

Privacy Notice for Employees and Prospective Employees

Introduction

We respect your privacy and are committed to protecting your personal data. This privacy notice informs you how we look after your personal data supplied to us and tells you about your privacy rights and how the law protects you.

1. Important information and who we are

Purpose of this privacy notice

This privacy notice aims to give you information on how your personal data is collected and processed by us.

This notice applies to current and former employees, and prospective employees. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using that information and what your rights are under the data protection legislation.

Controller

BHW Solicitors Limited (“BHW”) is the data controller and responsible for the processing of your personal data. In this privacy notice, we will also refer to BHW as “we”, “us” or “our”.

We have appointed a data protection supervisor whose role includes oversight of all matters relating to the protection of your personal data and dealing with questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact our data protection supervisor using the contact details below.

Contact details

Postal address: The Data Protection Supervisor, BHW Solicitors Limited, 1 Smith Way, Grove Park, Enderby, Leicester LE19 1SX.

Email address: dataprotection@bhwsolicitors.com

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

Informing us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

2. Data protection principles

We will comply with data protection law, which says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

3. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you as set out below:

	For prospective employees	For employees
Name	Y	Y
Date of birth	Y	Y
Gender	Y	Y
Address	Y	Y
Email address	Y	Y

Contact telephone numbers	Y	Y
Marital status and Dependants	Y	Y
Next of kin		Y
Emergency contact details		Y
Tax status and Taxpayer reference		Y
National Insurance number		Y
Disclosure and Barring Service (DBS) certificate status (whether clear or contains disclosure)		Y
Nationality	Y	Y
Photographic ID		Y
Passport number		Y
Bank account details		Y
Salary, benefit and annual leave details (including in relation to current employment for prospective employees)	Y	Y
Payroll records		Y
Pension contribution details		Y
Education history	Y	Y
Previous employment	Y	Y
Employment dates	Y	Y
Disciplinary and grievance information		Y
Performance information		Y

Employment records (including job titles, work history, working hours, holidays, training records and professional memberships)	Y	Y
Information about your use of our information and communications systems		Y
Electronic signing in/out records including photographs		Y
Health information		Y
Location of employment or workplace		Y
Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied		Y
Compensation history		Y
Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process)	Y	Y
Details of any court proceedings, directorships or shareholdings and financial restrictions such as bankruptcy filings	Y	Y

We may also collect, use and share aggregated data such as statistical or demographic data for any purpose. Aggregated data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. However, if we combine or connect aggregated data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

Particularly sensitive data

“Special categories” of particularly sensitive data under the General Data Protection Regulation are those that include details about your race or ethnicity, religious or philosophical beliefs, sex

life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data.

We will use your particularly sensitive personal data in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.

We do not need your consent if we use special categories of your personal data in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Criminal convictions data

If your DBS certificate is not clear we may ask you to disclose details of criminal convictions to us. We do not need your consent to process this data provided we do so for reasons of substantial public interest, including protecting the public from dishonesty, malpractice or other seriously improper conduct.

If you fail to provide personal data

If you fail to provide certain information when requested, we may not be able to perform the employment contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our employees and workers).

4. How is your personal data collected?

Your personal data is collected directly from you, either in face-to-face meetings or through you completing a questionnaire or other form or from emails. We may also receive some information about you from recruitment agencies, the Solicitors Regulation Authority or other professional bodies of which you are a member.

5. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data as follows:

- Making a decision about your recruitment or appointment
- Determining the terms on which you work for us

- Checking you are legally entitled to work in the UK
- Paying you and deducting tax and National Insurance contributions
- Providing any employee benefits to you
- Making pension contributions under our workplace pension arrangements
- Administering the employment contract we have entered into with you
- Business management and planning, including accounting and auditing
- Conducting performance reviews, managing performance and determining performance requirements
- Making decisions about salary reviews and compensation
- Assessing qualifications for a particular job or task, including decisions about promotions
- Gathering evidence for possible grievance or disciplinary hearings
- Making decisions about your continued employment or engagement
- Education, training and development requirements
- Dealing with legal disputes involving you, or other employees and workers, including accidents at work
- Ascertaining your fitness to work
- Managing sickness absence
- Complying with health and safety obligations
- Reporting to HMRC and the Solicitors Regulation Authority
- To prevent fraud
- To monitor your use of our information and communication systems to ensure compliance with our IT policies
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- To comply with legal obligations
- To notify you of updates to this privacy notice

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

Legal bases

The legal bases on which we will rely for our processing are that the activities are necessary for the performance of our employment contract with you, necessary for our legitimate interests or are necessary to comply with a legal obligation.

Where we process special categories of particularly sensitive data or criminal convictions data, we shall do so either with your explicit consent or because the law permits us to do so in specific circumstances.

When considering our “legitimate interests” we make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Automated decision-making

We do not envisage that any decisions will be taken about you using automated means; however we will notify you in writing if this position changes.

6. Disclosures of your personal data

Where you are only a prospective employee, we will not share your information with any third parties without your consent.

Where you are an employee, we may have to share some of your personal data with the parties set out below for the purposes set out in paragraph 4 above:

- HM Revenue & Customs
- Our workplace pension provider (currently Scottish Widows) and our pension advisor (currently Boolers)

- Our workplace health care benefit provider (currently AXA) and benefit broker (currently Nugent Sante)
- Solicitors Regulation Authority
- DBS
- HM Courts & Tribunals Service in respect of any attachment of earnings orders imposed by a Court
- Apprenticeship providers where you are an apprentice
- Our accountants
- Future employers that request a reference (we will provide only your job title and dates of employment)
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice

In addition, your personal data may be hosted or shared using third-party infrastructure providers, data sites or systems, and external IT contractors and suppliers may have access to your personal data in the process of providing services to us.

We may also share data with third parties for the purpose of verifying your identity or to detect and avoid fraud or other criminal activity.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

7. International transfers

Some of our third-party software solutions may be hosted outside the UK or European Economic Area (EEA) so their processing of your personal data will involve a transfer of data outside the UK/EEA.

Whenever we transfer your personal data out of the UK/EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We may transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the UK/EEA and the US.

8. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

9. Data retention

How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, regulatory or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Where you are only a prospective employee, we will keep your personal data during the recruitment process and for three years thereafter.

Where you are an employee, we will keep your personal data for the duration of your employment and thereafter for six years with the exception that any documents that refer to you (including correspondence and attendance notes) which relate to a specific client matter will be retained for as long as that client matter file is retained.

In some circumstances you can ask us to delete your data: see below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

10. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data, as set out below.

If you wish to exercise any of the rights set out below, please contact us using the contact details at the start of this privacy notice. We may not have to comply with your request but we would explain why if we believe we are entitled to refuse.

Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground, as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer of your personal data to you or to a third party. Where our systems allow, we will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to information which is processed by automated means. We do not currently hold your personal data in a form that is readily portable and it is unlikely we would be able (or required) to comply with such a request.

Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain benefits to you. We will advise you if this is the case at the time you withdraw your consent.

No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.