DPL**), Martin Leak by e-mail at dataprotection@grindeys.com or by telephone on 01782 840509 if you would like to make such a request.

Data Controllers and DPO's contact details

The Data Controller is us and the DPL is Martin Leak. Any queries on data protection should be addressed to the DPL, on payroll to Jeanette Thompson (Accounts) and all other personnel related issues should go to the HR Manager (Janine Webb).

I confirm that I have read this Data Privacy Notice and understand how my personal information (including sensitive personal data) will be used.

Name: …… Signed: …….

Dated: ……