

Company Name:	Active Recruitment SEN LTD ('the Company')
Company Contact details:	James Lester – Data Protection Officer
Topic:	Data protection - Privacy Notice (when personal data is obtained directly from the data subject)
Date:	May 2018

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.

c. Recipient/s of data

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

- HMRC, Government, Law Enforcement Agencies and other regulators e.g. the Police, Home Office, Local Authority Designated Officers (LADO's)
- Our sister companies (Active SEN & Active Recruitment Social Care)
- Schools, Nurseries, Colleges, Care Homes, Hospitals
- Former or prospective new employers that we obtain or provide references to.
- The Recruitment and Employment Confederation (REC)
- Any third parties who carry out internal audits
- Payroll Service Providers who manage payroll on our behalf
- Umbrella companies who you are happy for us to contact on your behalf.
- Other recruitment agencies on the supply chain (e.g. master/neutral vendors and second tier suppliers)
- Insurers
- Legal advisors
- IT and CRM providers
- Any public information sources and third-party organisations that we may use to carry out suitability checks e.g. Disclosure & Barring Service (DBS), National College for Teaching and Learning (NCTL).
- External bodies such as Employability organisations and Job Centre Plus when we have to deliver presentations, discuss staffing and perform training on matters such as the DBS

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 are:

- We may not be able to introduce or supply work services to you.

2. Overseas Transfers [Optional]

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 of up to 7 years. 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 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 sensitive data you have the right to withdraw that consent at any time by contacting James Lester, Data Protection Officer either by email (info@activesen.co.uk) or in writing; Active Recruitment SEN LTD, 1 Caxton House, Old Station Road, Loughton, IG10 4PE.

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: James Lester, Data Protection Officer either by email (info@activesen.co.uk) or in writing; Active Recruitment SEN LTD, Caxton House, Old Station Road, Loughton, IG10 4PE.

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.