

The Learners Collective – Privacy Notice (Use of Website)

Statement Authorised By:	
DPO Officer	Miss Ruth Obude
Reviewed on / Next Review Due:	01/06/2023 / 01/12/2023

Introduction

The Learners Collective (TLC) is a recruitment business which provides work-finding services to its clients and work-seekers. TLC must process personal data (including special categories of personal data) so that it can provide these services – in doing so, we act as a data controller.

You may give your personal details to TLC directly, such as on an application or registration form or via our website, or we may collect them from another source such as a jobs board. TLC must have a legal basis for processing your personal data. For the purposes of providing you with work-finding services and/or information relating to roles relevant to you, we will only use your personal data in accordance with this privacy statement. We will comply with current data protection laws at all times.

Collection and Use of Personal Data

Purpose of Processing and Legal Basis

TLC will collect your personal data (which may include special categories of personal data) and will process your personal data for the purposes of providing you with work-finding services. This includes for example, contacting you about job opportunities, assessing your suitability for those opportunities, updating our databases, putting you forward for job opportunities, arranging payments to you and developing and managing our services and relationship with you and our clients.

If you have opted-in we may also send you marketing information and news via email/text. You can opt out of receiving these at any time by clicking “unsubscribe” when you receive these communications from us.

On some occasions we may be required to use your data for the purpose of investigating, reporting and detecting crime and also to comply with laws that apply to us. We may also use your information during the course of internal audits to demonstrate our compliance with certain industry standards.

We must have a legal basis to process your personal data. The legal bases we rely upon to offer our work-finding services to you are:

- Your consent;
- Where we have a legitimate interest;
- To comply with a legal obligation that we have; and
- To fulfil a contractual obligation that we have with you.

Legitimate Interest

This is where TLC has a legitimate reason to process your data provided it is reasonable and does not go against what you would reasonably expect from us. Where TLC has relied on a legitimate interest to process your personal data our legitimate interests is/are as follows:

- Managing our database and keeping work-seeker records up to date;
- Providing work-finding services to you and our clients;
- Contacting you to seek your consent where we need it; and
- Giving you information about similar products or services to those that you will have used from us recently.

Statutory and Contractual Requirements

TLC has certain legal and contractual requirements to collect personal data (e.g. to comply with the Conduct of Employment Agencies and Employment Businesses Regulations 2003, immigration and tax legislation, and in some circumstances safeguarding requirements). Our clients may require this personal data, and we may need your data to enter into a contract with you. If you do not give us the personal data we need to collect in order to comply with our statutory and legal requirements, we may not be able to continue to provide work-finding services to you.

Recipient(s) of Data

TLC will process your personal data and/or sensitive personal data with the following recipients:

- Clients (who we may introduce or supply you to);
- Your former employers who we may seek references from;
- Payroll services providers who manage payroll on our behalf or other payment intermediaries who we may introduce to you; and
- Auditors who are assessing the compliance and processes of the business to ensure its adherence to all relevant legislation and good practice guidelines.

Information to be Provided when Data is Collected not from the Data Subject

Categories of Data

TLC has collected the following personal data on you:

Personal Data:

- Name, address, mobile no., email address;
- National insurance no.;
- Nationality (through right-to-work check);
- CV; and
- Documents required to clear our compliance checks.

Special Categories of Personal Data

- Health information including whether you have disability;
- Criminal convictions; and
- Ethnic background.

Sources of the Personal Data

TLC sources your personal data/special categories of personal data from:

- Indeed, Reed, CV Library, Senploy, LinkedIn;
- A former employer;
- A referee;
- Salesforce; and
- Cookies listed in Section 7/

This information did not come from a public accessible source.

Overseas Transfers

TLC will not transfer the information you provide to us to countries outside the UK and/or the European Economic Area ('EEA') for the purposes of providing you with work-finding services. The EEA comprises the EU member states plus Norway, Iceland and Liechtenstein.

Data Retention

TLC will retain your personal data only for as long as is necessary for the purpose we collect it. Different laws may also require us to keep different data for different periods of time. For example, the Conduct of Employment Agencies and Employment Businesses Regulations 2003, require us to keep work-seeker records for at least one year from (a) the date of their creation or (b) after the date on which we last provide you with work-finding services. We are required to keep your records relating to the right to work in the UK 2 years after employment or the engagement has ended alterable and working time records including your 48-hour opt-out notice annual leave/holiday records 2 years from the time they were created.

Additionally, we must also keep your payroll records, holiday pay, sick pay and pensions auto-enrolment records for as long as is legally required by HMRC and associated national minimum wage, social security and tax legislation. This is currently 3 to 6 years.

Where TLC has obtained your consent to process your personal and special categories of personal data, we will do so in line with our retention policy - a copy of which can be found on our website. Upon expiry of that period, TLC will seek further consent from you. Where consent is not granted, we will cease to process your personal data and sensitive personal data.

Your Rights

Please be aware that you have the following data protection rights:

- The right to be informed about the personal data TLC processes on you;
- The right of access to the personal data TLC processes on you;
- The right to rectification of your personal data;
- The right to erasure of your personal data in certain circumstances;
- The right to restrict processing of your personal data;
- The right to data portability in certain circumstances;
- The right to object to the processing of your personal data that was based on a public or legitimate interest;
- The right not to be subjected to automated decision making and profiling; and

- The right to withdraw consent at any time.

Where you have consented to TLC processing your personal data and sensitive personal data you have the right to withdraw that consent at any time by contacting Owais Yasin, Data Protection Officer - GDPR@learnerscollective.co.uk. Please note that if you withdraw your consent to further processing that does not affect any processing done prior to the withdrawal of that consent, or which is done according to another legal basis.

There may be circumstances where TLC will still need to process your data for legal or official reasons. Where this is the case, we will tell you and we will restrict the data to only what is necessary for those specific reasons.

If you believe that any of the data that TLC processes is incorrect or incomplete, please contact us using the details above and we will take reasonable steps to check its accuracy and correct it where necessary.

You can also contact us using the above details if you want us to restrict the type or amount of data we process for you, access your personal data or exercise any of the other rights listed above.

Cookies

We may obtain data about you from cookies. These are small text files that are placed on your computer by websites that you visit. They are widely used to make websites work, or work more efficiently, as well as to provide information to the owners of the site. Cookies also enable us to deliver more personalised content.

Most web browsers allow some control of most cookies through the browser settings. To find out more about cookies, please refer to our Cookie Policy.

The table below explains the cookies we use and why.

Cookie	Purpose	More Information
Category 1	These cookies are essential in order to enable you to move around the site and use its features, such as accessing secure areas of the site. Without these cookies services you have asked for, like shopping baskets or e-billing, cannot be provided	User consent is not required for the delivery of those cookies which are strictly necessary to provide services requested by the user. TLC collects these types of cookies.
Category 2	These cookies collect information about how visitors use a site, for instance, which pages visitors go to most often, and if they get error messages from web pages. These cookies don't collect information that identifies a visitor. All information these cookies collect is aggregated and therefore anonymous. It is only used to improve how a site works. Web analytics that use cookies to gather data to enhance the	TLC collects these types of cookies. By using our site you agree that we can place these types of cookies on your device.

	<p>performance of a site fall into this category. For example, they may be used for testing designs and ensuring a consistent look and feel is maintained for the user. This category does not include cookies used for behavioural/ targeted advertising networks.</p>	
Category 3	<p>These cookies allow the website to remember choices you make (such as your user name, language or the region you are in) and provide enhanced, more personal features. For instance, a website may be able to provide you with local weather reports or traffic news by storing in a cookie the region in which you are currently located. These cookies can also be used to remember changes you have made to text size, fonts and other parts of web pages that you can customise. They may also be used to provide services you have asked for such as watching a video or commenting on a blog. The information these cookies collect may be anonymised and they cannot track your browsing activity on other sites.</p> <p>These cookies are used to remember customer selections that change the way the site behaves or looks. It might also include cookies that are used to deliver a specific function, but where that function includes cookies used for behavioural/targeted advertising networks they must be included in category 4 as well as this category.</p>	<p>TLC collects these types of cookies by functional use. By using our site you agree that we can place these types of cookies on your device.</p>
Category 4	<p>These cookies are used to deliver adverts more relevant to you and your interests. They are also used to limit the number of times you see an advertisement as well as help measure the effectiveness of the advertising campaign. They are usually placed by advertising networks with the website operator's permission. They remember that you have visited a site and this information is shared with other organisations such as advertisers. Quite often targeting or advertising cookies will be linked to site functionality provided by the other organisation.</p>	<p>TLC do not collect these cookies, and will endeavour to obtain clear and informed user consent depending on the purpose for which the category 4 cookies are to be used. Definitions supplied by the International Chamber of Commerce 'ICC UK Cookie Guide' November 2012</p>

Login Files

We use IP addresses to analyse trends, administer the site, track users' movements, and gather broad demographic information for aggregate use. IP addresses are not linked to personally identifiable information.

Links to External Websites

TLC's website may contain links to other external websites. Please be aware that TLC is not responsible for the privacy practices of such other sites. When you leave our site we encourage you to read the privacy statements of each and every website that collects personally identifiable information. This privacy statement applies solely to information collected by TLC's website.

Sale of Business

If our business is sold or integrated with another business your details may be disclosed to our advisers and any prospective purchasers and their advisers and will be passed on to the new owners of the business. Where the sale of the business results in the transfer of your details to a different data controller we will notify you of this.

Data Security

TLC takes every precaution to protect users' information. Information is stored as either scanned files or data points in a secure Salesforce SAAS-certified encrypted cloud/permission-based CRM system which TLC has complete control of, ie, no third party has any API into our data and we are able to ensure the highest level of security and data segmentation when it comes to ensuring candidates are cleared and kept compliant ongoing.

Only employees who need the information to perform a specific job (for example, consultants, our accounts clerk or a marketing assistant) are granted access to your information.

TLC uses all reasonable efforts to safeguard your personal information. However, you should be aware that the use of email/ the Internet is not entirely secure and for this reason, TLC cannot guarantee the security or integrity of any personal information which is transferred from you or to you via email / the internet. If you share a device with others, we recommend that you do not select the "remember my details" function when that option is offered.

Changes to this Privacy Statement

We update the privacy statement from time-to-time. We will post any changes on the statement with revision dates. If we make any material changes, we will notify you.

Complaints or Queries

If you wish to complain about this privacy notice or any of the procedures set out in it, please contact Owais Yasin, DPO: GDPR@learnerscollective.co.uk.

You also have the right to raise concerns with the Information Commissioner's Office on 0303 123 1113 or at <https://ico.org.uk/make-a-complaint/>, or any other relevant authority should your personal data be processed outside of the UK and you believe that your data protection rights have not been adhered to.

ANNEX A

The Lawfulness of Processing Conditions for Personal Data

1. **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
2. **Contract:** the processing is necessary for the performance of a contract with the data subject or in order to take specific steps before entering into such a contract.
3. **Legal Obligation:** the processing is necessary for compliance with a legal obligation to which the data controller/data processor is subject.
4. **Vital Interest:** the processing is necessary to protect someone's life.
5. **Public Task:** the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official functions, and the task or function has a clear basis in law.
6. **Legitimate Interests:** the processing is necessary for the legitimate interests pursued by the data controller or a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

The Lawfulness of Processing Conditions for Special Categories of Personal Data

1. The data subject has given explicit consent to the processing of the special categories of personal data for one or more specified purposes, except where the data subject is not permitted or able to give consent.
2. Processing is necessary for carrying out obligations and exercising specific rights of the data controller or of the data subject under employment, social security or social protection law, in so far as it is authorised by UK law or a collective agreement, provided for appropriate safeguards for the fundamental rights and interests of the data subject.
3. Processing is necessary to protect the vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent.
4. Processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subject(s).
5. Processing relates to personal data which manifestly made public by the data subject.
6. Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
7. Processing is necessary for reasons of substantial public interest on the basis of English law which is proportionate to the aim pursued, respects the essence of the right to data protection and provides for suitable and specific measures to safeguard the fundamental rights and interests of the data subject domestic law.
8. Processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of English law or a contract with a health professional and subject to relevant conditions and safeguards.
9. Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices on the basis of English law.
10. Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject.