

## GDPR PRIVACY NOTICE FOR UK EMPLOYEES, WORKERS AND CONTRACTORS ETC.

This is a privacy notice for our officers, employees, workers, volunteers, work experience persons, apprentices, contractors, agency workers and consultants. It complies with the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”). It notifies you about (a) the personal data that we hold relating to you, (b) how you can expect your personal data to be used and (c) for what purposes.

### **1. What is the purpose of this document?**

- 1.1 Stewart Law is committed to protecting the privacy and security of your personal information.
- 1.2 This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the GDPR. It applies to all employees, workers, volunteers, work experience persons, apprentices, contractors, agency workers and consultants.
- 1.3 Julie Stewart t/a Stewart Law Solicitors is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required, under data protection legislation, to notify you of the information contained in this privacy notice.
- 1.4 This notice applies to both current and former employees, workers, volunteers, work experience persons, apprentices, contractors, agency workers and consultants. This notice does not form part of any contract of employment, nor any contract to provide services or other kind of contract. We may update this notice at any time but, if we do so, we will provide access to an updated copy of this notice as soon as reasonably practical.
- 1.5 It is important that you read and retain this notice, together with any other privacy notice we may provide access to 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 such information and what your rights are under the data protection legislation.

### **2. Data protection principles**

- 2.1 We will comply with data protection law. This says that the personal information we hold about you must be:
  - (a) Used lawfully, fairly and in a transparent way.
  - (b) Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
  - (c) Relevant to the purposes we have told you about and limited only to those purposes.
  - (d) Accurate and kept up to date.
  - (e) Kept only as long as necessary for the purposes we have told you about.

(f) Kept securely.

### **3. The kind of information we hold about you**

3.1 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).

3.2 There are “special categories” of more sensitive personal data, which require a higher level of protection, such as information about a person’s health or sexual orientation.

3.3 We will collect, store, and use the following categories of personal information about you, as applicable:

- (a) Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- (b) Date of birth.
- (c) Gender.
- (d) Marital status and dependants.
- (e) Next of kin and emergency contact information.
- (f) National Insurance number.
- (g) Bank account details, payroll records and tax status information.
- (h) Salary, annual leave, pension and benefits information.
- (i) Start date and, if different, the date of your continuous employment.
- (j) Leaving date and your reason for leaving.
- (k) Location of employment or workplace.
- (l) Copy of driving licence.
- (m) 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).
- (n) Employment records (including job titles, offer letter, current contract, previous contracts where relevant, work history, employment/service dates, working hours, holidays, leave records, internal records/checklists, training records and professional memberships).

- (o) Exit documentation (including notice of termination, exit interview form and hand over).
- (p) Correspondence with or concerning you.
- (q) Compensation/remuneration history.
- (r) Performance information.
- (s) Disciplinary and grievance information.
- (t) CCTV footage and other information obtained through electronic means, such as swipe card records.
- (u) Information about your use of our information and communications systems.
- (v) Photographs.
- (w) Results of HMRC employment status checks and details of your interest in and connection with the intermediary through which your services are supplied.

3.4 We may also collect, store and use the following “special categories” of more sensitive personal information:

- (a) Information about your race, ethnicity, religious beliefs, sexual orientation and political opinions.
- (b) Trade union membership.
- (c) Information about your health, including any medical condition, health and sickness records, including:
  - (i) accidents, injuries, diseases and dangerous occurrences reporting;
  - (ii) dietary requirements;
  - (iii) where you leave employment and under any benefit plan operated of relevance to you, the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision;
  - (iv) details of any absences (other than holidays) from work, including time on statutory parental leave and sick leave; and
  - (v) where you leave employment, and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.
- (d) Genetic information and biometric data.
- (e) Information about criminal convictions and offences.

#### **4. How is your personal information collected?**

- 4.1 We collect personal information about employees, workers, volunteers, work experience persons, apprentices, contractors, agency workers and consultants through the application and recruitment process, either directly from candidates, or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties, including former employers, credit reference agencies, other background check agencies and HMRC.
- 4.2 We may also collect personal information from the trustees or managers of pension arrangements operated of relevance to us and/or you.
- 4.3 We will collect additional personal information throughout the period of you working for us. In certain situations, information will be collected once you have stopped working for us. This will be done to fulfil a legal obligation or in our legitimate interest, or that of a third party, to provide legal protection.

#### **5. How we will use information about you?**

- 5.1 We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:
- (a) Where we need to perform the contract we have entered into with you.
  - (b) Where we need to comply with a legal obligation.
  - (c) Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests, namely:
    - (i) The legal protection of us or a third party.
    - (ii) The smooth running of business for us or a third party, including, for example, sale, acquisition, merger, takeover or a TUPE transfer with another firm.
  - (d) Where we need to protect your interests (or someone else's interests).
- 5.2 We may also use your personal information in the following situations, which are likely to be rare:
- (a) Where it is necessary in the public interest or for official purposes.
  - (b) Where you have consented to the processing of your personal data.

#### Situations in which we will use your personal information

- 5.3 We need all the categories of information in the lists at section 3 (above) primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases, we may use your personal information to pursue legitimate

interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below:

- (a) Making a decision about your recruitment or appointment.
- (b) Determining the terms on which you work for us.
- (c) Checking you are legally entitled to work in the UK.
- (d) Paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs).
- (e) Providing benefits to you.
- (f) Inviting you to participate in any benefit plans operated of relevance to you.
- (g) Granting awards under any benefit plans operated of relevance to you.
- (h) Administering your participation in any benefit plans of relevance to you, including communicating with you about your participation and collecting any tax and NICs due.
- (i) Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties.
- (j) Liaising with our accountants, payroll providers and the trustees or managers of a pension arrangement operated of relevance to you, your pension provider and any other provider of employee benefits.
- (k) Administering the contract we have entered into with you.
- (l) Business management and planning, including accounting and auditing.
- (m) Conducting performance reviews, managing performance and determining performance requirements for either you or other employees, workers or contractors.
- (n) Making decisions about salary reviews and compensation.
- (o) Assessing qualifications for a particular job or task, including decisions about promotions.
- (p) Gathering evidence for possible grievance or disciplinary hearings.
- (q) Making decisions about your continued employment or engagement.
- (r) Making arrangements for the termination of our working relationship.

- (s) Education, training and development requirements.
- (t) Dealing with any legal disputes, including involving you, or other employees, workers and contractors, suppliers, clients, third parties and including accidents etc. at work.
- (u) Ascertaining your fitness to work.
- (v) Managing sickness absence.
- (w) Complying with health and safety obligations.
- (x) Complying with legal or regulatory requirements.
- (y) To prevent fraud and adhere to any money laundering or similar requirements.
- (z) To prevent, investigate and assist any investigation/inquiry into (potential) criminal activity.
- (aa) To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- (bb) To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- (cc) To conduct data analytics studies to review and better understand employee retention and attrition rates.
- (dd) Equal opportunities monitoring.

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

#### If you fail to provide personal information

5.5 If you fail to provide certain information when requested, we may not be able to perform the 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 workers). Some of your information will be a statutory requirement, for example, compliance with right to work checking legislation.

5.6 As a result of the above, we may be unable to continue your contract.

5.7 It is important to note that neither your entitlement to any benefits (in the general sense of the word), nor our willingness to provide said benefits, is conditional upon your consent or willing provision of information. However, our ability to provide said benefits will almost invariably necessitate the use of your personal data in some form.

### Change of purpose

- 5.8 We will only use your personal information 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 information for an unrelated purpose, we will notify you and we will explain the legal basis, which allows us to do so.
- 5.9 Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **6. How we use particularly sensitive personal information**

- 6.1 “Special categories” of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards, which we are required by law to maintain, when processing such data. We may process special categories of personal information in the following circumstances:
- (a) In limited circumstances, with your explicit written consent.
  - (b) Where we need to carry out our legal obligations or exercise rights in connection with employment.
  - (c) Where it is needed in the public interest, such as for equal opportunities monitoring, or in relation to our occupational pension scheme.
  - (d) For the purpose of preventative or occupational medicine, including emergency medical response.
  - (e) For the establishment, exercise or defence of a legal claim.
- 6.2 Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

### Our obligations as an employer

- 6.3 We will use your particularly sensitive personal information in the following ways:
- (a) 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.
  - (b) 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 including statutory maternity pay, statutory sick pay, pensions and permanent health insurance.

- (c) If you leave employment and, under any benefit plan operated of relevance to you, the reason for leaving is determined to be ill-health, injury or disability, we will use information about your physical or mental health, or disability status, in reaching a decision about your entitlements under the share plan.
- (d) If you apply for an ill-health pension under a pension arrangement operated of relevance to you, we will use information about your physical or mental health in reaching a decision about your entitlement.
- (e) We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to undertake right to work in the UK checks and ensure meaningful equal opportunity monitoring and reporting.
- (f) We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

#### Do we need your consent?

6.4 We do not need your consent if we use special categories of your personal information, 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.

#### **7. Information about criminal convictions**

7.1 We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our wider data protection documentation or any other policy of relevance.

7.2 Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

7.3 We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

7.4 We envisage that we will hold information about criminal convictions.

7.5 We will only collect information about criminal convictions if it is appropriate, given the nature of the role, and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we

may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in the following ways:

- (a) Making a decision about your recruitment or appointment.
- (b) Determining the terms on which you work for us.
- (c) Checking you are legally entitled to work in the UK.
- (d) Paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs).
- (e) Administering the contract we have entered into with you.
- (f) Conducting performance reviews, managing performance and determining performance requirements for either you or other employees, workers or contractors.
- (g) Making decisions about salary reviews and compensation.
- (h) Assessing qualifications for a particular job or task, including decisions about promotions.
- (i) Gathering evidence for possible grievance or disciplinary hearings.
- (j) Making decisions about your continued employment or engagement.
- (k) Making arrangements for the termination of our working relationship.
- (l) Education, training and development requirements.
- (m) Dealing with any legal disputes, including involving you, or other employees, workers and contractors, suppliers, clients, third parties and including accidents etc. at work.
- (n) Ascertaining your fitness to work.
- (o) Managing sickness absence.
- (p) Complying with health and safety obligations.
- (q) Complying with legal or regulatory requirements.
- (r) To prevent fraud and adhere to any money laundering or similar requirements.
- (s) To prevent, investigate and assist any investigation/inquiry into (potential) criminal activity.
- (t) To monitor your use of our information and communication systems to ensure

compliance with our IT policies.

- (u) To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- (v) Equal opportunities monitoring.

## **8. Automated decision-making**

8.1 Automated decision-making takes place when an electronic system uses personal information to make a decision, without human intervention, which produces legal effects for you or similarly significant effects for you. We are allowed to use automated decision-making in the following circumstances:

- (a) Where we have notified you of the decision and given you 21 days to request a reconsideration.
- (b) Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
- (c) With your explicit written consent and where appropriate measures are in place to safeguard your rights.
- (d) Where it is authorised by relevant/applicable EU or national law to which we are subject, which has suitable measures to safeguard your rights, freedoms and legitimate interests.

8.2 If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

8.3 You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so.

## **9. Data sharing**

9.1 We may have to share your data with third parties, some of which may process your data. Example categories would be:

- (a) Recruitment related (e.g. background checks, security checks, previous employers, referees).
- (b) Clients.
- (c) Suppliers.
- (d) Colleagues (including all other employees, workers, contractors and designated agents).

- (e) Regulatory (e.g. the Information Commissioner's Office ICO).
- (f) Enforcement (e.g. the Police, HMRC, Courts and Tribunal Service).
- (g) Medical (e.g. occupational health, emergency services).
- (h) Entities in any future group.
- (i) Parties to any sale, acquisition, merger, takeover or TUPE transfer.
- (j) Pension providers.
- (k) IT support.
- (l) Any outsourcing company.

9.2 We require third parties to respect the security of your data and to treat it in accordance with the law.

9.3 We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

#### Why might we share your personal information with third parties?

9.4 We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we (or a third party) have another legitimate interest in doing so (see above).

#### How we secure your information with third parties such as service providers

9.5 All our third party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

#### Transferring information outside the EEA

9.6 There may be times at which we transfer the personal data that we collect about you to countries outside the EEA, or international organisations. These countries and organisations will fall into three categories:

- (a) Where the Commission has decided that the country or organisation provides an adequate level of protection.
- (b) Where there is no such decision by the Commission, but appropriate safeguards exist and your rights and effective legal remedies are available (including via binding corporate rules).

- (c) There is no Commission decision of adequacy, nor appropriate safeguards (including binding corporate rules), but one of the following applies:
- (i) You explicitly consent to the transfer, having been informed of the possible risks.
  - (ii) The transfer is necessary for the performance of our contract, or the implementation of pre-contractual measures taken at your request.
  - (iii) The transfer is necessary for the conclusion or performance of a contract concluded in your interest between us and another entity.
  - (iv) The transfer is necessary for important reasons of public interest.
  - (v) The transfer is necessary for the establishment, exercise or defence of legal claims.
  - (vi) The transfer is necessary in order to protect your vital interests, or the interests of other persons, where you are physically or legally incapable of giving consent.
  - (vii) The transfer is made from a register which, according to European Union or national law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, subject to the conditions of European Union or national law.

9.7 If you require further information about transfers outside the EEA, or any protective measures we take, please contact our Data Protection Officer.

9.8 We do not envisage that personal data will be transferred outside the EEA.

## **10 Data security**

10.1 We have put in place measures to protect the security of your information. Details of these measures are available upon request from our Data Protection Officer.

10.2 Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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

10.4 We have put in place procedures to deal with any suspected data security breach (including by any of our third party service providers) and will notify you and any

applicable regulator of a suspected breach where we are legally required to do so.

## 11 Data retention

### How long will you use my information for?

- 11.1 We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our GDPR Employment Records, Retention and Erasure Guidelines, which are available on our website. The standard period, however, would be during your period of work and typically for seven years after that.
- 11.2 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.
- 11.3 In some circumstances, we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company, we will retain and securely destroy your personal information in accordance with our guidelines, as well as applicable laws and regulations.

## 12 Rights of access, correction, erasure, and restriction

### Your duty to inform us of changes

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

### Your rights in connection with personal information

- 12.2 Under certain circumstances, by law, you have the right to:
- (a) **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
  - (b) **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
  - (c) **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).

- (d) **Object to processing** of your personal information 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- (e) **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- (f) **Request the transfer** of your personal information to another party.

12.3 If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact our Data Protection Officer in writing.

#### No fee usually required

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

#### What we may need from you

12.5 We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **13 Right to withdraw consent**

13.1 In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law. The withdrawal of your consent does not affect the legality of collection, storage or processing of your data, whose lawfulness was based on consent, prior to your withdrawal of consent.

### **14 Data Protection Officer**

14.1 We have appointed a Data Protection Officer (“**DPO**”) to oversee compliance with this privacy notice. If you have any questions about this privacy notice, or how we handle your personal information, please contact our Data Protection Officer. You have the right

to make a complaint at any time to the Information Commissioner's Office (ICO), which is the UK supervisory authority for data protection issues.

14.2 Our Data Protection Officer's contact details are as follows:

The Data Protection Officer  
Stewart Law Solicitors  
The Stables  
The Garden House  
Crouchmans Farm Road  
Ulting  
Maldon  
Essex  
CM9 6QS

## **15 Changes to this privacy notice**

15.1 We reserve the right to update this privacy notice at any time, and to provide access to a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.