



Data Privacy Policy – Joseph Harry Limited

1. Introduction

Joseph Harry Limited (“Joseph Harry”) is committed to protecting the privacy of our Candidates, Clients and users of our digital media. Joseph Harry is committed to providing a safe and secure user experience. We will ensure that the information and data you submit is only used for the purposes set out in this Data Privacy Notice.

The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) has replaced the Data Protection Regulation (Directive 95/46/EC). The regulation aims to balance and improve data protection legislation across EU member states. It will enhance privacy rights for individuals and provide a strict framework within which businesses and organisations can legally operate.

Please read the following carefully to understand our views and practices regarding your Personal Data and how we will treat it.

1.1. Who controls your Personal Data?

The Data Controller is Joseph Harry Limited (Joseph Harry) a company registered in the UK:

- Company Number 08340789
- Address: 8 Baltic Street East, London, EC1Y 0UP
- Joseph Harry Limited is registered as a Data Controller with the Information Commissioner’s Office Certificate Number ZA277008.
- The Data Controller’s data protection representative is the Operations Manager
- You can contact them at dataprotection@josephharry.com

1.2. Personal Data

Personal Data means data which relates to an individual who can be identified, either from that data or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

1.3. Sensitive Personal Data (SPD)

Sensitive Personal Data (SDP) is information that is specific to you. It can reflect your political, religious or philosophical beliefs, sexual orientation, race or ethnic origin, or information relating to your health or medical status.

We request that, where possible, you do not provide Joseph Harry with SDP. Should SDP be disclosed during the process, it will be erased, or, if disclosed in conversation, not recorded, unless under one of the following circumstances:

- Explicit consent
- Legal obligations
- Our assessment of suitability for job roles or working capability
- Maintain records of our dealings to address any possible disputes.

1.4. Recruitment Services

The overall process of selecting and appointing suitable Candidates for permanent or temporary roles within an organisation.

1.5. Who we are and what we do

Joseph Harry is a recruitment agency and business as defined in the Employment Agencies Act 1973. To conduct our business, Personal Data may be held on the following types of individuals.

- Potential and hired Candidates for both permanent and contract roles;
- Employees
- Prospective and existing Client contacts;
- Suppliers

1.6. Legal basis for processing Personal Data



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Personal Data may have been collected directly from you, online job boards or the public domain, including social networking sites. We are able to process your Personal Data if we have a legal basis for doing so. Our legal bases for processing Personal Data are as follows.

- By consent of the data subject.
- If processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract.
- If processing is necessary for compliance with a legal obligation.
- If processing is necessary to protect the vital interests of a data subject or another person.
- If 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.
- If processing is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.
- To ensure the right to work in the UK/EU of the data subject.
- To establish suitability to the role/s being applied for on behalf of our Clients to provide the service levels agreed.
- To establish information in regard to what the data subject is seeking when applying for roles we are working on

2. Personal Data we hold

This section applies to Candidates and Clients who are currently using or wish to use our Recruitment Services.

2.1. Types of Personal Data we collect

The Personal Data we collect or receive may include the following:

- Full Name
- Contact telephone and email
- Date of birth
- Home Address
- Employment history
- Qualifications
- Referee details
- References and pre-employment checks from third parties
- Opinions about Candidates or other individuals
- Bank details
- National insurance and tax information
- Right to work documents including Passport and Visa.
- Next of kin details
- Hobbies and interests
- Sensitive Personal Data
- Marketing preferences
- Information on our professional relationship with you, including notes from meetings and discussions.

2.2. Where we obtain Personal Data from

It is our policy to advise you of where we have obtained your Personal Data from, when we first communicate with you. Your Personal Data may be obtained from the following sources:

- You directly. Including CV, application and contact details.
- At interview
- Staff or other representatives of the organisation you represent
- Other Candidates
- A Client
- Online jobsites
- The public domain, including LinkedIn.
- Telephone conversations, video calls or meetings, which may be recorded.

2.3. How we will use Personal Data

- To communicate with you
- Discussing potential roles or opportunities
- Assessing and reviewing suitability for future or current positions
- Collecting and storing Personal Data via hard copy or electronic files
- Retaining records of our dealings with Candidates, Clients and Third Parties.
- Introducing and supplying you to existing or potential Clients
- Providing our Third Parties with your Personal Data for the purpose of our Recruitment Services.
- To enter a contract between ourselves and the Third Party you work for
- Payroll administration
- Engaging with you for a role with us or a Client
- Marketing purposes
- Desktop backup
- Analysis of the current market

2.4. Why we process Personal Data

Our legal basis for the processing of Personal Data is based on our legitimate business interests. In some instances, we will also rely on consent, contract and legal obligation.

2.4.1. Contract

- If you are a Contractor placed through Joseph Harry, we will rely on a contract to enter a placement agreement with you or your Third Party. The contract will contain both parties obligations and data shall only be processed as necessary for the purpose of those in order to process payroll.
- To enter an agreement with a Third Party, we will rely on a contract.

2.4.2. Legal Obligations

- In some circumstances, we must hold information to fulfil our legal obligations.
- We must comply with the Conduct of Employment Agencies and Employment Businesses Regulations 2003, which requires us to assess suitability of Candidates and obtain information from Clients. It also requires us to:
 - Verify identity of the individual
 - Assess suitability for a position
 - Retain records for specific periods
- We must comply with regulatory obligations relating to tax, bribery, fraud/crime prevention, data protection legislation and cooperate with regulatory authorities such as HMC or ICO.
- Statutory obligations apply when we hire a Candidate directly or supply a Contractor to a Client. These obligations include payroll, tax, social security, HRMC reporting requirements and any other regulations.

2.4.3. Legitimate business interests

We will process Personal Data which is necessary for the purpose of our legitimate business interests. We may use your Personal Data to:

- To source potential Candidates or roles
- To provide our Recruitment Services to our Candidates, Clients, Suppliers or Third Parties.
- Contact you regarding our Recruitment Services, including potential opportunities and hires.
- To assess suitability of Candidates for current or prospective roles.
- Providing market analysis to potential or existing Clients.

We may continue to process your Personal Data for as long as we consider necessary for these purposes.

Retaining records of our dealings and transactions and use such records for the purposes of:

- Addressing queries or disputes including establishing, exercising or defending any legal claims.
- Designing staff training and system requirements.
- Protecting our reputation.
- Establishing compliance with contractual obligations with Clients or suppliers.
- Maintaining a backup of our system, for the purpose of being able to restore the system to a particular point in the event of a system failure or security breach.

2.4.4. Consent

In some circumstances, we will rely on consent for the processing of Personal Data. If you are a Candidate, explicit consent will be required for us to introduce you to an existing or prospective Client or to request references from you. You may withdraw your consent to our processing of your Personal Data for a specific purpose. Please see “Section 2 – Your Rights”. Please note that we may retain or process your Personal Data where we have a legitimate interest, legal or contractual obligation to do so. However, our processing will be limited to what is necessary of the interests or obligations. Your withdrawal of consent will not have an effect on the lawfulness of any processing based on consent before its withdrawal.

2.5. Personal Data obtained from Third Parties?

We may obtain Personal Data from online sources such as job boards, advertisements LinkedIn or other social media sites. Some of this information is available via the public domain, some via sites or providers to which we subscribe. Personal Data may also be collected from hiring organisations, current or former employees or from organisations you may have been engaged with.

Where information provided is no longer of use to us, we shall discard it. However, we may be required to maintain a limited record to avoid duplication of processes. Where we consider certain information to be of use to us in pursuance of our Recruitment Services, any processing will be in accordance with this Privacy Notice.

2.6. Who we share Personal Data with

We will not share your Personal Data with any Third Parties or other individuals, unless we are entitled to do so. Where we are entitled, we may share your Personal Data with the following:

- Candidates, employers and other Third Parties
- Regulatory authorities or statutory bodies to comply with a legal obligation
- Third Parties including:
 - Outsourced Accounts.
 - Candidate Background screening providers
 - IT support
 - Cloud providers for storage use
 - Insurers
 - Legal and professional advisers

2.7. Automated decisions

We may use automated software to review the Personal Data of Candidates and their suitability for a specific role. The software may enable us to identify individuals from our database with specific skill sets. Where we use this software to assist with our assessment of suitability for a specific role, you may ask for an explanation if you consider the judgement to be incorrect.

2.8. Transferring data

We may transfer data to countries or international organisations in relation to our Recruitment Services. This may include Clients, Candidates or Third Parties who provide support services to us. Information may be transferred to a country in respect of which there is an adequacy decision from the EU Commission. However, if this is not the case, it is our policy to take steps to identify

risks and in so far as is reasonably practicable, ensure that appropriate safeguards are in place.

2.9. Failure to provide information

If you do not wish to provide us with information we request, please be aware that we may be unable to provide you with our Recruitment Services and may result in a breach of the contract we have with you or a Third Party you represent.

2.10. Data security

It is our policy to ensure that our systems and records are secure and not accessible to unauthorised personnel, as far as reasonably practicable.

2.11. Data Retention

It is our policy to only store Personal Data for as long as reasonable necessary for us to comply with our legitimate business interests and legal obligations. In the majority of circumstances, Personal Data will not be retained for more than 6 years from the last point of contact. The following sets out our legal timeframes to retain Personal Data:

- 12 months from the date we last provided our Recruitment Services to you for the purposes of providing evidence of this engagement (Regulation 29 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003);
- 3 years from the end of the relevant year for the purposes of any parental/adoption leave records or statutory maternity or paternity pay; and
- 6 years from the end of each tax year for the purposes of keeping VAT records for any VAT registered limited company contractors.
- 6 years from the end of each tax year for the purposes of retaining payroll records under the Income Tax (Employment and Pensions) Act 2003,
- 2 years from the end of your last period of engagement or employment, for the purpose of providing evidence that right to work checks were carried out under The Immigration (Restrictions of Employment) Order 2007;

Personal Data may be retained for longer than 6 years where we have a legal or contractual obligation to do so. The length of time Personal Data is retained may also extend 6 years if your Personal Data highlights a specialist skill set which may remain in demand. If you believe that we should delete your Personal Data at an earlier date, please inform us in writing of your reasons. Please see Section 3 'Your Rights' below.

3. Individuals rights

All requests should be sent to dataprotection@josephharry.com and will be dealt with within 1 month.

3.1. Individuals rights under GDPR

- The right to be informed about what Personal Data we hold about you.
- The right to request a copy of the Personal Data we hold about you.
- Object to the processing of your data where that processing is based upon legitimate interest and there are no compelling grounds for the continued processing of that data
- The right to restrict processing of Personal Data
- Withdraw consent to our processing of your Personal Data. We may continue to retain or otherwise use your Personal Data where we have legitimate business interest, a legal or contractual obligation to do so. Processing will be limited to what is necessary.
- Object to automated decision profiling
- The right to erasure where the continued use of that data cannot be justified. Joseph Harry are required to retain certain records. These obligations override any request to erase data or any objection to processing for as long as we must keep the data.
- The right to rectify inaccurate or incomplete data.
- The right to data portability
- The right to make a complaint to the Information Commissioner's Office <https://ico.org.uk>
- Request that direct marketing by us to you is stopped.



We may retain a record of all requests received and the action taken for evidence of our compliance. The records will be used to minimise future processing of such data should it be received again from a Third Party source.

3.2. Complaints

Please contact dataprotection@josephharry.com if you are dissatisfied about any aspect of how your data is processed or questions concerning your rights. This does not affect your right to make a complaint to the Information Commissioner's Office: <https://ico.org.uk>

3.3. Updates to this Privacy Policy

This Privacy Policy is regularly reviewed to reflect changes in our business. We shall notify you of updates relevant to our processing of your Personal Data.

3.4. Contact

If you have any enquires you can contact us at: dataprotection@josephharry.com. Or write to us at: Joseph Harry Ltd, 8 Baltic Street East, London, EC1Y 0UP