

Data Protection Policy

ACCOUNTABILITY, DOCUMENT AND VERSION CONTROL

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Company Name	Elwood Recruitment
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For questions or queries about this document, contact:	Craig Wood Managing Director Jenna Gorton HR/Payroll and Compliance Manager

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All organisations that process *personal data* are required to comply with data protection legislation. This includes the Data Protection Act 1998 (or its successor) and the EU General Data Protection Regulation (together the ‘Data Protection Laws’). The Data Protection Laws give individuals (known as ‘data subjects’) certain rights over their *personal data* whilst imposing certain obligations on the organisations that process their data.

As a recruitment business Elwood Recruitment collects and processes both *personal data* and *sensitive personal data*. It is required to do so to comply with other legislation. It is also required to keep this data for different periods depending on the nature of the data.

This policy sets out how Elwood Recruitment implements the Data Protection Laws. It should be read in conjunction with the Data Protection Procedure.

In this policy the following terms have the following meanings:

‘consent’ means any freely given, specific, informed and unambiguous indication of an individual’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.

‘data controller’ means an individual or organisation which, alone or jointly with others, determines the purposes and means of the *processing of personal data*;

‘data processor’ means an individual or organisation which processes *personal data* on behalf of the *data controller*;

‘personal data’* means any information relating to an individual who can be identified, such as by a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

‘personal data breach’ means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, *personal data*;

‘processing’ means any operation or set of operations performed on *personal data*, such as collection, recording, organisation, structuring, storage (including archiving), adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

‘profiling’ means any form of automated *processing of personal data* consisting of the use of *personal data* to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

‘pseudonymisation’ means the *processing of personal data* in such a manner that the *personal data* can no longer be attributed to an individual without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the *personal data* are not attributed to an identified or identifiable individual;

‘sensitive personal data’* means *personal data* revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the *processing* of genetic data, biometric data, data concerning health, an individual’s sex life or sexual orientation and an individual’s criminal convictions. [\[Note 1\]](#)

* For the purposes of this policy we use the term ‘*personal data*’ to include ‘*sensitive personal data*’ except where we specifically need to refer to *sensitive personal data*.

'*Supervisory authority*' means an independent public authority which is responsible for monitoring the application of data protection. In the UK the *supervisory authority* is [the Information Commissioner's Office](#) (ICO).

All these definitions are italicised throughout this policy to remind the reader that they are defined terms.

Elwood Recruitment processes *personal data* in relation to its own staff, work-seekers and individual client contacts and is a *data controller* for the purposes of the Data Protection Laws. Elwood Recruitment has registered with the ICO and its registration number is 00018762988

Elwood Recruitment may hold *personal data* on individuals for the following purposes:

- Staff administration.
- Advertising, marketing and public relations
- Accounts and records.
- Administration and *processing* of work-seekers' *personal data* for the purposes of providing work-finding services, including *processing* using software solution providers and back office support
- Administration and *processing* of clients' *personal data* for the purposes of supplying/introducing work-seekers
- Our clients where you agreed for supplied references to be shared when necessary
- Training providers where you are undertaking any training services provided by us
- Neutral and Master vendors when applicable.
- Governing bodies and authorities as required by law.
- Our software providers.
- Third party suppliers, e.g. business associates and professional advisers, such as external consultants, technical and IT support functions, independent auditors
- Third party, where necessary to protect our applicant / worker / employee vital interest, e.g., emergency services.
- Payroll provider
- Insurers
- Legal advisers
- Pension provider.
- Third party, where necessary to protect your vital interest, e.g. emergency services
- Government, law enforcement agencies and other regulators e.g., the Police, Home Office, HMRC, Employment Agencies Standards Inspectorate (EASI), Local Authority Designated Officers (LADOs), GLAA,
- We may transfer your personal information to a third party as part of a sale of some or all our business and assets to any third party or a part of any business restructuring or reorganisation. However, we will take steps with the aim of ensuring that your privacy rights continue to be protected.

1. The data protection principles

The Data Protection Laws require Elwood Recruitment acting as either *data controller* or *data processor* to process data in accordance with the principles of data protection. These require that *personal data* is:

1. Processed lawfully, fairly and in a transparent manner.
2. Collected for specified and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Accurate and kept up to date; every reasonable step must be taken to ensure that *personal data* that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

5. Kept for no longer than is necessary for the purposes for which the *personal data* are processed.
6. Processed in a manner that ensures appropriate security of the *personal data*, including protection against unauthorised or unlawful *processing* and against accidental loss, destruction or damage, using appropriate technical or organisational measures; and that
7. The *data controller* shall be responsible for, and be able to demonstrate, compliance with the principles.

2. Legal bases for processing

Elwood Recruitment will only process *personal data* where it has a legal basis for doing so (see Annex A). Where Elwood Recruitment does not have a legal reason for *processing personal data* any processing will be a breach of the Data Protection Laws.

Elwood Recruitment will review the *personal data* it holds on a regular basis to ensure it is being lawfully processed and it is accurate, relevant and up to date and those people listed in the Appendix shall be responsible for doing this.

Before transferring *personal data* to any third party (such as past, current or prospective employers, suppliers, customers and clients, intermediaries such as umbrella companies, persons making an enquiry or complaint and any other third party (such as software solutions providers and back-office support)), Elwood Recruitment will establish that it has a legal reason for making the transfer.

3. Privacy by design and by default

Elwood Recruitment has implemented measures and procedures that adequately protect the privacy of individuals and ensures that data protection is integral to all *processing* activities. This includes implementing measures such as:

- data minimisation (i.e., not keeping data for longer than is necessary).
- cyber security

Elwood Recruitment shall provide any information relating to data *processing* to an individual in a concise, transparent, intelligible and easily accessible form, using clear and plain language. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. Elwood Recruitment may provide this information orally if requested to do so by the individual.

1. Privacy notices

Where Elwood Recruitment collects *personal data* from the individual, Elwood Recruitment will give the individual a privacy notice at the time when it first obtains the *personal data*.

Where Elwood Recruitment collects *personal data* other than from the individual directly, it will give the individual a privacy notice within a reasonable period after obtaining the *personal data*, but at the latest within one month. If Elwood Recruitment intends to disclose the *personal data* to a third party, then the privacy notice will be issued when the *personal data* are first disclosed (if not issued sooner).

Where Elwood Recruitment intends to further process the *personal data* for a purpose other than that for which the data was initially collected, Elwood Recruitment will give the individual information on that other purpose and any relevant further information before it does the further *processing*.

2. Subject access requests

The individual is entitled to access their *personal data* on request from the *data controller*.

3. Rectification

The individual or another *data controller* at the individual's request, has the right to ask Elwood Recruitment to rectify any inaccurate or incomplete *personal data* concerning an individual.

If Elwood Recruitment has given the *personal data* to any third parties, it will tell those third parties that it has received a request to rectify the *personal data* unless this proves impossible or involves

disproportionate effort. Those third parties should also rectify the *personal data* they hold - however Elwood Recruitment will not be able to audit those third parties to ensure that the rectification has occurred.

4. Erasure

The individual or another *data controller* at the individual's request, has the right to ask Elwood Recruitment to erase an individual's *personal data*.

If Elwood Recruitment receives a request to erase it will ask the individual if s/he wants his *personal data* to be removed entirely or whether s/he is happy for his or her details to be kept on a list of individuals who do not want to be contacted in the future (for a specified period or otherwise). Elwood Recruitment cannot keep a record of individuals whose data it has erased so the individual may be contacted again by Elwood Recruitment should Elwood Recruitment come into possession of the individual's *personal data* later.

If Elwood Recruitment has made the data public, it shall take reasonable steps to inform other *data controllers* and *data processors processing the personal data* to erase the *personal data*, considering available technology and the cost of implementation.

If Elwood Recruitment has given the *personal data* to any third parties it will tell those third parties that it has received a request to erase the *personal data*, unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the *personal data* they hold - however Elwood Recruitment will not be able to audit those third parties to ensure that the rectification has occurred.

5. Restriction of processing

The individual or a *data controller* at the individual's request, has the right to ask Elwood Recruitment to restrict its *processing* of an individual's *personal data* where:

- The individual challenges the accuracy of the *personal data*.
- The *processing* is unlawful, and the individual opposes its erasure.
- Elwood Recruitment no longer needs the *personal data* for the purposes of the *processing*, but the *personal data* is required for the establishment, exercise or defence of legal claims; or
- The individual has objected to *processing* (on the grounds of a public interest or legitimate interest) pending the verification whether the legitimate grounds of Elwood Recruitment override those of the individual.

If Elwood Recruitment has given the *personal data* to any third parties it will tell those third parties that it has received a request to restrict the *personal data*, unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the *personal data* they hold - however Elwood Recruitment will not be able to audit those third parties to ensure that the rectification has occurred.

6. Data portability

The individual shall have the right to receive *personal data* concerning him or her, which he or she has provided to Elwood Recruitment, in a structured, commonly used and machine-readable format and have the right to transmit those data to another *data controller* in circumstances where:

- The *processing* is based on the individual's *consent* or a contract; and
- The *processing* is carried out by automated means.

Where feasible, Elwood Recruitment will send the *personal data* to a named third party on the individual's request.

7. Object to processing

The individual has the right to object to their *personal data* being processed based on a public interest or a legitimate interest. The individual will also be able to object to the *profiling* of their data based on a public interest or a legitimate interest.

Elwood Recruitment shall cease *processing* unless it has compelling legitimate grounds to continue to process the *personal data* which override the individual's interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

The individual has the right to object to their *personal data* for direct marketing.

8. Enforcement of rights

All requests regarding individual rights should be sent to the person whose details are listed in the Appendix.

Elwood Recruitment shall act upon any subject access request, or any request relating to rectification, erasure, restriction, data portability or objection or automated decision-making processes or profiling within one month of receipt of the request. Elwood Recruitment may extend this period for two further months where necessary, considering the complexity and the number of requests.

Where Elwood Recruitment considers that a request under this section is manifestly unfounded or excessive due to the request's repetitive nature Elwood Recruitment may either refuse to act on the request or may charge a reasonable fee considering the administrative costs involved.

9. Automated decision making

Elwood Recruitment will not subject individuals to decisions based on automated *processing* that produce a legal effect or a similarly significant effect on the individual, except where the automated decision:

- Is necessary for the entering into or performance of a contract between the *data controller* and the individual.
- Is authorised by law; or
- The individual has given their explicit *consent*.

Elwood Recruitment will not carry out any automated decision-making or *profiling* using the *personal data* of a child.

Reporting personal data breaches

All data breaches should be referred to the persons whose details are listed in the Appendix.

1. Personal data breaches where Elwood Recruitment is the data controller:

Where Elwood Recruitment establishes that a *personal data breach* has taken place, Elwood Recruitment will take steps to contain and recover the breach. Where a *personal data breach* is likely to result in a risk to the rights and freedoms of any individual Elwood Recruitment will notify the ICO.

Where the *personal data breach* happens outside the UK, Elwood Recruitment shall alert the relevant *supervisory authority* for data breaches in the effected jurisdiction.

2. Personal data breaches where Elwood Recruitment is the data processor:

Elwood Recruitment will alert the relevant *data controller* as to the *personal data breach* as soon as they are aware of the breach.

3. Communicating personal data breaches to individuals

Where Elwood Recruitment has identified a *personal data breach* resulting in a high risk to the rights and freedoms of any individual, Elwood Recruitment shall tell all affected individuals without undue delay.

Elwood Recruitment will not be required to tell individuals about the *personal data breach* where:

- Elwood Recruitment has implemented appropriate technical and organisational protection measures to the *personal data* affected by the breach, to make the *personal data* unintelligible to any person who is not authorised to access it, such as encryption.
- Elwood Recruitment has taken subsequent measures which ensure that the high risk to the rights and freedoms of the individual is no longer likely to materialise.
- It would involve disproportionate effort to tell all affected individuals. Instead, Elwood Recruitment shall make a public communication or similar measure to tell all affected individuals.

All individuals have the following rights under the Human Rights Act 1998 (HRA) and in dealing with *personal data* these should be always respected:

- Right to respect for private and family life (Article 8).
- Freedom of thought, belief and religion (Article 9).
- Freedom of expression (Article 10).
- Freedom of assembly and association (Article 11).
- Protection from discrimination in respect of rights and freedoms under the HRA (Article 14).

If you have a complaint or suggestion about Elwood Recruitment's handling of *personal data*, then please contact the person whose details are listed in the Appendix to this policy.

Alternatively you can contact the ICO directly on 0303 123 1113 or at <https://ico.org.uk/global/contact-us/email/>

Persons responsible for:

HR and Compliance Officer: Jenna Gorton email: jenna@elwood-recruitment.co.uk

- adding, amending or deleting *personal data*.
- responding to subject access requests/requests for rectification, erasure, restriction data portability, objection and automated decision-making processes and profiling.
- reporting data breaches/dealing with complaints

Data Protection Officer: Craig Wood – Managing Director email: craig@elwood-recruitment.co.uk

- assist you to monitor internal compliance
- inform and advise on your data protection obligations
- provide advice regarding Data Protection Impact Assessments (DPIAs)
- act as a contact point for data subjects and the Information Commissioner's Office (ICO)

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 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.