

Cumbria Employment Solicitors – Client Privacy Notice – EMPLOYEE (21 May 2018)

What is the purpose of this document?

Cumbria Employment Solicitors is committed to protecting the privacy and security of personal information. This privacy notice describes how we collect and use personal information during and after your or your organisation's relationship with us, in accordance with the General Data Protection Regulation (GDPR).

Cumbria Employment Solicitors is a "data controller". This means that we are responsible for deciding how we hold and use personal information. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice does not form part of our terms of engagement or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

Data protection principles

We will comply with data protection law. This says that the personal information we hold must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The kind of information we hold

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).

There are certain types of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation. Information about criminal convictions also warrants this higher level of protection.

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

- Contact details such as name, title, addresses, telephone numbers, and email addresses.

Depending upon the nature of the case:

- Copy of driving licence, passport and bank statement/utility bill (for identity verification purposes).

Depending upon the nature of the case, we may also collect, store, and use the following categories of personal information that are relevant to the issues in the case:

- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date and, if different, the dates of continuous employment.
- Leaving date and reason for leaving.
- Location of employment or workplace.
- Recruitment information.
- Employment records (including job titles, work history, working hours, holidays and training records).
- Performance information.
- Disciplinary and grievance information.

Depending upon the nature of the case, we may also collect, store and use the following more sensitive types of personal information that are relevant to the issues in the case:

- Information about race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about health, including any medical condition, health and sickness records, ill-health, injury or disability, the records relating to any decision to dismiss on ill-health grounds;
- Information about criminal convictions and offences.

How is your personal information collected?

We collect personal information directly from you. We may sometimes collect additional information relevant to the case from third parties including occupational health providers, doctors, accountants/tax advisers and other specialist advisers.

How we will use information about you

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

1. Where we need to perform the contract we have entered into with you or your organisation.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for legitimate interests pursued by us or a third party and your interests and fundamental rights do not override those interests.
4. Where you have consented to us using personal information (including for marketing purposes).

We may also use personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest.

Situations in which we will use your personal information

We need the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases, we may use personal information to pursue legitimate interests, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- Carrying out the work we have contracted with you or your organisation to carry out.
- Complying with our professional obligations.
- To prevent fraud.
- For marketing purposes (but only with your consent) – such as sending out newsletters, legal updates, training offers and other details of the services that we offer.

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

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you or your organisation or we may be prevented from complying with our legal obligations.

Change of purpose

We will only use personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use personal information 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 personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. With your explicit written consent.
2. For the establishment, exercise or defence of legal claims.

Our obligations

We will use particularly sensitive personal information in carrying out the work we have contracted with you to carry out.

In our terms of engagement, we will obtain your consent to allow us to process certain particularly sensitive data in the advancement of the case. You should be aware that it is not a condition of your (or your organisation's) contract with us that you agree to any request for consent from us but we may not be able to make the best of your case, provide proper advice or comply with our obligations to any Court or Tribunal if you do not give such consent..

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so and where it is relevant or necessary for your case. This will usually be where such processing is necessary to carry out our obligations or where you have given consent and provided we do so in line with our Data Protection Policy.

We may use information relating to criminal convictions where it is necessary in relation to legal claims.

We will only collect information about criminal convictions if it is appropriate given the nature of the case.

We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

Automated decision-making

We do not envisage that any decisions will be taken using automated means, however we will notify you in writing if this position changes.

Data sharing

We may have to share your data with third parties.

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

We do not intend to transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

Why might you share my personal information with third parties?

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

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including the Courts and Tribunals, barristers, accountants/tax adviser, medical professionals, other professionals, your (or your organisation's) insurer and other third parties that we use to advance your case). The following activities may be carried out by third-party service providers: advocacy, an additional assessment of the case, a determination whether to fund the case and/or specialist input on an aspect of the case. We also use a software provider for our accounting and time-recording systems, take tax advice and have our tax returns and accounts completed by an accountant and use IT and telecommunications advisers who may on occasion require access to our IT systems.

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the group 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.

What about other third parties?

We may also need to share personal information with a regulator, insurer or to otherwise comply with the law.

Data security

We have put in place measures to protect the security of information. Details of these measures are available upon request.

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

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.

Data retention

How long will you use my information for?

We will retain your personal information for between 6-7 years after the conclusion of your case.

This data will be kept in a separate archive after the conclusion of your case and will only be capable of being accessed by authorised staff.

We will retain and securely destroy your personal information in accordance with our Data Retention Policy.

Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

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

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.
- **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).
- **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.
- **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.
- **Request the transfer** of your personal information to another party.

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 Michael Bauer in writing.

No fee usually required

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

What we may need from you

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

Right to withdraw consent

Where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time, although this may mean that we cannot carry out our contractual/professional obligations to you. To withdraw your consent, please contact Michael Bauer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Data protection officer

If you have any questions about this privacy notice or how we handle your personal information, please contact Michael Bauer. 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.

Changes to this privacy notice

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