



# DATA PROTECTION POLICY

## 1. Introduction

All organisations that process personal data are required to comply with data protection legislation. This includes in particular the Data Protection Act 1998 (or its successor) and the EU General Data Protection Regulation (together the 'Data Protection Laws'). The Data Protection Laws give individuals (known as 'data subjects') certain rights over their personal data whilst imposing certain obligations on the organisations that process their data.

As a recruitment business Fawkes & Reece collects and processes both personal data and sensitive personal data. It is required to do so to comply with other legislation. It is also required to keep this data for different periods depending on the nature of the data. This policy applies to the personal information of job applicants, temporary workers, current and former staff including employees, agency workers, interns, volunteers and apprentices.

This policy sets out how Fawkes & Reece implements the Data Protection Laws.

## 2. Definitions

In this policy the following terms have the following meanings:

- 'Consent' means any freely given, specific, informed and unambiguous indication of an individual's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;
- 'Data Controller' means an individual or organisation which, alone or jointly with others, determines the purposes and means of the processing of personal data;
- 'Data Processor' means an individual or organisation which processes personal data on behalf of the data controller;
- 'Personal Data' means any information relating to an individual who can be identified, such as by a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- 'Personal Data Breach' means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data;
- 'Processing' means any operation or set of operations performed on personal data, such as collection, recording, organisation, structuring, storage (including archiving), adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- 'Profiling' means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;
- 'Pseudonymisation' means the processing of personal data in such a manner that the personal data can no longer be attributed to an individual without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable individual;



- 'Sensitive Personal Data' means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data, data concerning health, an individual's sex life or sexual orientation and an individual's criminal convictions.
- 'Supervisory Authority' means an independent public authority which is responsible for monitoring the application of data protection. In the UK the supervisory authority is the Information Commissioner's Office (ICO).

For the purposes of this policy we use the term 'personal data' to include 'sensitive personal data' except where we specifically need to refer to sensitive personal data.

### 3. Data Protection

Fawkes & Reece processes Personal Data in relation to its own staff, work-seekers and individual client contacts and is a Data Controller for the purposes of the Data Protection Laws. Fawkes & Reece has registered with the ICO and its registration number is: Z5453103.

Fawkes & Reece may hold Personal Data on individuals for the following purposes:

- Staff administration;
- Advertising, marketing and public relations;
- Accounts and records;
- Administration and Processing of work-seekers' Personal Data for the purposes of providing work finding services including Processing using software solution providers and back office support; and
- Administration and Processing of clients' Personal Data for the purposes of supplying/introducing work-seekers.

Fawkes & Reece will only process Personal Data where it has a legal basis for doing so.

### 4. Data Protection Principles

The Data Protection Laws require Fawkes & Reece acting as either Data Controller or Data Processor to process data in accordance with the principles of data protection. These require that Personal Data is:

- Processed lawfully, fairly and in a transparent manner;
- Collected for specified and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- Accurate and kept up to date; every reasonable step must be taken to ensure that Personal Data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- Kept for no longer that is necessary;
- Processed in a manner that ensure appropriate security of the Personal Data, including protection against unauthorised or unlawful Processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures; and
- The Data Controller shall be responsible for, and be able to demonstrate, compliance with the principles.

### 5. Legal Basis for Processing



Fawkes & Reece will only process Personal Data where it has a legal basis for doing so. Fawkes & Reece will review the Personal Data it holds on a regular basis to ensure that it is being lawfully processed and it is accurate, relevant and up to date.

Fawkes & Reece will review the Personal Data it holds on a regular basis to ensure it is being lawfully processed and it is accurate, relevant and up to date.

Before transferring Personal Data to any third party, Fawkes & Reece will establish that it has a legal reason for making the transfer.

## 6. Privacy by Design and by Default

Fawkes & Reece has implemented measures and procedures that adequately protect the privacy of individuals and ensures that data protection is integral to all Processing activities. This includes implementing measures detailed in this Data Protection Policy and includes: data minimisation (i.e. not keeping data for longer than is necessary); Pseudonymisation, anonymisation and cyber security.

Fawkes & Reece will provide any information relating to data Processing to an individual in a concise, transparent, intelligible and easily accessible form, using clear and plain language. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. Fawkes & Reece may provide this information orally if requested to do so by the individual.

## 7. Data Protection Actions

### Privacy Notices

Where Fawkes & Reece collects Personal Data from the individual, Fawkes & Reece will give the individual a privacy notice at the time when it first obtains the Personal Data.

Where Fawkes & Reece collects Personal Data other than from the individual directly, it will give the individual a privacy notice within a reasonable period after obtaining the Personal Data but at the latest within one month. If Fawkes & Reece intends to disclose the Personal Data to a third party then the privacy notice will be issued when the Personal Data are first disclosed (if not issued before).

Where Fawkes & Reece intends to further process the Personal Data for a purpose other than that for which the data was initially collected, Fawkes & Reece will give the individual information on that other purpose and any relevant further information before it does the further Processing.

### Subject Access Requests

The individual is entitled to access their Personal Data on request from the Data Controller.

### Rectification

The individual or another Data Controller at the individual's request, has the right to ask Fawkes & Reece to rectify any inaccurate or incomplete Personal Data concerning an individual.



If the Fawkes & Reece has given the Personal Data to any third parties it will tell those third parties that it has received a request to rectify the Personal Data unless this proves impossible or involves disproportionate effort.

## Erasure

The individual or another Data Controller at the individual's request has the right to ask Fawkes & Reece to erase an individual's Personal Data.

If Fawkes & Reece receive a request to erase it will ask the individual if s/he wants his Personal Data to be removed entirely or whether s/he is happy for his or her details to be kept on a list of individuals who do not want to be contacted in the future. Fawkes & Reece cannot keep a record of individuals whose data it has erased so the individual may be contacted again by Fawkes & Reece should Fawkes & Reece come into possession of the individual's Personal Data at a later date.

If the Company has given the personal data to any third parties it will tell those third parties that it has received a request to erase the Personal Data, unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the personal data they hold - however the Company will not be in a position to audit those third parties to ensure that the rectification has occurred.

## Restriction of Processing

The individual or a Data Controller at the individual's request has the right to ask Fawkes & Reece to restrict its Processing of an individual's Personal Data where:

- The individual challenges the accuracy of the Personal Data;
- The Processing is unlawful and the individual opposes its erasure;
- Fawkes & Reece no longer needs the Personal Data for the purposes of the Processing but the Personal Data is required for the establishment, exercise or defence of legal claims; or
- The individual has objected to Processing (on the grounds of a public interest or legitimate interest) pending the verification whether the legitimate grounds of Fawkes & Reece override those of the individual.

If Fawkes & Reece has given the Personal Data to any third parties it will tell those third parties that it has received a request to restrict the Personal Data unless this proves impossible or involved disproportionate effort. Those third parties should also rectify the Personal Data they hold – however Fawkes & Reece will not be in a position to audit those third parties to ensure that the rectification has occurred.

## Data Portability

The individual shall have the right to receive Personal Data concerning him or her, which s/he has provided to Fawkes & Reece, in a structured format and have the right to transmit those data to another Data Controller in circumstances where: a) the Processing is based on the individual's Consent or a contract and b) the Processing is carried out by automated means.

## Object to Processing



The individual has the right to object to their Personal Data being processed based on a public interest or a legitimate interest. The individual will also be able to object to the Profiling of their data based on a public interest or a legitimate interest.

Fawkes & Reece shall cease Processing unless it has compelling legitimate ground to continue to process the Personal Data which override the individual's interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

#### Enforcement of Rights

All requests regarding individual rights should be sent to [datacontroller@frlondon.co.uk](mailto:datacontroller@frlondon.co.uk).

Fawkes & Reece shall act upon any subject access request or any request relating to rectification, erasure, restriction, data portability or objection or automated decision making processes or profiling within one month of receipt of the request. Fawkes & Reece may extend this period for two further months where necessary, taking into account the complexity and the number of requests. Fawkes and Reece will first take steps to confirm the individual's identity to ensure that it does not inadvertently reveal Personal Data to the wrong individual.

Where Fawkes & Reece considers that a request under this section is manifestly unfounded or excessive due to the request's repetitive nature, Fawkes & Reece may either refuse to act on the request or may charge a reasonable fee taking into account the administrative costs involved.

#### Automated Decision Making

Fawkes & Reece will not subject individuals to decisions based on automated Processing that produce a legal effect or a similarly significant effect on the individual except where the automated decision:

- Is necessary for the entering into or performance of a contract between the Data Controller and the individual;
- Is authorised by law; or
- The individual has given their explicit Consent.

## 8. Personal Data Breaches

All data breaches should be referred to [datacontroller@frlondon.co.uk](mailto:datacontroller@frlondon.co.uk)

#### Personal Data Breaches where Fawkes & Reece is the Data Controller

Where Fawkes & Reece establishes that a Personal Data Breach has taken place, Fawkes & Reece will take steps to contain and recover the breach. Where a Personal Data Breach is likely to result in a risk to the rights and freedoms of any individual Fawkes & Reece will notify the ICO.

#### Personal Data Breaches where Fawkes & Reece is the Data Processor

Fawkes & Reece will alert the relevant Data Controller as to the Personal Data Breach as soon as they are aware of the breach.

#### Communication Personal Data Breaches to Individuals



Where Fawkes & Reece has identified a Personal Data Breach resulting in a high risk to the rights and freedoms of any individual, Fawkes & Reece shall tell all affected individuals without undue delay.

Fawkes & Reece will not be required to tell individuals about the Personal Data Breach where:

- Fawkes & Reece has implemented appropriate technical and organisational protection measures to the Personal Data affected by the breach in particular to make the Personal Data unintelligible to any personal who is not authorised to access it, such as encryption.
- Fawkes & Reece has taken subsequent measures which ensure that the high risk to the rights and freedoms of the individual is no longer likely to materialise.
- It would involve disproportionate effort to tell all affected individuals. Instead, Fawkes & Reece shall make a public communication or similar measure to tell all affected individuals.

## 9. Complaints

If you have a complaint or suggestion about Fawkes & Reece's handling of Personal Data then please contact [datacontroller@frlondon.co.uk](mailto:datacontroller@frlondon.co.uk).

Alternatively you can contact the ICO directly on 0303 123 1113 or <https://ico.org.uk/global/contact-us/email/>.

## 10. Consequences of Failing to Comply

Fawkes & Reece takes compliance with this policy very seriously. Failure to comply with the policy puts at risk the individuals whose personal information is being processed and carries the risk of significant civil and criminal sanctions for the individual and Fawkes & Reece and may, in some circumstances, amount to a criminal offence by the individual.

Because of the importance of this policy, an employee's failure to comply with any requirement of it may lead to disciplinary action under our procedures, and this action may result in dismissal for gross misconduct. If a non-employee breaches this policy, they may have their contract terminated with immediate effect.

If you have questions or concerns about the contents of this policy, do not hesitate to contact [datacontroller@frlondon.co.uk](mailto:datacontroller@frlondon.co.uk).

## 11. Review

This policy will be reviewed regularly and may be altered from time to time in light of legislative changes or other prevailing circumstances.

**Signed:**

**Position:**

**Managing Director**

**Date:**

**November 2022**