

<b>Company Name:</b>	Open Recruitment Solutions Ltd ('the Company')
<b>Company Contact details:</b>	Chris Davis – <a href="mailto:chris.davis@openrs.co.uk">chris.davis@openrs.co.uk</a> Tony Peard – <a href="mailto:tony.peard@openrs.co.uk">tony.peard@openrs.co.uk</a>
<b>Document DP5A</b>	Privacy Notice (when personal data is obtained directly from the data subject)
<b>Topic:</b>	Data protection
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<b>Version:</b>	1.0

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. 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. 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:

- Keeping your records up to date;
- Contacting you to seek consent where needed;

- Providing work-finding services, including sending information to clients where there has been a demonstrated interest in doing a particular type of work but not expressly consented to passing on a cv;
- Contact with information about similar products or services used from the company recently; and
- Passing your information to debt collection agencies.

#### c. Recipient/s of data

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

- Clients that the company introduces or supplies individuals to;
- Candidates' former or prospective new employers that you obtain or provide references to;
- The Recruitment and Employment Confederation (and any other trade body that you are a member of who may have access to your candidates' data);
- Any other third parties who carry out audits on the company;
- Payroll service providers managing company payroll;
- Umbrella companies;
- Other recruitment agencies in the supply chain;
- Company insurers;
- Company legal advisers;
- Social networks;
- Company IT providers;
- Any public information sources and third party organisations that you may use to carry out suitability checks on work-seekers e.g. Companies House, the Disclosure and Barring Service (DBS), National College for Teaching and Leadership (NCTL), Nursing and Midwifery Council (NMC), General Medical Council (GMC), DVLA, credit reference agencies
- 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,
- Trade unions;
- Any other organisations you asks to share data with.

#### d. 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 may result in the inability to introduce you or supply services to a client.

## 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. 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.

Document type	How long to keep for (and source of requirement)
<b>Personnel records</b>	
<ul style="list-style-type: none"> <li>Work-seeker records including application form/CV, ID checks, terms of engagement (see also below), details of assignments, opt-out notices and interview notes</li> <li>Hirer records including client details, terms of business (see below), assignment/vacancy details.</li> </ul>	1 year from the last date of providing work-finding services as an Employment Agency or Employment Business (Conduct of Employment Agencies and Employment Businesses Regulations 2003 (Conduct Regulations))
Terms of engagement with temporary worker and terms of business with clients	6 years in order to deal with any civil action in the form of contractual claim (Limitation Act 1980).
References	Conduct Regulations require references to be kept for 1 year following the introduction or supply of a work-seeker to a client.
Records held relating to right to work in the UK	2 years after employment or engagement has ended – must not be alterable.
Criminal records checks/ Disclosure Barring checks	As per new DBS Code requiring registered bodies to 'handle all information provided to them by DBS, as a consequence of applying for a DBS product, in line with the obligations under Data protection Act 1998'.
Wage documentation: <ul style="list-style-type: none"> <li>Total pay by the worker and the hours worked by the worker</li> <li>Overtime/shift premia;</li> <li>Any deduction or payment of accommodation;</li> <li>Any absences eg rest breaks, sick leave, holiday;</li> <li>Any travel or training during working hours and its length;</li> <li>Total number of hours in a pay reference period</li> </ul>	6 years in order to deal with any civil action in the form of contractual claim (Limitation Act 1980).
<b>Company financial records</b>	
VAT	6 years as per overview of VAT record keeping on the Gov.uk website
Company accounts	6 years as per overview of running a limited company on the Gov.uk website
<ul style="list-style-type: none"> <li>Payroll information</li> <li>CIS records</li> </ul>	3 years from the end of the tax year as per CIS record-keeping and PAYE record-keeping guidance on the Gov.uk website
ITEPA (the intermediaries legislation) records	Report due every quarter, to be kept for no less than 3 years after the end of the tax year to which they relate.

#### 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 Chris Davis – [chris.davis@openrs.co.uk](mailto:chris.davis@openrs.co.uk) or Tony Peard – [tony.peard@openrs.co.uk](mailto:tony.peard@openrs.co.uk)

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. Complaints or queries**

If you wish to complain about this privacy notice or any of the procedures set out in it please contact: Chris Davis – [chris.davis@openrs.co.uk](mailto:chris.davis@openrs.co.uk) or Tony Peard – [tony.peard@openrs.co.uk](mailto:tony.peard@openrs.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.