

JBA Privacy Notice – Employees/Applicants

25th July 2019

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of personal data is governed by the General Data Protection Regulation (GDPR).

The Head of Operations Admin is the data controller at James Blake Associates Ltd, and is responsible for how your personal data is processed and for what purposes. The current contact details are at the end of this statement.

James Blake Associates Ltd complies with its obligations under GDPR by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

The personal data we collect will be used for the following purposes:

- To manage our employees and volunteers.
- To enable us to contact next of kin in an emergency.
- To enable us to pay our employees.
- To enable us to maintain our own accounts and records.
- To ensure we can comply with HMRC requests for information.
- To comply with our legal obligations.

Our legal basis for processing the personal data:

We have reviewed the purposes of our processing activities and selected the most appropriate lawful basis (or bases) for each activity.

We have checked that the processing is necessary for the relevant purpose and are satisfied that there is no other reasonable way to achieve that purpose.

We have documented our decision on which lawful basis applies to help us demonstrate compliance.

We have included information about both the purposes of the processing and the lawful basis for the processing in our privacy notice.

Where we process special category data, we have also identified a condition for processing special category data and have documented this.

Any legitimate interests pursued by us, or third parties we use, are as follows:

- The identity, salary and bank details required to enable payroll to take place.
- Identity checks to confirm our employees are who they say they are and that they have the right to work in the UK.

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- Copies of qualification certificates to confirm the qualifications of our employees.
- Information required to manage workplace pension.

This information directly benefits the employee as it enables salary and pension to be paid and administered.

This information directly benefits James Blake Associates Ltd as it enables us to prove that we have carried out identity checks in line with our statutory responsibilities and that we are using suitably qualified employees to carry out our consultancy projects.

If we were unable to store this data, we would be unable to pay our workforce and unable to meet statutory obligations. We would be unable to use employees to complete certain skilled jobs that require up to date licenses and qualifications.

There is no other way that we could carry out the above functions without storing this data. This information is usual and expected to be kept by the business. Much of the data is private and there are adequate systems in place to ensure the security of the personal data.

We keep a log of legitimate interest assessments to show we have a decision-making process in place.

The special categories of personal data concerned are:

- Data relating to health and medical treatments.
- Data relating to maternity pay.

Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law allowing for appropriate safeguards for the fundamental rights and the interests of the data subject.

Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

Processing is necessary for the purposes of the assessment of the working capacity of the employee, the provision of support or equipment, risk assessments, reasonable adjustments in the workplace or treatment or the management of health or social care systems and services.

Disclosure

We only share your data with the 3rd parties related to processing payroll, health insurance and pension.

We may also be requested to supply an employer's reference; however, this is only requested if the data subject has given permission for the sharing of personal data with the prospective employer. We only provide start and end dates, job title and salary as part of our reference process.

How long do we keep personal data?

We keep personal data for no longer than reasonably necessary, currently for a period of six years after the data subject has left the employment of James Blake Associates Ltd in order

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to meet our legal and statutory obligations, e.g. in case of any legal claims, requests for employer references and enquiries from HMRC.

Once the employee has left James Blake Associates Ltd, we will destroy all non-relevant information and will only keep name, address, salary, job information (including start and finish dates), any disciplinary action, ID verification, a copy of the contract, maternity / paternity details and sickness records.

Your rights and your personal data

You have the following rights with respect to your personal data: -

- The right to request a copy of your personal data which James Blake Associates Ltd holds about you.
- The right to request that James Blake Associates Ltd corrects any personal data if it is found to be inaccurate or out of date.
- The right to request your personal data is erased where it is no longer necessary for James Blake Associates Ltd to retain such data.
- The right to withdraw your consent to the processing at any time, unless the data is held under legitimate interests.
- The right to request that the data controller provide the data subject with his/her personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable).
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing.
- The right to object to the processing of personal data, (where applicable).
- The right to lodge a complaint with the Information Commissioners Office.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Protection Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions.

Where and whenever necessary, we will seek your prior consent to the new processing.

Consent:

As we are processing your information through legitimate interests, we do not need your consent to process this information.

You may, however, withdraw consent at any time for the additional information we hold, such as next of kin details and health information, by contacting the data controller by telephone, email or in writing.

Contact Details

To exercise all relevant rights, queries or complaints please in the first instance contact:

James Blake

Tel: **01787 248216**

Email: jamesblake@jba-landmarc.com

In writing:

James Blake Associates Ltd

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Hall Road
Lavenham
Suffolk
CO10 9QX

Our internal procedures and policies are reviewed regularly and are held in our Manual of Operations which is made available to all employees online.

Responsibility for Data Processing rests with all employees of James Blake Associates Ltd, however, the Data Controller (Head of Operations Admin) has ultimate responsibility for compliance with the GDPR and responding to Subject Access Requests (SARs).

This notice is can be found in the Manual of Operations.

This notice review date is 10 May 2020.

At James Blake Associates Ltd we take your privacy seriously and will only use your personal information to manage you as an employee of James Blake Associates Ltd.