

The Learners Collective – Privacy Notice (Where Personal Data is not Obtained Directly from Data Subject)

| | |
|--------------------------------|-------------------------|
| 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.

In some cases 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.

Categories of Data

TLC has collected the following personal data on you:

Personal Data

- Name and contact details
- Job preferences
- Previous work history and work experience.

Sensitive Personal Data

- Disabilities
- Criminal Convictions
- Ethnic Background

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:

- If we find your data on a job board/public accessible website with whom we have an account;
- If you have publicly specified that you are looking for work e.g., on LinkedIn.
- If we have received your contract details from friends who know you are looking for work e.g., as part of a referral scheme.

Recipient(s) of Data

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

- Specific clients looking for candidates to fill vacancies.

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.

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 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.

Where TLC has obtained your consent to process your personal and sensitive personal data, we will do so in line with our retention policy. Upon the expiry of that period, TLC will seek further consent from you. Where consent is not granted TLC will cease to process your personal data and sensitive personal data. 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.

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.