

## How we use your personal information

Your personal information will be held by Empirical Search Limited.

Our privacy notice explains what information we may obtain from you or about you, how we will use your information, and how we will look after your information.

## Our commitment to our Candidates and our Contract Resource

We will:

- Only ask for and keep personal information about you which we feel is necessary to deliver the best recruitment service we can; which is in your interests, our business interests, and the business interests of potential future employers.
- Only use your personal information for the purpose of providing you with recruitment services, whether for finding you permanent, fixed term, or temporary/contract roles, both now and in the future and which includes; developing our service and relationship with you and our Clients, assessing your suitability for roles, maintaining and updating your personal information on your database, contacting you about relevant roles, and administering contract assignments you may undertake through us.
- Only share your personal information with prospective employers that we have discussed with you prior to sending your personal information for a role. We will never sell your information to any person.
- We may store and process your personal information outside of Europe where it is necessary for us to do so or where our IT systems are cloud-based services provided by third party service providers. We will only process your personal information outside of Europe where we have adequate safeguards in place with our clients and third-party service providers or we have obtained your explicit consent to handle your information in this way.
- Only retain your personal information for as long as we consider it necessary in order that we can continue to provide the best recruitment service to you now and in the future or for as long as required to comply with our legal obligations.
- Ensure that your personal information is held securely.
- Not make any decision about your application for a role based solely on automated decision-making. Your application will be considered, and any decision taken, by our recruitment consultants.
- Comply with all applicable laws in the provision of our recruitment services to you and our processing of your personal information.
- Only contact you about relevant temporary, contract, and permanent roles we have now and in the future by post, phone, email, or by other means of electronic mail.
- Only send you marketing communications by post, email, or by other electronic means which relate to our recruitment services or other similar services which we believe will be of interest to you.

## Your personal information and the law

### Who we are

#### About Us

We are Empirical Search Limited (**we, us or our**), a registered company in England under company number 9714726 with our registered offices at 30 Stamford Street, South Bank, London, SE1 9LQ.

We act as an “employment agency” for the introduction and placement of candidates for permanent and or fixed term roles with our clients for the purposes of the Conduct of Employment Agency and Employment Businesses Regulations (2003) (**Conduct Regulations**) and as an “employment business” in respect of the introduction and supply of contract resource for temporary and or contract roles with our clients for the purposes of the Conduct Regulations.

We are required to comply with the Conduct Regulations and other employment related laws in the provision of our respective temporary and or permanent recruitment services.

We are registered with the Information Commissioner’s Office (ICO). Our registration number is ZA418960

#### Our services

We are a niche employment agency and we specialise in Treasury, Risk Oversight and Audit. We provide a tailored recruitment service to our client organisations who are seeking to find talent to fill their permanent and fixed term roles in the following sector: Financial Services and Corporates.

#### How to contact us

If you have any queries or questions about this privacy notice, please contact our data protection manager, at [andrewclark@empiricalsearch.com](mailto:andrewclark@empiricalsearch.com) or you may call us on 0203 005 4885.

Should you wish to contact us more formally to exercise any of your rights in law or to request information about our use of your personal information please refer to [Your Rights and How to Complain](#) below.

### Your personal information

#### Personal data including special categories of data and criminal convictions and offences data (sensitive information)

Any information we hold about you which identifies you as an individual (**personal data** under the General Data Protection Regulations (GDPR) which comes into force from 25<sup>th</sup> May 2018) may only be used by us in accordance with the requirements of the GDPR. Any personal data that we hold manually or electronically in a relevant filing system is within scope of GDPR. If we use particularly sensitive personal data about you (**special categories of data** under GDPR) or we use personal data relating to criminal convictions and offences, we must comply with additional rules under the Data Protection Act 2018. For more info on what special categories of data are see [here](#).

#### Special categories of data are data which reveal an individual’s:

- Racial or ethnic origin
- Religion or political views
- Data relating to their health
- Genetic and biometric data
- Membership to a trade union
- sex life or sexual orientation

When we refer to your “personal information” in this privacy notice, we refer to personal data as defined under GDPR and which include the sensitive information defined above and which is also protected under data protection laws.

### Whose personal information do we collect and use

We collect, use, and store personal information in respect the following types of individuals:

- **Candidates** (i.e. job applicants/work-seekers)  
Individuals who approach us seeking a new role or to discuss a role that they have become aware of, who respond to an advertisement we publish in respect of a role, or who we approach as someone who may be interested in a role we are currently seeking to fulfil for a client organisation or who may be interested in future roles we may have.
- **Contract Resource** (i.e temporary workers or contractors)  
Individuals who are Candidates and whom are subsequently supplied on a contract assignment to a Client, and whether engaged by us as directly as a PAYE Worker or engaged under contract through their personal service company (PSC) or employed or engaged via an umbrella company.
- **Client Contacts**  
Employees within the HR function, hiring managers, and other employees within client organisations that we have communications with respect to our recruitment services and or otherwise have dealings with in the performance of our contract for recruitment services.
- **Supplier Contacts**  
Employees and other authorised individuals within organisations whom delivering business and/or support services to us as a supplier to maintain and/or operate our recruitment services under a contract for services.
- **Referees**  
Work and or personal referees whom our candidates may provide details of either in their CV or as requested by us or any other person that we approach to verify employment history as part of our suitability and employment checks.
- **Emergency Contacts/Next of Kin**  
Members of family and or partner whom a Candidate may provide to us as their emergency contact/next of kin.
- **Referred Candidates**  
Friends, colleagues, and other contacts whom a Candidate, Client or other third party with whom we have had dealings with may refer to us or recommend we contact with respect to a role or our recruitment services.

When we refer to “you” or “your” we refer to the category of individual to whom the section of the privacy notice relates.

### Personal information we may collect

#### Candidates and Contract Resource

We may collect and process a range of personal information about you, whether obtained directly from you or obtained from a third-party source, and which includes but is not limited to contact details, work and employment history, education, professional qualifications and your personal interests that we believe are relevant to perform our recruitment services, administer any contract assignments that you undertake through us and comply with our legal obligations. For more information on the types of personal information we may collect from you and or a third party, please see our [Candidate/Contract Resource Personal Information Table](#) in our Privacy section.

### Candidate/Contract Resource Personal Information Table

Type of Personal Information	Details	Source		Reason for collection
		Candidate/Contract Resource	Third party	
Contact	Name, address, email address, telephone number, mobile number, emergency contact details, next of kin details	CV Application Form Interview Service communications with candidate	Job Boards Networking Sites	To identify suitable roles for you; to assess your suitability for specific roles we may have available; to assess you against additional suitability and pre-screening criteria for roles confirmed by our clients; to ensure that we seek to match you to roles in line with your aims and aspirations; to ensure we represent you in the best possible way to our clients; both now and in the future.
Employment	Previous roles worked in Details of prior roles Employers details Dates of employment Salary and Remuneration Career aspirations Work/professional references		Job Boards Networking Sites Referees* Prior employers – employment history verification check	
Education/Training	Information on schools/colleges/university attended and types of exams taken and grades Other training courses undertaken and grades		Job Boards Networking Sites Referees Educational Institute	
Professional Qualifications	details of professional qualification held		Job Boards Networking Sites Professional Institute	To undertake verification of employment history, gaps in employment, and or which may include taking up references as we deem necessary to assess suitability for roles (and for permanent roles only where it is required by our client) To keep you informed generally about roles which we believe may of interest and are relevant to you both now and in the future. To administer contract assignments that that you have agreed to, are available for, and on-call for.
Social Activity/Interests	outside interests, hobbies, likes, dislikes, family interests		Job Boards Networking Sites	
Professional Body registrations and accreditations	details of any professional memberships or memberships of professional bodies		Job Boards Networking Sites Referees Professional Body	
Personal Qualities/Skills/Behaviour Characteristics	information about your personal attributes, your personal skills, ability to lead, ability to work in a team, and other information from answers provided to competency-based questions, psychometric test questions, personality test questions and skills testing Personal references		Psychometric testing and assessment service providers External skills testing service providers Referees Service communications with client	
Health Information	Any health conditions, sickness information, medical conditions, medical information provided in medical questionnaires, information relating to pregnancy and or maternity, assessment of a PAYE worker's working capacity, subject to confidentiality safeguards, and any information on disabilities.			Referees Prior employers – employment history verification check

				requested we verify employment history as part of our recruitment process; to ensure we and our Client may comply with health and safety legislation
Criminal Convictions/Offences	<p>UK: Unspent criminal convictions Spent Convictions (where more enhanced DBS check is required based on the contract role concerned) Overseas: Police clearance certificate, criminal records certificate, certificate of good standing or such other official criminal convictions certificates issued by the country of origin</p>		<p>UK: Disclosure Barring Service (DBS)</p> <p>Overseas: Police or such other authority authorised by the state to issue criminal convictions information</p>	We may ask for a declaration or confirmation of a Basic Disclosure Check as part our suitability checks and where relevant for roles which you are interested in. For permanent or fixed term roles we usually only collect such information if requested by a client.
Identity	Evidence of ID confirmed by production of copies of documents, usually 2 from list; Passport or photo driving licence, other photo ID, birth certificate. Proof of address; utility bill, bank/building society statement, council tax bill	Service communications with candidate	ID check report from Background Screening Service Provider Networking Sites	To ensure that we have confirmed who you are in accordance with the Conduct Regulations To ensure that we prove identity of data subject upon receipt of subject access request
DVLA	Driving licence, information on categories of driving, any endorsements, restrictions; check code number and driving licence number for online check of driving licence information			To ensure eligibility for a role which requires driving or may involve driving;
Images	Photograph (whether digital or not) of Candidate			To assist us in remembering you when providing services; to assist us in confirming your identity with our Client; to prepare building passes or other ID badges required by a client; to allow a client to check who you are when you first attend a contract assignment;
Right to Work	your confirmation of whether you have a right to work and basis of such right; evidence of ability to work legally in the UK; copy of passport or 2 documents from Home Office list of documents and physical sight of passport required to comply with defence requirement, visa, permit, and or sponsorship visa information			To ensure that you have a legal right to work in the UK in accordance with immigration legislation for roles. For permanent or fixed term roles we will usually only ask for confirmation where requested by a Client.
Credit Reference Check (adverse financial check)	confirmation that you have no adverse credit history including any, bankruptcy,	Communications with candidate	Credit check report from Background	To ensure where the contract assignment requires, that the

	and or voluntary or involuntary arrangements for creditors where required for specific contract roles		Screening Service Provider	candidate has no adverse credit history which may affect our ability to consider you for a contract assignment role
Recruitment process feedback	feedback taken post interview, post offer, and/or post rejection from each of the Candidate and Client	Service communications with candidate	Service communications with client	To record the outcome of our recruitment service activities; to improve our recruitment services to the candidate and the client; to ensure we deliver constructive feedback to both our Candidates and Clients during the recruitment process
Contract assignment feedback	feedback given by contract resource or Client during a contract assignment or at the end of a contract assignment	service communications with contract resource	service communications with client during contract assignment	To ensure that we can administer our contract with contract resource and with the Client; to ensure we can deliver constructive feedback to both contract resource and Clients during the contract assignment or after the contract assignment
Service communications	letters, emails, phone calls, texts, and other electronic communications between us issued and or received in the course of the delivery of our recruitment services including feedback for recruitment process and contract assignment			to administer our recruitment services to clients and candidates
Special Categories of Data	Health Information, Images, Equal Opportunities	CV, Application Form, Equal opportunity monitoring form, service communications with candidate, interview notes		See defined category sections for more information
Finance, Tax & Social Security	Bank details, NI number, tax code, data of birth, P45, P60, payslips, gender, marital/civil partner status, dependants, and any other personal information required to be maintained with HMRC, and or any HMRC correspondence relating to tax and social security, information relating to HMRC employment status check and or IR35 status check or review, details of your interest in and connection with the intermediary through which your services are supplied, where engaged as a self-employed consultant (whether sole trader or via a PSC).	Application Form Service communications with candidate HMRC Employment Status Check	HMRC IR35 review service provider	To pay you for a contract assignment; To issue you remittance for work; to deduct statutory tax and NI contributions from payments due to you; to file tax intermediaries and for reporting for contract resource supplied via their own personal service company (PSC) on contract assignment and comply with agency legislation and public sector IR35 legislation and or other tax reporting to HMRC

Equal Opportunities	any information completed in an equal opportunity monitoring form which includes but is not limited to race, age, gender, sex, sexual orientation, religious or other beliefs, marriage or civil partnership status	Equal Opportunity Monitoring Form		To ensure that can monitor and improve diversity across Candidates that register with us and across Contract Resource whom undertake contract assignments for us
Salary & Remuneration	salary and or income details, fee rates, contractual benefits, and other remuneration; relating to past roles, current role, future aspirations, and new or potential roles offered to you	Service communications with candidate	Service communications with Client	To ensure we can match you to relevant roles based on expectation on salary; To allow us to invoice our placement fee for a successful permanent or fixed term role if you accept an offer having been introduced for the role concerned; to allow us to invoice our fees to our clients
<p><b>*Referees/prior employers</b> – we will always discuss any requirement for us to take up any verbal and or written references and/or any requirement for us to verify your employment history and or gaps in employment history for any role. We will never seek to contact a current employer unless with your permission.</p>				

In respect of our communications with you and the delivery of our recruitment services, we may obtain personal information from you arising from:

- Your use of our website (if we collect, use and or store personal information within our website, please see our website privacy notice for more information)
- applications you make to roles we advertise for (via our website or via a job board)
- Your attendance at any networking event we host or sponsor
- Your attendance at any recruitment fair where we are promoting our recruitment services
- When you talk to us over the phone, via email, or through any text or email messaging service

We may obtain personal information about you from third party sources:

- Job boards (Linkedin, Efinancialcareers)
- Networking Sites (any professional and or social networking site where you have uploaded or published personal information to)
- Referrals – a personal or professional recommendation from a third party (typically family member, friend, colleague or former employer)
- PSC or umbrella company – whom you supply your services through and whom is acting on your behalf

We may collect further personal information about you in anticipation of or as part of on-going compliance with a contract assignment from third party sources referred to in the [Candidate/Contract Resource Personal Information Table](#).

#### **Client Contacts and Supplier Contacts**

We may collect and process personal information for our Client Contacts and Supplier Contacts and which will typically include Contact details and Service communications.

We will only collect such personal information either directly from you as a Client Contact or Supplier Contact as a consequence of our communications with you, indirectly during service negotiations with a Client or Supplier, indirectly from the contract with our Client or our Supplier, or indirectly from a Job Board or via a Networking Site. We may use such personal information to contact you to discuss our recruitment services with

you now and in the future, to deliver our recruitment services to you, to perform our obligations under a contract with the Client, and to keep in touch with you regarding future roles that you may have for which you wish to find suitable Candidates for.

#### **Referees**

We may collect and process personal information relating to Contact details for Referees who are provided to us by a Candidate/Contract Resource.

We will only collect such information directly from a Candidate/Contract Resource or from a Job Board the Candidate/Contract Resource has published their details on or profile of the Candidate/Contract Resource from a Networking Site. Referee details will be shared with our Clients in the delivery of our recruitment services when a Candidate/Contract Resource is introduced for roles with our Clients. Where we act as an employment agency Clients may contact you to seek a reference on a Candidate when considering offering a permanent or fixed term role or upon the offer of such a role to a Candidate. Less commonly, our Clients may require us to take up references during the permanent recruitment process.

We will only use your Contact details for the purpose of taking up a reference for a Contract Resource where we determine it necessary in the conduct of our suitability checks and or where we are required to do so by a Client for a role that a Contract Resource has been introduced for.

#### **Emergency Contacts/Next of Kin**

We may collect and process personal information relating to your Contact details provided to us by a Candidate/Contract Resource.

We will only use such personal information to contact you as a direct consequence of an emergency relating to a Candidate/Contract Resource arising during the recruitment process or during a contract assignment with us and where we reasonably believe it necessary to contact you for the immediate health or safety interests of the Candidate/Contract Resource.

#### **Referred Candidates**

We may collect and process personal information relating to Contact details for Referred Candidates who are provided to us by a Candidate/Contract Resource, Client or other third party.

We will receive personal information about you directly from the individual who referred you or from a Job Board or profile for a Networking Site that you may be subscribed to. We will only use such personal information to contact you as a direct consequence of you being referred to us. We will typically ask the person referring you to confirm that you are willing to be contacted by us or in the alternative we will ask the person referring you to introduce you to us. If you express an interest in discussing a role with us now or in the future as a consequence of our contact with you as a Referred Candidate, we will register you and you will be considered a Candidate/Contract Resource for the purposes of this privacy notice. If you are not interested in discussing a role with us and confirm that you do not wish to receive further communications from us having been referred to us, we will not retain your personal information.

#### **If you choose not to give personal information**

You can choose not to give us personal information when we seek to collect personal data from you at any stage in the recruitment process. We may need to collect personal information by law in certain circumstances. If you choose not to give us this personal information, it may delay or prevent us from delivering our recruitment services to you or prevent us from continuing with any particular application for a role or require us to terminate our contract with you, your PSC or umbrella company on the basis we cannot comply with the law.

If you choose not to give us information that we require to undertake our assessment of your suitability for roles, we may not be able to proceed to register you and or otherwise introduce you to roles through us or continue to administer our contract with you or your PSC or umbrella if this has already commenced for a contract assignment, but we can advise you of the implications of not giving us information at the time we request it.



It may also be the case that a role requires us to fulfil Client Requirements to facilitate a Candidate's introduction and or progression through the recruitment process for a particular role. If you do not wish to give us personal information in response to a Client Requirement, this could mean that we cannot progress your application with the Client concerned or we cannot introduce you to a Client where we notify you prior to your introduction. We will make this clear as soon as we are aware of any Client Requirement which affects a role you are interested in. Whilst not providing the personal information will affect the role relevant to the Client concerned, it will not affect your ability to be introduced for other roles we may have with other Clients.

## How personal information is protected

### GDPR rules on processing personal information

Under data protection law, we are only able to use personal information for specific reasons and always provided we are using personal information fairly and we have advised you of our use. Specifically, we must have one or more of the following lawful reasons to process your personal information;

- We are required to comply with a legal or regulatory requirement (**Legal Obligations**);
- It is necessary to enter into and or perform our contract with you (PAYE workers only) (**Contract Necessity**)
- It is in our legitimate interest i.e. we have a business or commercial reason to use your personal information and our use is not unfair to you and does not adversely affect your rights and freedoms (**Legitimate Interest**); or
- You consent to our processing (**Consent**)

For special categories of data or data relating to criminal convictions and or offences (which are considered more sensitive personal information), there are additional requirements that we must fulfil. We will not collect or use more sensitive personal information without your consent unless the law allows us to do so. If we do seek to collect and or use such information, it will only be when it is necessary and for one of the following reasons:

- We obtain your explicit consent to our processing (**Explicit Consent**)
- We are required to comply with or exercise our rights in the field of employment laws (**Employment Law Obligations**);
- It is for reasons of substantial public interest (**SBT**); or
- It is to establish, exercise or defend legal claims (**Legal Claims**)

### Our processing activities and reasons for processing - Candidates & Contract Resource

We will use your personal information to:

- Register your Contact details and other personal information in our database in order to consider you and discuss with you any relevant roles that we are instructed to submit candidates for now and in the future (LI)
- Assess your skills, qualifications, and suitability for a relevant role, and which may include but not be limited to interviewing you (LI)
- Undertake compliance requirements with the Conduct Regulations (Legal Obligations)
- Carry out any standard pre-screening and or background checks that we require for roles including but not limited to criminal conviction checks (Legal Obligations) or (LI)
- Discuss any potential role identified with you and ascertain your willingness to work in the role concerned for Conduct Regulations purposes (Legal Obligations)
- Introduce you to a Client for a role that we have discussed with you (directly or via an Intermediary) (LI).
- Discuss you as a potential suitable candidate with a Client (directly or via an Intermediary) (LI).
- Carry out any background screening, employment verification, and or reference checks relevant to a role

where it has been instructed by a Client (LI).

- Communicate with you and the Client (or any Intermediary) about the recruitment process and during each stage of such recruitment process (LI).
- Administer and manage your contract with us (PAYE Workers), performance guarantee or other personal undertaking by the Contract Resource, or your contract with us via your PSC or your umbrella company (LI) or (Contract Necessity)
- To provide confirmation (by way of verification) of your engagement with us as a Contract Resource to any future employers where we receive a reference request for you (we can only provide this for as long as we hold personal information unless you request us retain your personal information for a longer period) (LI)
- Keep you updated in respect of all applications that you made to us or roles that you have been submitted for by us, provide you feedback in respect of your interviews and keep a record of your applications and the outcome of any interviews (LI).
- Comply with our legal or regulatory requirements in respect of contract assignments and the introduction of candidates for temporary and or permanent roles (including but not limited to our compliance with Immigration legislation, Conduct Regulations, Agency Workers Regulations 2010 (AWR), Equality Act 2010, Health and Safety legislation) – (Legal Obligations)
- Share your personal information with third parties where required by law or where necessary in pursuit of our legitimate interests (LI) – for more information see **Sharing your personal information** below.
- We may use your personal information to help us to establish, exercise or defend legal claims (LI).
- We may use your personal information to help us improve our recruitment services (LI)
- Keep a record of your unsuitability for roles where this has arisen due to any misconduct, any act, error, or omission by you, any harassment or any behaviour of a violent, threatening, or intimidating nature towards us, our staff or any third party, any misrepresentation or conveyance of false information by you, or your unprofessional behaviour; and which has led to your contract assignment being terminated, your application being rejected or no longer processed, or any offer being withdrawn by us or a Client; to ensure that we do not introduce or supply you for roles (LI)
- Keep you informed of future relevant roles that may arise now and in the future by post, email, telephone and or other electronic means (marketing communication) (LI).
- Contact you individually regarding a role which we believe will be of interest to you whether by post, email, telephone, and or other electronic means (marketing communication) (LI).
- Keep you informed of developments in our recruitment services that we believe will be of interest to you by post, email, telephone, and or other electronic means (marketing communication) (LI).
- Ask you for your help in finding Candidates for roles that we have e.g. through a refer a friend promotion by post, email, telephone, and or other electronic means (marketing communication) (LI)
- Keep you informed about relevant professional information; published salary surveys relevant to you, networking events, and other relevant information about the industry sector or your skills sector which we believe may be of interest to you by post, email, telephone, and or other electronic means (marketing communication) (LI).

We use your personal information for the above purposes identified at the end of each processing activity which involve either processing on the basis of Contract Necessity, Legal Obligations, or Legitimate Interests (LI). Many of our activities are undertaken where we deem it relevant and necessary for our legitimate interests.

Our processing of your personal information is necessary for us to ascertain your suitability for potential roles that we have and to ensure we are matching you to the right roles based on our understanding of your career aspirations and goals. We believe it is important that we have a rounded and informed understanding of your work history, technical and personal skills, and your outside interests in order to achieve these aims.

Our sharing of your personal information with Clients regarding potential employment opportunities as well as

introducing you for specific roles is necessary to ensure that we have the best chance of finding relevant employment opportunities for you and the best chance of us successfully filling roles for Clients.

Our assessment of your suitability and completion of our own pre-screening and background checks on you is necessary for us to ensure that you have the technical skills and ability to perform the contract assignment, to mitigate our exposure to claims arising from your negligent performance of the services, to ensure that it would not be detrimental for you or the Client to work together, and to evidence how we determine your suitability for the role if ever disputed and or audited by our Client; all of which are legitimate interests of ours.

We may collect and process personal information relating to you that we would not ordinarily undertake of our own volition, and we will advise you of any such requirements for a role when discussing the role with you. This may involve us asking you to comply with additional pre-screening requirements of a Client, in addition to those we have already undertaken for our assessment of your suitability and require you to enter into additional contractual obligations where related to contract assignments. We will only require the collection and processing of such personal information where we are asked to by the Client (**Client Requirements**). Our collection and processing of such personal information is necessary for us to comply with our contractual obligations to our Client.

We may process personal information relating to any Contract Resource to administer, perform, and or manage the contract with the PSC or umbrella company for the services of the Contract Resource which is in our legitimate business interests and including in particular our ability to process personal information of the Contract Resource to terminate any contract assignment and or to deal with any dispute arising under the contract with the PSC or umbrella company. To the extent that a Contract Resource has entered into a personal guarantee and or performance deed with us in respect of a contract assignment, we shall be entitled to administer, communicate, and threaten and or bring legal proceedings against the Contract Resource as is necessary to enforce our rights under such contract against the Contract Resource, which is in our commercial interests.

We may contact you by sending marketing communications about potential roles, our services, and professional information which we believe are relevant to you and would be of interest to you. Our continued contact with you now and in the future on this basis is beneficial and necessary to ensure that you receive the best range and choice of employment opportunities; that we may continue to assist and support you in your career aspirations at the various stages of your career; that our Clients continue to have access to a broad range of suitable Candidates for roles that they may have now and in the future, that Clients may receive introductions in a more time efficient manner through our access to suitable Candidates, and that we may continue to fulfil roles for Clients to maintain a sustainable and profitable business.

We are willing to confirm by way of engagement verification details confirming that you were engaged by us during a particular period if requested by any future employer or other person whom you have been advised will seek references and or engagement/employment verification for the period that we retain your personal information. We are not obliged to give a reference or verify your employment/engagement. Should you wish us to retain your information beyond the period we may ordinarily retain your personal information for, you may request us at any time to maintain core employment verification personal information however we will have no obligation to maintain your details beyond the retention period advised.

We will process your personal information where it is in our interests to establish, exercise and or defend legal claims; to prevent criminal acts and or unlawful acts including but not limited to fraud.

Our processing on this basis shall only apply to the extent that we have engaged Contract Resource as a PAYE workers. We are required to process certain Financial information that you have provided, in order to perform our contract with you and which includes but is not limited to make payments to you after statutory deductions to you and administering statutory entitlements and benefits.

Our processing on this basis shall apply to the extent that we are required to process personal information to comply with our obligations under the Conduct Regulations, the AWR and to process financial information to comply with our obligations under UK tax, social security, and payroll legislation in respect of PAYE workers, with our obligations for tax intermediary reporting for PSCs, with our obligations to comply with the agency

legislation in respect of any Contract Resource engaged as self-employed, and or applying the rules of public sector IR35 for PSCs.

#### **Processing of sensitive information - Candidate & Contract Resource**

We do as part of our assessment of your suitability to be considered for contract resource roles seek to collect data relating to criminal convictions and offences which are relevant to the type of roles you are interested in.

We do not as part of our own assessment of your suitability for a permanent or fixed term role seek to collect any special categories of data or data relating to criminal convictions and offences in respect of Candidates. However, occasionally, we may collect such personal information in respect of a Client Requirement or through information you disclose to us.

#### **Health Information**

Employment Law Obligations - We will only use information that you provide to us about any disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example where adjustments need to be made during a test or interview for a role. If a role requires us to ascertain your ability to carry out certain duties which are intrinsic to that role, we may require you to provide health information to help us in that assessment during the recruitment process.

We are entitled to process health information after an offer for a contract assignment has been made but will only do so where it is a Client Requirement for the contract assignment role. We may process health information during a contract assignment, to the extent that we have legal obligations to comply with and which fall within the field of employment law and social security including but not be limited to our obligations under the Equality Act 2010, Health and Safety legislation, Conduct Regulations, AWR, Working Time Regulations 1998.

Legal Claims – We may process your personal information to establish, exercise and or defend legal claims.

Consent - We will only process health information for any other reason outside of those specified above if we have your explicit consent.

We will delete any record of health information we collect and use whether you are successful in being placed into a permanent and or fixed term role or unsuccessful in obtaining that role in accordance with our retention policy except to the extent we are required to comply with the Equality Act 2010 for any future roles and or to defend legal claims. See **How long we keep your personal information** below.

#### **Criminal Convictions and offences**

Employment Law Obligations – To the extent that we are entitled to rely upon our rights and obligations in the field of employment law to ask and consider unspent convictions for a relevant contract assignment role, we may process unspent criminal convictions on this basis. To the extent that we are obliged to arrange the conduct an enhanced DBS check (for spent convictions) in respect of a contract assignment role and process information in relation to such DBS check, we are entitled to rely upon this basis.

Legal Claims – We may process your personal information to establish, exercise and or defend legal claims.

Consent - We will only process criminal convictions and offences information (whether spent or unspent as applicable) for any other reason outside of those specified above if we have your explicit consent to collect and process such information.

#### **Processing of other special categories of data**

##### **Equal Opportunities Monitoring**

Consent - We may process sensitive personal information about race or ethnicity, sex or sexual orientation, or religious beliefs for equal opportunities monitoring purposes. We process this information on the basis we have a legitimate interest in maintaining diversity of candidates and there is a substantial public interest in processing such information.

Legal Claims – We may process your personal information to establish, exercise and or defend legal claims.

#### **Our processing activities and reasons for processing - Other Individuals**

##### **Client Contacts**

We may use personal information to contact you to discuss our recruitment services with you now and in the future, to deliver our recruitment services to you, to perform our obligations under a contract with the Client, to keep in touch with you regarding developments in our recruitment services which we believe will be of benefit to you, and to keep in touch with you regarding future roles that you may have for which you wish to find suitable Candidates for.

Legitimate Interest - We have a legitimate interest in processing your personal information to ensure that we find suitable Candidates for you for roles that you have, to deliver recruitment services to you under contractual terms and conditions, and to ensure that you always receive the most appropriate services from us to deliver your recruitment needs.

Legal Obligations or Legitimate Interest - Less commonly, we may need to process your Contact details in the event we are required to comply any legal and or statutory obligations, and or for which we may rely upon grounds relating to Legal Obligations.

Legitimate Interest – We may process your personal information to establish, exercise and or defend legal claims.

We do not collect and or process any sensitive information about you.

##### **Supplier Contacts**

We may use personal information to administer our rights and obligations under our contract with the Supplier, to ensure the delivery of the Supplier's services to us, and to manage the commercial relationship between the Supplier and us.

Legitimate Interest – all of the above activities reflect processing which is in our legitimate business interests to process based upon the relationship between us and our Supplier.

Legal Obligations or Legitimate Interest - Less commonly, we may need to process your Contact details in the event we are required to comply any legal and or statutory obligations, and or for which we may rely upon grounds relating to Legal Obligations.

Legitimate Interest – We may process your personal information to establish, exercise and or defend legal claims.

We do not collect and or process any sensitive information about you.

##### **Referees**

We will only use your Contact details for the purpose of taking up a reference for a Candidate, where we are required to do so by a client for a role that a Candidate has been introduced for.

Legitimate Interest - It is in our legitimate interest to take up references where we are required to do so at the request of our Client to ensure we comply with the terms of our contract with a Client and to ensure that our Candidate has the best chance of being successful in the recruitment process where references are required to be taken prior to an offer.

Legal Obligations or Legitimate Interest - Less commonly, we may need to process your Contact details in the event we are required to comply any legal and or statutory obligations, and or for which we may rely upon grounds relating to Legal Obligations.

Legitimate Interest – We may process your personal information to establish, exercise and or defend legal claims.

We do not collect and or process any sensitive information about you.

### **Referred Candidates**

We will only use your Contact details for the purpose of contacting you as a consequence of you being referred to us and in connection with our recruitment services.

Legitimate Interest - We have a legitimate interest in ensuring that we identify potential suitable Candidates that are not currently registered with us for roles that we are working on now and in the future so that we can fill roles that we have open and we can ensure we register and maintain details of suitable Referred Candidates for future roles to ensure that we can best meet the role requirements of our Clients as they arise and so we can meet the needs of our Referred Candidates locating new employment opportunities and keeping Referred Candidates informed of suitable opportunities in the future. Upon registering with us, Referred Candidates will be considered Candidates for the purpose of this privacy notice.

Legal Obligations or Legitimate Interest - Less commonly, we may need to process your Contact details in the event we are required to comply any legal and or statutory obligations, and or for which we may rely upon grounds relating to Legal Obligations.

Legitimate Interest – We may process your personal information to establish, exercise and or defend legal claims.

We do not collect and or process any sensitive information about you.

### **Our Marketing Communications**

We have clarified our grounds for sending you marketing communications under GDPR for legitimate interests. Under existing rules on electronic marketing communications, if we wish to send you our marketing communications by electronic means we are either required to obtain your consent (GDPR standard) to send marketing communications or we may treat you as an existing customer (you are treated as having opted-in to marketing communications).

You have the right at any time to opt out of receiving future email marketing communications from us or otherwise object to our future marketing communications by emailing us directly. Please see [Contact Us – Your Rights](#) for more information.

### **Automated decision-making**

No decision whether or not to introduce a Candidate who meets the requirements for a role is made without human intervention and no decision is based solely on automated decision-making.

### **Security of your personal information**

We have put in place measures to protect the security of your information.

Third-party providers will only process your personal information in accordance with our instructions and upon terms under which they have agreed to treat the information confidentially and to keep it secure.

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.

Candidate/Contract Resource - our Clients are data controllers in their own right for the purposes of data protection laws, and therefore are required to comply with the requirements of security under GDPR. Our terms of business require the Client to comply with the requirements of GDPR and they will have their own privacy notice and policy with respect to their own processing of personal information they collect and use. Should you wish to understand what other personal information, if any, they collect about you, and or process outside of our expectations in this privacy notice, or any queries in relation to their processing of your personal information as a data controller you should contact the Client directly.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **How long we keep your personal information**

We will retain your personal information only for as long as is necessary and in accordance with the legitimate interests of our Clients, our Candidates and our own commercial needs to maintain a sustainable and profitable business but subject always to any overriding law which requires us to retain certain information for longer periods.

We believe that it is reasonable and fair that we retain personal information in accordance with the following periods:

**Candidates** – From the date of collection of your personal information, we expect to have on-going discussions and communications with you during your career with respect to existing and future roles however those discussions arise, and which may include you applying for roles and or being interviewed for roles (**Career Discussions**). However, we understand that there may be periods during which we have no Career Discussions with you and or we have not successfully placed you in a role and after a period of time it may be reasonable to expect that your personal information is no longer of interest or relevance to us and should be deleted. Given the nature of our recruitment services and the skills and sectors that we operate in, if we have not had any Career Discussions with you or successfully placed you in a role for more than 6 years since our last Career Discussion, we will remove your personal information from our CRM and systems.

**Contract Resource** – We will retain any personal information collected and used for a particular contract assignment for a period of up to 6 years in order to comply with our Legal Obligations, to deal with any Legal Claims, and to reply to any employment verification requests received from any new employer or recruitment agency whom requests confirmation of your work history through us. Should you be placed on a further contract assignment and any personal information collected and used for the purpose of your previous contract assignment is relevant and valid for processing for the same purposes for the new contract assignment, we shall be entitled to use such personal information for the current assignment.

**Client Contacts** – We will retain your personal information for as long as we receive services from you or we provide recruitment services to you and for as long as it may be reasonable and commercially beneficial to us and to you.

**Supplier Contracts** – We will retain your personal information for as long as we receive services from you or we provide recruitment services to you and for a period of up to 2 years thereafter.

**Referees** – We will retain your personal information for as long as a Candidate's personal information is held by us in accordance with the above retention period.

**Emergency Contact/Next of Kin** – We will retain your personal information for as long a Candidate/Contract Resource receives our recruitment services and or for as long as they undertake any contract assignment, and for a period of up to 1 year thereafter.

**Referred Candidates** – If you do not wish for us to discuss potential roles with you having contacted you as a consequence of a referral as described in this privacy notice, we will not retain your personal information. If

you express an interest in discussing potential roles when we contact you, you will become a Candidate for the purposes of retention.

## Sharing your personal information

### Sharing personal information with third parties

#### Candidate and Contract Resource

We will share personal information in the provision of our recruitment service that we have collected about you with:

- Clients in order that we can discuss, introduce and or supply you for a role, to allow the Client to assess your suitability for an interview and or offer of a role, and in order to facilitate the recruitment process (e.g. for the purpose of arranging interviews, undertaking tests etc.) and which shall include the Client's end customer for a particular contract assignment.
- Other recruitment agencies who act as a master vendor, neutral vendor, or managed supplier of recruitment services to a Client (**Intermediary**), and in this circumstance we will share your personal information with the Intermediary who is managing the recruitment process for the Client and the Client. For the purposes of this privacy notice, reference to "Client" shall include any Intermediary.
- With job boards, job aggregators and other third-party partners we utilise to give you the best opportunity of finding a relevant and suitable role for you.
- Our own third-party service providers who deliver services on our behalf and who may process your personal information in the performance of those services under our instruction (subject to agreements with our third-party service providers) and which include but not be limited to our payroll service providers, our background and ID checks service providers, our accountants, our auditors, legal advisors, insurers and IT service and CRM providers.
- Those categories of third-party sources identified in the [Candidate personal information table](#) whom deliver services to us as we require to comply with any Client Requirements we are obliged to comply with under our contract with the Client
- Any authority; which may include but is not limited to; central and local government departments, law enforcement and fraud prevention agencies, HM Revenue & Customs, Employment Agencies Standards Inspectorate (EASI), Gangmasters Licensing & Abuse Authority (GLAA), and other statutory regulators;
- Any public information sources and third-party organisations that we may use to perform our suitability and checks; including but not limited to the DVLA, Companies House, Disclosure and Barring Service (DBS), and credit reference agencies.
- Any third party whom we instruct to perform audits on our behalf, whether to assess compliance with any statutory duties or as may be required to comply with any contractual commitments that we have;
- Any recruitment industry trade body that we may be a member of e.g. REC or ASPCO
- Any potential purchaser of our business or the potential owners of any other business we may potentially wish to merge with in the future.

We will share your personal information with the above third parties where required by law or where we have a legitimate interest in doing so. We have a legitimate interest in:

- complying with our obligations and duties in law
- complying with our obligations under contract with Clients and other third parties



- maintaining our professional accreditations and memberships of professional bodies
- maintaining security and the protection of our IT systems
- assisting authorities in the prevention of crime and fraud
- seeking to prevent criminal acts or other unlawful acts including but not limited to fraud
- notifying authorities in respect of any threat to public security or safety
- assisting the authorities in maintaining national security and protecting public security
- the establishment, defence, and or exercise of legal claims

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.

### **Client Contacts and Supplier Contacts**

We will share personal information in the provision of our recruitment service or receipt of your service (as applicable) that we have collected about you with:

- Our own third-party service providers who deliver services on our behalf and who may process your personal information in the performance of those services under our instruction (subject to agreements with our third-party service providers) and which include but not be limited to our accountants, auditors, legal advisors and IT service provider.
- Any authority; which may include but is not limited to; central and local government departments, law enforcement and fraud prevention agencies, HM Revenue & Customs, regulators and other tax authorities; other statutory regulators;
- Any potential purchaser of our business or the potential owners of any other business we may potentially wish to merge with in the future.
- We will share your personal information with the above third parties where required by law or where we have a legitimate interest in doing so. We have a legitimate interest in:
  - complying with our obligations under the law
  - assisting the Authorities in the prevention of crime and fraud
  - assisting the Authorities in maintaining national security and protecting public security
  - where we believe it is necessary in connection with the establishment, defence, and or exercise of legal claims.

### **Referees and Emergency Contact/Next of Kin**

We will share personal information in the provision of our recruitment service or receipt of your service (as applicable) that we have collected about you with:

- Clients in order to allow the Client to assess your suitability for an interview and or offer of a role, and in order to facilitate the recruitment process (e.g. for the purpose of arranging interviews, undertaking tests etc.), to administer any contract assignment, and which shall include the Client's end customer for a particular contract assignment.
- Other recruitment agencies who act as a master vendor, neutral vendor, or managed supplier of recruitment services to a Client (**Intermediary**), and in this circumstance we will share your personal information with the Intermediary who is managing the recruitment process for the Client and the Client to the same extent identified for the Client. For the purposes of this privacy notice, reference to "Client" shall include any Intermediary.
- Any general practitioner, nurse, paramedic, and or any other medical support staff treating the Candidate/Contract Resource to allow them to contact you in an emergency (Emergency Contact/Next

of Kin only).

## Transfer of personal information outside of Europe (EU members & EEA members)

### Candidates, Contract Resource, Referees and Emergency Contact/Next of Kin

We do not envisage transferring your personal information outside of Europe. However, occasionally we may be instructed on roles which are based outside of Europe and therefore personal information may be processed outside of Europe. If processing of your personal data is required outside of the Europe, and the country concerned does not have an adequacy decision in place with the European Commission (which allows that country to be treated as a safe place to transfer and process data alongside other European country and to the standards equivalent to GDPR), we will ensure that your personal information does receive an adequate level of protection by requiring any recipient of your personal information to enter into contractual terms and conditions which requires the same level of protection afforded to processing inside of Europe (appropriate safeguards). If we are unable to put into place these appropriate safeguards, we will typically seek your explicit written consent prior to introducing you for a role which requires processing outside of Europe having given you notice of the risks in having your personal data processed outside of Europe, unless we believe we may process your personal information outside of the EEA for important reasons of public interest or to establish, exercise or defend legal claims; if it is necessary for the performance of a contract with you or with a third party where we believe that contract was entered into by us for your benefit.

We confirm that your personal information is retained within our customer relationship management system (CRM) which is a cloud-based service and your personal information is held securely on servers within the UK and backups of our system are also stored within the UK. To the extent that emails identifying you are personal data for the purposes of GDPR, we confirm that our emails are administered through a cloud-based service, Microsoft Office 365. Microsoft adheres to the principles of the EU-U.S Privacy Shield frameworks. If you wish to learn more about the privacy shield, please refer to <https://ico.org.uk/concerns/eu-us-privacy-shield/>

### Client Contacts and Supplier Contacts

We confirm that your personal information is held securely on servers within Europe.

If we need to transfer personal information outside of Europe in the future; whether due to any system changes, appointment of new third-party service providers or otherwise, we will ensure that we have appropriate safeguards in place in order to transfer personal information outside of Europe or in the absence of appropriate measures we will only transfer such personal information outside of Europe with your written consent.

## Your Rights and How to Complain

Under data protection laws, you have a range of rights which help to protect you in respect of our processing of your personal information. If you are unhappy with how we deal with your request to exercise your rights, or you are unhappy with our response to your request, you may make a complaint to the Information Commissioner's Office (ICO) who is the supervisory authority responsible for enforcing data protection laws in the UK. You can contact the ICO by post, by email, telephone or live chat.

The ICO details are:

Tel: 03031231113

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Mail: ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

We recommend that you read your right to make a complaint at <https://ico.org.uk/concerns/>.

## Your Rights

### Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **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. We may ask you to verify your identity as part of our security measures for the protection of personal information. We may also ask you for more information regarding your request in order to ensure that we meet our obligations fully. Whilst no fee is generally chargeable for access requests, we reserve the right to charge a fee if you make repeated requests, ask for further copies of our disclosure, or your request is considered excessive in our reasonable view. We may also decline your request for access if we believe that your request is vexatious.
- **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.
- **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). However, please note:
  - we may not be able to erase certain personal information due to our continuing legal obligations or in other circumstances allowed under data protection laws.
  - we cannot guarantee that you will not be contacted by us following erasure if your personal information remains in the public domain (e.g. if you have published or uploaded information to job boards and Networking Sites) and we suggest that you allow us to retain a personal identifier for our list of individuals we should not contact in an effort to prevent you being contacted again (if you request this as part of or as a consequence of any request to erase your personal information).
- **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. We have a right to reject your request if we decide that our interests in continuing to process your personal information override your interests, rights and freedoms in certain circumstances.
- **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. We can only store your personal information during this time and will not delete or otherwise use your personal information, except in relation to Legal Claims, where it is to protect the rights of another person, or it is for reasons of important public interest., or where you have consented to a particular use.
- **Right not to be subject to automated decision making and profiling**
- **Request the transfer** of your personal information to another party (this will only apply to personal information which is processed on the grounds of consent and which is processed by automated means by us)

### Contact Us – Your Rights

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 us in writing at Empirical Search Limited, 30 Stamford Street, South Bank, London, SE1 9LQ.



**Right to withdraw your consent** - Where you have been asked for consent for processing, you can withdraw your consent at any time. If your consent relates to a Client Requirement, you understand that we may not be able to progress your application for the role concerned. If this is the case, we will let you know. Please note that you can only withdraw your consent to processing activities to which you have consented.

You can withdraw your consent by emailing us at [andrewclark@empiricalsearch.com](mailto:andrewclark@empiricalsearch.com).