

<b>Company Name:</b>	Diamond Construction Engineering Recruitment Limited ('the Company')
<b>Company Contact details:</b>	See company details section. <a href="mailto:Compliance@dcer.co.uk">Compliance@dcer.co.uk</a> Data Protection Officer: Megan Kingston-Scannell
<b>Document DP5A</b>	Privacy Notice
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### Company contact details

Diamond Construction Engineering Recruitment Limited, Elm Court, Southend Road, SS11 8DU.

### Introduction

The Company is a recruitment business which provides work-finding services to its clients and work-seekers. The Company must process personal data (*including sensitive personal data*) so that it can provide these services – in doing so, the Company acts as a data controller.

This Privacy Notice applies to the personal data of our website users, candidates, clients, suppliers, training delegates, and other people whom we may contact in order to find out more about our candidates or whom they indicate is an emergency contact. It also applies to the emergency contacts of our Staff. To be clear, if you are a member of Diamond's staff, you should refer to the Diamond Staff Privacy Policy which is available in the Employees Handbook.

For the purpose of applicable data protection legislation (including but not limited to the General Data Protection Regulation (Regulation (EU) 2016/679) (the "GDPR"), the company responsible for your personal data ("Diamond Construction Engineering Recruitment Limited" or "the Company" or "us").

You may give your personal details to the Company directly, such as on an application or registration form or via its website or in hardcopy, or we may collect them from another source such as a jobs board. The Company 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 the terms of the following statement.

This Privacy Notice tells you what to expect in relation to personal information about you which is collected, handled and processed by the Company and how, in doing so, the Company complies with its legal obligations to you. Your privacy is important to us, and we are committed to protecting and safeguarding your data privacy rights.

It is important to point out that we may amend this Privacy Notice from time to time. Please just visit this page if you want to stay up to date, as we will post any changes here.

If you are dissatisfied with any aspect of our Privacy Notice, you may have legal rights and, where relevant, we have described these as well.

## **1. Collection and use of personal data**

### **a. Purpose of processing and legal basis**

The Company will collect your personal data (which may include sensitive personal data) and will process your personal data for the purposes of providing you with work-finding services. This includes for example, running automated decision making processes, contacting you about job opportunities, assessing your suitability for those opportunities, updating our databases, putting you forward for job opportunities with our clients, 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.

The legal bases we rely upon to offer these services to you are:

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

### **b. Legitimate interest**

This is where the Company 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 the Company has relied on a legitimate interest the process for which has been considered through a Legitimate Interest Assessment utilising the Balance Test to not be outweighed by risks to the rights, freedoms and interests of the Data Subject. Where the Company has relied on its Legitimate Interests to process your personal data our legitimate interests is/are as follows:

- For the Company to provide work-finding services
- For the Company to process your data on a computerised database provided by a third party in order to provide you with work-finding services
- For the Company to process your data using automated decision making processes in order to provide you with work-finding services (the systems search against criteria such as locations or qualifications in order to short-list candidates. Human interaction then takes over).
- For the Company to store your personal data with a third party I.T company in order to provide you with work-finding services
- For the Company to provide marketing materials for work-finding services and products

### **c. Recipient/s of data**

The Company will process your personal data and/or sensitive personal data with the following categories of recipients:

- Individuals and organisations who hold information related to your reference or application to work with the Company, such as current, past or prospective employers, educators and examining bodies and employment and recruitment agencies;

- Tax, audit, or other authorities, when we believe in good faith that the law or other regulation requires us to share this data (*for example, because of a request by a tax authority or in connection with any anticipated litigation*);
- Third party service providers who perform functions on our behalf (*including external consultants, business associates and professional advisers such as lawyers, auditors and accountants, technical support functions and IT consultants carrying out testing and development work on our business technology systems*);
- Third party outsourced IT and document storage providers where we have an appropriate processing agreement (*or similar protections*) in place;
- Third party payroll service companies;
- Marketing technology platforms and suppliers;
- In the case of candidates, organisations and governing bodies who require your personal data for safety, security and competency assessment and reporting, such as the HSE in the case of a reportable incident, Network Rail & its appointed auditors and scheme regulators where you are working on NWR, LUL, DLR or any of the infrastructure managed under the sentinel scheme. We also have access, through subscriptions, to platforms to verify qualifications and cards of candidates.
- In the case of Candidates: potential employers and other recruitment agencies/organisations to increase your chances of finding employment;
- In the case of Candidates: third party partners, job boards and job aggregators where we consider this will improve the chances of finding you the right job;
- In the case of Candidates and our Candidates' and prospective members of Staff's referees: third parties who we have retained to provide services such as reference, qualification and criminal convictions checks, to the extent that these checks are appropriate and in accordance with local laws;
- Specifically, Rem Technical Recruitment Limited

#### **d. Statutory/contractual requirement**

Your personal data is required by law and/or a contractual requirement (*e.g. our client may require this personal data*), and/or a requirement necessary to enter into a contract. You are obliged to provide the personal data.

## **2. Overseas Transfers [Optional]**

The Company will not transfer the information you provide to us to countries outside 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.

## **3. Data retention**

The Company will retain your personal data only for as long as is necessary for the purpose we collect it for to fulfil the purposes they collected it for, including for the purposes of providing work-finding services, legal, accounting, audit or reporting requirements. 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 the Company has obtained your consent to process your personal and sensitive personal data, we will do so in line with our Data Retention Policy (*a copy of which can be requested from us*).

#### 4. Your rights

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

- The right to be informed about the personal data the Company processes on you;
- The right of access to the personal data the Company 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 the Company processing your personal data and sensitive personal data you have the right to withdraw that consent at any time by contacting [compliance@dcer.co.uk](mailto:compliance@dcer.co.uk).

There may be circumstances where the Company will still need to process your data for legal or official reasons. We will inform you if this is the case. Where this is the case, we will restrict the data to only what is necessary for the purpose of meeting those specific reasons.

If you believe that any of your data that the Company 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.

We care about protecting your information. That's why we put in place appropriate measures that are designed to prevent unauthorized access to, and misuse of, your personal data.

#### 5. Automated decision-making

The Company may use automated decision-making to provide a shortlist of suitable candidates based on level of experience, qualifications, location and previous experience. At present, the Company's recruitment activities involve human-decision making during the process. The Company may in the future use fully automated technologies such as expert systems or machine learning to complete a candidate selection process from end-to-end, where appropriate and in accordance with any local laws and requirements. Where appropriate, the Company will seek your consent to carry out some or all of these activities. If you do not provide consent to profiling, your application will continue to be reviewed manually for opportunities you apply for, but your profile will not be automatically considered for alternative roles. This is likely to decrease the likelihood of the Company successfully finding you a new job.

#### 6. Client data

Only the necessary data of the Company's clients are collected and used. This includes information about the company and relevant individuals at your organization, in the course of providing services such as:

- Finding candidates who are the right fit for you or your organization
- Storing your details (and updating them when necessary) on our database, so that we can contact you in relation to recruitment activities
- Keeping records of our conversations and meetings, so that we can provide targeted services to you
- Undertaking customer satisfaction surveys
- Processing your data for the purposes of targeting appropriate marketing campaigns

We collect personal data directly from you or from third parties (*e.g. our candidates*) and other limited sources (*e.g. online and offline media – delegate lists at relevant events and Professional body member publications*). The main reason for using information about clients is to ensure that the contractual arrangements between us can properly be implemented so that the relationship can run smoothly. We will share your data:

- Primarily, to ensure that we provide you with a suitable pool of candidates
- In line with government legislation
- With our payroll and software services
- Unless specified otherwise, with Rem Technical Recruitment Limited
- Third parties such as our service providers to help us meet our aims

## 7. Marketing campaigns

The Company may periodically send you information that we think you may find interesting. Subject to any applicable local laws and requirements, the Company will not, as a matter of course, seek your consent when sending marketing materials to a corporate postal or email address.

If you are not happy about this, you have the right to opt out of receiving marketing materials from the Company by contacting your account manager or by the opt-out in email correspondence.

## 8. Suppliers

The Company collects a small amount of information from its suppliers to ensure that the contractual arrangements between us can properly be implemented so that the relationship can run smoothly, and to comply with legal requirements. During the course of our work with you, we collect data such as contact details of relevant individuals at your organization so that we can communicate with you and other information such as your bank details so that we can pay for the services products you provide (*if this is part of the contractual arrangements between us*). We may also hold extra information that someone in your organization has chosen to tell us.

Unless you specify otherwise, the Company may share your information with Rem Technical Recruitment Limited and associated third parties such as our service providers and organization to whom we provide services.

## 9. Establish, exercise or defend legal claims

In unusual circumstances, the Company may use your personal data to help it to establish, exercise or defend legal claims.

## 10. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact: [compliance@dcer.co.uk](mailto:compliance@dcer.co.uk).

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

## Annex A

- a) The lawfulness of processing conditions for personal data are:
1. Consent of the individual for one or more specific purposes.
  2. Processing is necessary for the performance of a contract with the individual or in order to take steps at the request of the individual to enter into a contract.
  3. Processing is necessary for compliance with a legal obligation that the controller is subject to.
  4. Processing is necessary to protect the vital interests of the individual or another person.
  5. 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 data controller.
  6. 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 or fundamental rights or freedoms of the individual which require protection of personal data, in particular where the individual is a child.
- b) The lawfulness of processing conditions for sensitive personal data are:
1. Explicit consent of the individual for one or more specified purposes, unless reliance on consent is prohibited by EU or Member State law.
  2. Processing is necessary for carrying out data controller's obligations under employment, social security or social protection law, or a collective agreement, providing for appropriate safeguards for the fundamental rights and interests of the individual.
  3. Processing is necessary to protect the vital interests of the individual or another individual where the individual is physically or legally incapable of giving consent.
  4. In the course of its legitimate activities, processing is carried out 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 only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without the consent of the individual.
  5. Processing relates to personal data which are manifestly made public by the individual.
  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 EU or Member State law which shall be proportionate to the aim pursued, respects the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the individual.
  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 the management of health or social care systems and services on the basis of EU or Member State law or a contract with a health professional and subject to the necessary 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 healthcare and of medicinal products or medical devices, on the basis of EU or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the individual, in particular professional secrecy.
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 fundamental rights and interests of the individual.