



<b>Company Name:</b>	'Proman' is the trading name of all companies of the Proman group including HEADS Recruitment Ltd, HEADS Engineering Ltd and Proman Recruitment Ltd ('the Company')
<b>Company Contact details:</b>	Proman Group Head Office Kimada House 442 Flixton Rd Flixton Manchester M41 6EY
<b>Document DP5A</b>	Privacy Notice: <b><i>When personal data is obtained from the data subject <u>OR</u> from a 3<sup>rd</sup> party</i></b>
<b>Topic:</b>	Data protection
<b>Date:</b>	1 <sup>st</sup> April 2018
<b>Version:</b>	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. 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 will collect 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. The legal bases we rely upon to offer these services to you are:

- Consent
- Legitimate interest
- Contractual obligation

### **b. Categories of data**

The Company has collected the following personal data on you:

Personal data:

- Name &/or contact details
- CV which may or may not include work history, qualifications, education history and/or reference details.

#### **c. Legitimate interest**

Where the Company has relied on a legitimate interest to process your personal data our legitimate interests is/are as follows:

1. *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.
2. *Processing* is necessary for compliance with a legal obligation that the controller is subject to.

#### **d. Recipient/s of data**

Where appropriate and in accordance with local laws and requirements, we may share your personal data, in various ways and for various reasons, with the following categories of people:

- Any of our group companies;
- 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);
- Third party outsourced IT and document storage providers where we have an appropriate processing agreement (or similar protections) in place;
- Marketing technology platforms and suppliers;
- In the case of Candidates: potential employers and other recruitment agencies/organisations to increase your chances of finding employment;
- In the case of Candidates: third party partners, job boards and job aggregators where we consider this will improve the chances of finding you the right job;
- In the case of Candidates and our Candidates' and prospective members of Staff's referees: third parties who we have 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;
- If Proman Group acquires another business or company in the future, (or is in meaningful discussions about such a possibility) we may share your personal data with the (prospective) new owners of the business or company.

#### **e. Statutory/contractual requirement**

Your personal data is required by law and/or a contractual requirement (e.g. our client may require this personal data), and/or a requirement necessary to enter into a contract. You are obliged to provide the personal data and if you do not the consequences of failure to provide the data are:

- The Company may be unable to provide work finding services or fulfil its contract to pay you for any services provided by you.

## 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. Different laws 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 data and sensitive personal we will do so in line with our retention policy detailed below. 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 data and sensitive personal data.

	Personal Data	Sensitive Personal Data
With Consent	4 years	2 Years

## 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 data and sensitive personal data you have the right to withdraw that consent at any time by contacting the Company. Any Company staff who receives a request from an individual to withdraw their *consent* to *processing* their data will

be responsible for issuing the individual with the Company's withdrawal of *consent* form. Once the form has been completed it should be given to The Data protection Officer (DPO) and the Compliance Team.

## **5. Complaints or queries**

If you wish to complain about this privacy notice or any of the procedures set out in it please contact:  
The Data Protection Officer and/or The Compliance Team

Kimada House  
442 Flixton Rd  
Manchester  
M41 6EY

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:**

3. *Consent* of the individual for one or more specific purposes.
4. *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.
5. *Processing* is necessary for compliance with a legal obligation that the controller is subject to.
6. *Processing* is necessary to protect the vital interests of the individual or another person.
7. *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*.
8. *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.