

Qualserv Consulting Ltd

"Quality Without Compromise"



Company Name:	Qualserv Consulting Ltd ('the Company')
Company Contact details:	First Floor, 31-33 College Road, Harrow HA1 1EJ Tel: 020 3935 6395 Fax: 020 3935 6236 Email: GDPR@qualserv.co.uk
Document DP5B	Privacy Notice (when personal data is obtained from a 3 rd party)
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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 has collected 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 - *where you have agreed and given your consent;*
- Legitimate interest - *where it is necessary for our legitimate interests in connection with carrying out our business, as long as, in each case, these interests are in line with applicable law and your legal rights;*
- Legal obligation - *where this is necessary for legal obligations which apply to us;*
- Contractual obligation - *where this is necessary for contractual obligations which apply to us.*

b. Categories of data

The Company may have collected one or more (or part of data mentioned on each bullet point below) of the following Personal data & Sensitive personal data on you:

- *Personal and contact details (e.g. your name, email address, home address, date of birth and gender), bank account details, nationality and/or citizenship and/or ethnicity;*
- *Education details, employment history, references, referee details, details about your current or most recent remuneration, pension, benefits arrangements, other information you tell us about yourself (e.g. the information contained on your CV), emergency contact details;*
- *Details required for equality and discrimination legislation (e.g. diversity information including racial or ethnic origin, physical or mental health, including disability related information and details of any criminal convictions or allegations or offences;*
- *Your right to work documents (e.g. a copy of your passport/identity card and/or biometric resident permit card and/or national insurance number and/or any other tax related information document and/or immigration status document and/or visa documents)*
- *Other documents if required by the role that you are interested in applying for (e.g. copy of your home address proof, driving licence, DBS)*

- *Extra information that our clients may tell us about you or additional information your referees chooses to tell us or that we find from other third party sources (e.g. job boards, LinkedIn);*
- *Information from social media activity when you interact with us on social media including LinkedIn;*
- *your IP address;*

c. Legitimate interest

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

- *Providing work-finding services and/or information to you;*
- *Responding to your queries;*
- *Setting you up on a work assignment with the client(s) and/or managed service provider(s) and/or vendor management system(s) (VMS).*

d. Recipient/s of data

The Company will process your personal data and/or sensitive personal data with the following recipients as and when required to do so in carrying out our business:

- *Client(s) and/or managed service provider(s) and/or vendor management system(s) (VMS);*
- *Payrolling services;*
- *Credit check and/or other vetting services;*
- *HMRC and/or any other government agencies;*
- *Supplier of IT services, legal, accounting, audit, consulting, other professional services providers;*
- *Pension provider, Umbrella companies, Reference request.*

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 and/or sensitive personal data, we will do so in line with our retention policy (a copy of which is available on request). 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/or sensitive personal data.

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/or sensitive personal data you have the right to withdraw that consent at any time by contacting GDPR@qualserv.co.uk.

5. Source of the personal data

The Company sourced your personal data/sensitive personal data by the following means:

- *By responding to an advert on a job board or other website;*
- *By directly contacting us email, telephone or SMS;*
- *By filling in an application form or sending/leaving a hard copy of your CV at our office;*
- *When you have communicated to one of our consultants by email, telephone or SMS;*
- *We may obtained information about you from searching for potential candidates from third party sources (e.g. Job boards, LinkedIn)*
- *Your referees or reference request may disclose personal information about you;*
- *Our clients may share personal information about you;*
- *HMRC or any other government agencies may share/disclose personal information about you;*

This information may or may not have come from a publicly accessible source.

6. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact: GDPR@qualserv.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.

Annex A

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 into 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.