

PRIVACY POLICY

1. About this Privacy Policy

We are an employment business which seeks to find individuals work with our hirer clients, and provides the services of workers we have engaged (**Workers**) to the hirer.

This privacy policy is designed to give you, the Worker, information as to how we will obtain and process personal data relating to you in connection with the services we provide to you. It is important that you read this Privacy Policy together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you.

We will process your personal data as a “data controller”. This means that we have responsibility (on our own or acting jointly with another party) for deciding how we hold and use personal data relating to you.

2. Who we are and how to contact us

[HGV Drivers UK Ltd] (**Company, We, us, our**) is a limited company registered in England under company number 11080741 and has its registered address at Units 5, The Meads Business Centre, Ashworth Road, Swindon, SW5 7YJ.

[The person responsible for data protection matters within our organisation is Sam Seare/Compliance Manager] and can be contacted at sam@hgvdriversuk.co.uk or telephone on 01793 976226.

3. The data we collect and process about you

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).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** including; Full Name, Title, date of birth, nationality, gender, passport or identity card number.
- **[Contact Data** including postal address, email address, telephone numbers.
- **[Worker Status Data** including visa information and information relating to your right to work in the UK.
- **[Payroll and PAYE Data** including bank account and sort code numbers, tax code, Ltd Company name and number, company VAT register number, timesheets and invoices. **[How we collect personal data**

We may obtain your personal data directly from you (e.g. in a Curriculum Vitae, application or registration form, via our website, or in correspondence, a meeting or telephone call), a hirer, the third party company we engage to provide payroll and administration services on our behalf, or online jobsites, reference requests from former employers.

4. How and why we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances.

- Where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.
- 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.
- Where it is necessary to comply with a legal or regulatory obligation that we are subject to.

We have set out in the table below a description of the ways we may use your personal data, and the legal bases we rely on to do so.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground applies.

Purpose/Activity	Types of data	Lawful basis for processing including basis of legitimate interest
Setting up new worker on our system	Identity data, Contact data, worker status data, Payroll and paye	Ensuring right to work in the UK

We will only use your personal data 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 you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. Sensitive personal data

[We do not intend to collect any “special categories of personal data” (such as information which reveals your political, religious or philosophical beliefs, sexual orientation, race or ethnic origin or information relating to your health). However, to the extent that you do provide us with any special categories of data, we will only use that data for the purposes of our relationship with you and providing our recruitment services to you. This may be for one or more of the following reasons:

- with your explicit consent (in limited circumstances);
- where we need to carry out our legal obligations or exercise rights in connection with employment;
- where the processing is necessary for the purposes of preventive or occupational medicine or for assessing your working capacity;

6. If you fail to provide personal data

Where we need to collect personal data by law or in order to perform a contract to which you are a party, and you fail to provide that data when requested, we may not be able to perform the contract. In this case, we may have to cancel the contract, but we will notify you if this is the case at the time.

7. Disclosures of your personal data

We may share personal data with hirers or other third parties in connection with the provision of our recruitment services.

We may also disclose personal data to:

- third party service providers who process data on our behalf, such as:
 - outsourced payroll services
 - IT Support services
- professional advisers including lawyers, bankers, auditors and insurers for the purpose of providing consultancy, banking, legal, insurance and accounting services to us;
- HM Revenue & Customs, regulators and other authorities who require reporting of processing activities in certain circumstances;
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all our data processors to respect the security of your personal data and to treat it in accordance with the law. We do not allow our data processors to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

8. International transfers

We do not transfer your personal data outside the European Economic Area (EEA)

9. Data security

We have put in place security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

10. Data retention

We will only retain your personal data for as long as necessary to fulfil the purposes for which we collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements.

11. Your rights in respect of your personal data

You have certain rights in respect of the personal data that we process about you (where we determine the purpose and means for which that personal data shall be processed):

- the right to request access to the personal data that we hold about you and how we process it;
- you may have the right in accordance with applicable data protection law to have personal data we hold about you rectified or restricted;
- you may, in some circumstances, have the right to have personal data we hold about you deleted (although note that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request);
- in some circumstances, you may have the right to receive or ask for your personal data to be transferred to a third party;

- you have the right to object to how we process your personal data where that processing is based upon legitimate interests and there are no compelling grounds for the continued processing of that data;
- where we are processing personal data relating to you on the basis that we have your consent to do so, you may withdraw your consent at any time (this will not affect the lawfulness of any processing carried out before you withdraw your consent). If you withdraw your consent, we may not be able to provide certain products or services to you.

If you wish to exercise any of the rights set out above in respect of your personal data, please contact us at sam@hgvdriversuk.co.uk

We may ask you to verify your identity if you make a request to us to exercise any of the rights set out above. We may also contact you to ask you for further information in relation to your request to speed up our response. You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

12. Your duty to inform us of changes

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

13. Changes to this privacy policy

We reserve the right to update this privacy policy at any time, and we will provide you with a new privacy policy when we make any substantial changes. We may also notify you in other ways from time to time about the processing of your personal data.

ANNEX

DRAFTING NOTES

[NOTE 1] You must provide contact details of your data protection officer (if applicable). If you do not have a data protection officer (and are not required to appoint a data protection officer under the GDPR), you may still wish to allocate responsibility for data protection compliance to a particular individual and provide contact details for that individual.

[NOTE 2] This list should set out the types of personal data processed by the organisation. The examples of data set out in paragraph 3 are based on the information which the company is required to collect from individuals on New Millennia's behalf, but you must ensure that the list of data set out in this privacy notice accurately reflects the data that you collect and process.

[NOTE 3] Note that if a candidate's data is obtained via a third party, you have to advise the candidate of the source of data when you first communicate with them

[NOTE 4] You must identify the lawful basis for processing all personal data. See further information in Note 6 below. The lawful bases set out in this paragraph 5 must reflect the bases for processing which you have identified as applying to the data that you process.

[NOTE 5] You must identify the purposes for which you use personal data, the types of personal data used for such purpose and the lawful basis for processing such personal data (see Note 6 below). An example has been included in the table for illustration purposes only, as an indication of the type of information to be included.

[NOTE 6] You must identify the lawful basis for processing all personal data. For personal data other than 'special categories of data', this may include (by way of example):

- Where the processing is required for the purpose of entering into and performing a contract which the data subject is party to (for example, certain information may be required in order to perform the recruitment services for the individual, such as name and address);
- Where the processing is necessary for compliance with a legal obligation;
- Where the processing is necessary for the purposes of the legitimate interests of the controller or a third party, except where such interests are overridden by the interests of the data subject. Where you rely on legitimate interests, you must set out what the legitimate interest is. (Note that legitimate interest cannot be used for processing special categories of data).
- Where the data subject has consented to the processing (although please note that this may only be used in very limited circumstances in the case of an employment relationship as the data subject's consent has to be freely given, informed, specific and an unambiguous indication of the data subject's wishes. In the case of an employment relationship, there is perceived to be an imbalance of power and the employee's consent may not be considered to have been 'freely given'. Consent may also be withdrawn at any time, in which case the data which has been processed on the basis of consent can no longer be processed for that purpose)

For special categories of data (information which reveals the data subject's political, religious or philosophical beliefs, trade union membership, sex life or sexual orientation, race or ethnic origin or information relating to the data subject's health or any genetic or biometric data), in addition to meeting one of the conditions above, you also have to meet one of the conditions applicable to special categories of data. See the Annex for a list of the bases for processing special categories of

data and other personal data under the GDPR. See further information in Note 8 below about processing of special categories of data.

[NOTE 7] If you carry out any automated decision making, such as profiling or the use of any automated decision making software, you should seek legal advice on the information that has to be provided to data subjects, and whether there is a lawful basis for such automated decision making. Please note that this is not currently covered in this privacy policy.

[NOTE 8] This is drafted on the basis that you will not be processing special categories of data (details of special categories of data is described in Note 6 above). If this is not correct, this needs to be amended and an appropriate lawful basis for such processing needs to be identified. For special categories of data, you need to meet one of the bases for processing personal data under Article 6 (as noted above), and a basis for processing special categories of data under Article 9. (See the Annex for a list of the bases for processing special categories of data and other personal data under the GDPR. Reference may also need to be made to the Data Protection Bill). Examples of the potential bases for processing such data have been included for illustration purposes only, however you will need to review whether these are appropriate for your circumstances.

Please note that information relating to criminal convictions and offences (such as information about a person's criminal record history through a DBS check) is dealt with separately under the GDPR. This type of personal data may only be processed under the control of official authority or when the processing is authorised by EU or UK law which provides for appropriate safeguards for the rights and freedoms of data subjects (see Article 10 of the GDPR). The Data Protection Bill sets out further conditions relating to the processing of personal data relating to criminal convictions or offences. Legal advice should be sought as to whether there is a lawful basis for processing such personal data and as to the information that needs to be provided to data subjects about the processing of such data. Please note that this is not currently covered in this privacy policy.

[NOTE 9] You are required to have in place contracts with third parties who process personal data on your behalf, and you are required to ensure that such contracts contain certain provisions as are set out in Article 28 of the GDPR.

[NOTE 10] The GDPR only allows the transfer of personal data to countries outside the EEA in certain circumstances. Further information can be found in Articles 44 – 49 of the GDPR. Legal advice should be sought on the safeguards that need to be put in place in respect of any such transfer to ensure that it complies with the GDPR, and the information that is required to be provided to data subjects in respect of such transfer, under the GDPR.

[NOTE 11] You are required to set out how long personal data will be retained for.

ANNEX

Personal data

Under Article 6 of the GDPR, the processing of personal data (excluding special categories of personal data, in which case see below, and data relating to criminal convictions and offences) shall be lawful only if and to the extent that at least one of the following applies:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject (this may be a legal obligation under EU law or Member State law);
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- 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 controller (as set out in EU law or Member State law);
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child (although this lawful basis is not available to processing carried out by public authorities in the performance of their tasks).

Special categories of personal data

Under Article 9 of the GDPR, the processing of special categories of personal data is prohibited unless one of the following applies:

- (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where EU or Member State law provide that the prohibition on the processing of such personal data may not be lifted by the data subject;
- (b) 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 in so far as it is authorised by EU or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
- (c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- (d) processing is carried out in the course of its legitimate activities 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 solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
- (e) processing relates to personal data which are manifestly made public by the data subject;
- (f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

- (g) 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, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
- (h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of 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 pursuant to contract with a health professional and subject to the conditions and safeguards set out below. Special categories of personal data may be processed for these purposes only when that data is processed by or under the responsibility of a professional subject to the obligation of professional secrecy under EU or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under EU or Member State law or rules established by national competent bodies;
- (i) 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 health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
- (j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) of the GDPR based on EU or Member State law 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 the fundamental rights and the interests of the data subject.

In order for the processing to meet the requirement in paragraph (b), (g), (h), (i) or (j) above, that it be authorised or have a basis in the law of the UK, it has to meet a requirement in the Data Protection Bill. The Data Protection Bill has not yet been finalised and these sections of the Data Protection Bill may therefore be subject to change before the final text of the Data Protection Bill is agreed. Legal advice on this point should therefore be sought.