

Smith Miller Ltd. GDPR Privacy Statement

Smith Miller Ltd is committed to protecting the privacy of our clients, candidates and users of our websites. This notice relates to candidates or potential candidates.

The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a new regulation replacing the Data Protection Regulation (Directive 95/46/EC) The Regulation harmonises data protection legislation across EU member states.

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

You may give your personal details to Smith Miller 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. Smith Miller 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, Smith Miller will only use your personal data in accordance with the terms of the following statement, once the GDPR becomes law on 25th May 2018.

- **Collection and use of personal data**

1. **a) What type of data Smith Miller collects**

Smith Miller is a recruitment business and an employment business, which provides work-finding services to its clients and candidates. Smith Miller must process personal data (including sensitive personal data) so that it can provide these services – in doing so, Smith Miller acts as a data controller.

Smith Miller collects the personal data of the following types of people to allow it to undertake its business

- Potential and live client contacts
- Potential candidates and those placed in permanent or roles
- Employees, consultants, temporary and self-employed workers
- Supplier contacts

The information you give Smith Miller or it collects about you may include:

Who you are and how to contact you

Name, address, postcode, private and corporate e-mail addresses, telephone phone numbers

Information about your professional life

CV, photograph, employment details and preferences, professional profiles available in the public domain such as Twitter, LinkedIn, or a corporate website.

Compliance and due diligence

Financial information, documentation and references verifying your qualifications and experience and your right to work in the United Kingdom, tax and national insurance information to pay you if you are a temporary worker, contractor or self-employed person.

Information obtained from other sources

This is the information we may obtain from sources such as LinkedIn, or other social media sources corporate websites and job boards. In this case we will inform you, by sending you this privacy notice, within 30 days of collecting the data of the fact we hold personal data about you, the source the personal data originates from, whether it came from publicly accessible sources, and for what purpose we intend to retain and process your personal data.

1. b) Purposes of the processing and the legal basis for the processing

Smith Miller uses information held about you in the following way to provide job finding and complementary services to our candidates.

Smith Miller's principal service is the introduction of candidates to its clients for temporary or permanent work assignments. This encompasses meeting candidates' current needs and supporting them through the course of their careers. To do this, Smith Miller 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 and ancillary services such as training.

The principal legal basis for the processing of personal data is our legitimate business interests, described below.

Smith Miller will also rely on the following bases for specific uses of data:

- legal obligation (for example to record your right to work in the UK)
- contractual obligation (for example to process your information to pay you, or to provide your personal information to a client)
- consent (for example your consent for your details to be passed to a client for a potential role)

1. c) Our Legitimate Business Interests

Our legitimate interests in collecting and retaining your personal data are as follows:

Smith Miller introduces candidates to clients for permanent roles, thereby furthering the careers of those candidates and providing an essential service to its clients. The processing of personal data relating to our candidates and our client contacts is critical to this process.

Smith Miller maintains databases of candidate and client personal data containing historical information as well as current resourcing requirements.

To maintain and develop its business, Smith Miller also records the personal data of potential candidates and client contacts.

2) Disclosure of your information inside and outside of the European Economic Area (EEA)

Smith Miller may share your personal information with:

- Any members of its group, whether in the EEA and outside of the EEA.
- Candidates (if you are a client) to arrange interviews and engagements.
- Clients to introduce candidates to them.
- Clients, business partners, suppliers and sub-contractors for the performance and compliance obligations of any contract Smith Miller enters into with them or you.
- Subcontractors including email marketing specialists, event organisers, payment and other financial service providers.
- Organisations that assist Smith Miller in the improvement and optimisation of its websites.
- Organisations that may assist Smith Miller in confirming your suitability for a role.
- The buyer, in the event all or part of Smith Miller is sold.
- Organisations where Smith Miller has a duty to disclose or share your personal data in order to comply with any legal obligation.
- Organisations that may assist Smith Miller in enforcing its contractual rights or meeting its contractual responsibilities.

The lawful basis for the third-party processing will include:

- Their legitimate business interests in processing your personal data, for example in recruiting new permanent or temporary workers.
- Satisfaction of their contractual obligations to Smith Miller as a data processor;
- For the purpose of a contract in place or in contemplation;
- To fulfil their legal obligations

Storing and processing your personal information

Smith Miller may transfer only the information you provide to us to countries outside the European Economic Area ('EEA') for the purposes of providing you with work-finding services. We will take steps to ensure adequate protections are in place to ensure the security of your information. The EEA comprises the EU member states plus Norway, Iceland and Liechtenstein.

3) Retention of your data

Smith Miller will retain your personal data only for as long as is necessary for its legitimate business interests or as required by contractual obligations or law. Different laws require different retention periods.

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

Our current retention notice will be available upon request from 25th May 2018.

4) Your rights

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

- The right to be informed about the personal data Smith Miller processes on you;
- The right of access to the personal data Smith Miller 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.

Should you wish to exercise any of the above rights, you may do so by contacting the following email address: info@smithmiller.co.uk

5) Links to third party websites

Smith Miller's websites may on occasion contain links to and from third party websites. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that Smith Miller does not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

6) Cookie policy

Our sites use cookies to distinguish you from other users of our sites. This helps us to provide you with a good experience when you browse our sites and also allows us to improve our sites. By continuing to browse our sites, you are agreeing to our use of cookies.

A cookie is a small text file that is stored by your browser on your device or the hard drive of your computer, if you agree. Cookies contain information that is transferred to your computer's hard drive or device.

We use the following cookies:

- essential cookies: these are cookies that are required for the operation of our site. They include, for example, cookies that enable you to log into secure areas of our site;
- analytical/performance cookies: they allow us to recognise and count the number of visitors and to see how visitors move around our site when they are using it. This helps us to improve the way our site works, for example, by ensuring that users are finding what they are looking for easily;
- functionality cookies: these are used to recognise you when you return to our site. This enables us to personalise our content for you, greet you by name and remember your preferences (for example, your choice of region); and
- targeting cookies: these cookies record your visit to our site, the pages you have visited and the links you have followed. We will use this information to make our site and the advertising displayed on it more relevant to your interests. We may also share this information with third parties for this purpose.

You may block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our site.

7) Changes to Smith Miller's privacy notice

Any changes Smith Miller makes to our privacy notice in the future will be posted on this page and, where appropriate, notified to you by e-mail.

8) Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact the following email address: info@smithmiller.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.