

eSynergySolutions

Data Privacy and Retention Notice

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DATA PRIVACY AND RETENTION NOTICE

eSynergy Solutions Limited ("We") are committed to protecting and respecting your privacy.

This notice sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us.

The **General Data Protection Regulation (GDPR)** (Regulation (EU) 2016/679) is a new regulation which replaces the Data Protection Regulation (Directive 95/46/EC) The Regulation aims to harmonise data protection legislation across EU member states, enhancing privacy rights for individuals and providing a strict framework within which commercial organisations can legally operate.

The Data Protection Act 1998 is encompassed by the General Data Protection Regulations 2016

Companies processing personal data are required to abide by the eight principles of the Data Protection Act 1998 ("DPA"), which require that data is:

1. Fairly and lawfully processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive
4. Accurate
5. Not kept longer than necessary
6. Processed in accordance with the data subjects rights
7. Kept securely
8. Not transferred to countries outside the European Economic Area without adequate protection.

We are committed to processing your data in line with the above principals. Your rights under the GDPR are set out in this notice and will apply once the GDPR becomes law on 25th May 2018.

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

For the purposes of this document and data protection legislation in force from time to time, the data controller is eSynergy Solutions Limited of 50 Fenchurch Street, London EC3M3JY. eSynergy's Data Control Officer is John Birtwhistle, Operations Manager who can be reached on 0207 444 4098 or at gdpr@esynergy-solutions.co.uk

Who we are and what we do

We are a recruitment agency and recruitment business as defined in the Employment Agencies and Employment Businesses Regulations 2003 (our business). We also network individuals and companies where we believe they have a common goal or interest and we organise training, events, meetups and provide fully mobile Agile teams to develop, upskill and train companies and departments.

We collect the personal data of the following types of people to allow us to undertake our business;

- Prospective and placed candidates for permanent or temporary roles;

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- Prospective and live client contacts;
- Supplier contacts to support our services;
- Employees, consultants, temporary workers;
- Referees for candidates;

We collect information about you to carry out our core business and ancillary activities.

Information you give to us or we collect about you.

This is information about you that you give us by filling in forms or uploading your CV on our site www.esynergy-solutions.co.uk or by registering on our compliance portal (Engage) or by corresponding with us by phone, e-mail or otherwise. It includes information you provide when you register to use our site, to enter our database, subscribe to our services, attend our events, participate in discussion boards or other social media functions on our sites, LinkedIn, Facebook or Twitter pages, enter a competition, promotion or survey, and when you report a problem with our sites.

The information you give us or we collect about you is stored on a web based CRM and may include your name, address, private and corporate e-mail address and phone number, financial information, compliance and screening documentation and references and information verifying your identity, qualifications and experience and your right to work in the United Kingdom, curriculum vitae and photograph, links to your professional profiles available in the public domain e.g. LinkedIn, business Facebook or Twitter or corporate website etc.

Information we collect about you when you visit our website.

With regard to each of your visits to our site we will automatically collect the following information:

- technical information, including the Internet protocol (IP) address used to connect your computer to the Internet, your login information if applicable, browser type and version, browser plug-in types and versions, operating system and platform;
- information about your visit, including the full Uniform Resource Locators (URL), clickstream to, through and from our site (including date and time), products you viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), methods used to browse away from the page, details on your demographic and any phone number used to call our customer service number.
- We use third party plugins on our website which may capture additional information about users and their data.

Information we obtain from other sources.

This is information we obtain about you from other sources such as LinkedIn, corporate websites, job board websites, online CV libraries, any of our events, meetups or conferences you attend, your

business card, personal recommendations and referrals and other recruitment companies or professionals.

Where we have obtained information about you from other sources we will inform you, within a maximum of 30 days of collecting the data, that we hold personal data about you, the source the personal data originates from and provide you with a copy of this Data Privacy and Retention Notice.

We are working closely with third parties including companies within our Group, business partners, sub-contractors in technical, professional, payment and other services, advertising networks, analytics providers, search information providers, credit reference agencies, professional advisors. We may receive information about you from them for the purposes of our recruitment services and ancillary support services.

Purposes of the processing and the legal basis for the processing

We use information held about you in the following ways:

- To carry out our obligations arising from any contracts we intend to enter into or have entered into between you and us and to provide you with the information, products and services that you request from us or we think will be of interest to you because it is relevant to your career or to your organisation.
- To provide you with information about other services we offer that are similar to those that you have already used, been provided with or enquired about.
- The core service we offer to our candidates and clients is the introduction of candidates to our clients for the purpose of temporary or permanent engagement. However, our service expands to supporting individuals throughout their career and to supporting businesses' resourcing needs and strategies.

Our lawful basis for the processing of personal data is **our legitimate business interests**, described in more detail below, although we will also rely on **consent, legal obligation and contract** for specific uses of data where applicable.

- We will in some circumstances rely on **consent** for particular uses of your data and you will be asked for your express consent, if legally required. Examples of when consent may be the lawful basis for processing include permission to introduce you to a client (if you are a candidate).
- We will rely on **legal obligation** if we are legally required to hold information on to you to fulfill our legal obligations.
- We will rely on **contract** if we are negotiating or have entered into a placement agreement with you or your organisation or any other contract to provide services to you or receive services from you or your organisation.

Our Legitimate Business Interests

Our legitimate interests in collecting and retaining your personal data is described below:

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- As a recruitment business and recruitment agency we introduce candidates to clients for permanent employment, temporary worker placements or independent professional contracts. The exchange of personal data of our candidates and our client contacts is a fundamental, essential part of this process.
- In order to support our candidates' career aspirations and our clients' resourcing needs we require a database of candidate and client personal data containing historical information as well as current resourcing requirements.
- To maintain, expand and develop our business we need to record the personal data of prospective candidates and client contacts and store such personal data for reasons including facilitating introductions, interviews, permanent or temporary engagements, screening, vetting and on boarding, the processing of fees and remunerations, HMRC reporting and financial auditing.
- To deliver our ancillary services to you such as notifications of events, meetups or conferences.

Consent

Should we want or need to rely on consent to lawfully process your data we will request your consent orally, by email or by an online process for the specific activity we require consent for and record your response on our system. Where consent is the only lawful basis for our processing you have the right to withdraw your consent to this particular processing at any time.

Other Uses we will make of your data:

- Use of our website;
- to notify you about changes to our service;
- to ensure that content from our site is presented in the most effective manner for you and for your computer.

We will use this information:

- to administer our site and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- to improve our site to ensure that content is presented in the most effective manner for you and for your computer;
- to allow you to participate in interactive features of our service, when you choose to do so;
- as part of our efforts to keep our site safe and secure;
- to measure or understand the effectiveness of advertising we serve to you and others, and to deliver relevant advertising to you;
- to make suggestions and recommendations to you and other users of our site about goods or services that may interest you or them.

We do not undertake automated decision making or profiling. We do use our computer systems to search and identify personal data in accordance with parameters set by a person. A person will always be involved in the decision making process.

Cookies

Our website uses cookies to distinguish you from other users of our website. This helps us to provide you with a good experience when you browse our website and also allows us to improve our site. You can find more information in our Cookie Notice on our website.

Disclosure of your information inside and outside of the EEA

We will only share your personal information with:

1. Any member of our group both in the EEA and outside of the EEA.
2. Selected third parties including:
 - clients for the purpose of introducing candidates to them ;
 - candidates for the purpose of arranging interviews and engagements;
 - clients, business partners, suppliers and sub-contractors for the performance and compliance obligations of any contract we enter into with them or you;
 - subcontractors including email marketing specialists, event organisers, payment and other financial service providers
 - analytics and search engine providers that assist us in the improvement and optimisation of our site;
 - screening and vetting companies and services, credit reference agencies, our insurance broker, compliance partners and other sub-contractors for the purpose of assessing your suitability for a role where this is a condition of us entering into a contract with you.

We will disclose your personal information to third parties:

- In the event that we sell or buy any business or assets, in which case we will disclose your personal data to the prospective seller or buyer of such business or assets.
- If eSynergy Solutions Limited or substantially all of its assets are acquired by a third party, in which case personal data held by it about its customers will be one of the transferred assets.
- If we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our terms and conditions of client or candidate contracts and other agreements; or to protect the rights, property, or safety of eSynergy Solutions Limited, our staff, clients, customers, suppliers or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

The lawful basis for the third party processing will include:

- Their own legitimate business interests in processing your personal data, in most cases to fulfill their internal resourcing needs;
- satisfaction of their contractual obligations to us as our data processor;
- for the purpose of a contract in place or in contemplation;
- to fulfill their legal obligations.

Where we store and process your personal data

The data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area ("EEA"). It may be transferred to third parties outside of the EEA for the purpose of our recruitment services. It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers. This includes staff engaged in, among other things, our recruitment services and the provision of support services. By submitting your personal data, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this data privacy notice.

All information you provide to us is stored on a web based CRM and its associated EEA based secure servers or on our own onsite or online secure servers.

Where we have given you (or where you have chosen) a password which enables you to access certain parts of our site or our compliance portal, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our site; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

Retention of your data

We understand our legal duty to retain accurate data and only retain personal data for as long as we need it for our legitimate business interests and that you are happy for us to do so.

We do the following to try to ensure our data is accurate:

- prior to making an introduction, we check that we have accurate information about you
- we keep in touch with you so you can let us know of changes to your personal data
- Where you have been placed on a temporary engagement, our compliance portal allows you access your data and to review whether the details we hold about you are accurate.

We classify our data and keep different types of data for different time periods. The criteria we use to determine whether we should retain your personal data includes:

- the nature of the personal data;
- its perceived accuracy;

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- our legal obligations;
- whether an interview or placement has been arranged; and
- our recruitment expertise and knowledge of the industry by country, sector and job role.

We may archive part or all of your personal data or retain it on our financial systems only, deleting all or part of it from our main Customer Relationship Manager (CRM) system.

Retention Periods

In general, we will follow these data storage rules from 25th May 2018 onwards:

- If **we have** processed payment(s) for you we will retain your personal data for a period of seven years. We are required to retain financial data and it cannot be deleted until the retention period has passed. At the end of the period, the data will be deleted from our systems.
- If we **have not** processed payment(s) for you, but you have provided us with your personal data and given your consent for us to process your data, we will retain your personal data for a period of two years, at the end of which period it will be deleted from our systems, unless you refresh your consent to us retaining your data for our recruitment services.

You can request deletion of your data:

- If we have **not** processed a work placement or payments for you, but you have provided us with personal data and not specifically asked us to delete it, we will retain your personal data for a period of six months, at the end of which period it will be deleted from our systems, unless you subsequently indicate your consent to us continuing to hold your data on our systems.
- If we have **not** processed a placement or payments for you, but we received your personal data from a third party to whom you provided it (e.g. a recruitment agency) and you have not specifically asked us to delete it, we will retain the personal data for a period of one month, at the end of which period it will be deleted from our systems, unless you subsequently indicate your consent to us continuing to hold your data for on our systems.
- Where a person whose data is due for deletion subsequently updates their consent to us holding their data, this has the effect of renewing the compliant period to two years (as per 'b' above).

Each month eSynergy will identify individual's data is due for deletion. The person will be given the option to renew their consent to us retaining their data for our recruitment services, or allow the data to be deleted.

We may **pseudonymise** parts of your data, particularly following a request for suppression or deletion of your data, to ensure that we do not re-enter your personal data on to our database unless requested to do so.

Your rights

You have the right to ask us not to process your personal data for marketing purposes. We will usually inform you (before collecting your data) if we intend to use your data for such purposes or if we intend to disclose your information to any third party for such purposes and we will collect express consent from you if legally required prior to using your personal data for marketing purposes.

You can exercise your right to accept or prevent such processing by checking certain boxes on the forms we use to collect your data. You can also exercise the right at any time by contacting us at gdpr@esynergy-solutions.co.uk

Our site may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

The GDPR provides you with the following rights.

To:

- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example, if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party in certain formats, if practicable.
- **Make a complaint** to a supervisory body which in the United Kingdom is the Information Commissioner's Office. The ICO can be contacted through this link: <https://ico.org.uk/concerns/>

Access to information

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The Data Protection Act 1998 and the GDPR give you the right to access information held about you. We also encourage you to contact us to ensure your data is accurate and complete. Your right of access can be exercised in accordance with the Act (and the GDPR once it is in force).

A data subject access (DSAR) request should be submitted to iwantmydatafrom@esynergy-solutions.co.uk

Subject Access Requests (SAR)

All data subjects have the right to access the information held about them, ensure that it is correct and fairly held, and to complain to the Data Controller if they are dissatisfied.

Data subjects include all staff and any other person about whom eSynergy processes personal data.

A data subject access (SAR) request should be submitted to iwantmydatafrom@esynergy-solutions.co.uk

Compliance

eSynergy will review this policy on a regular basis to ensure its relevance and effectiveness.

Changes to this Data Privacy and Retention Notice

Any changes we make to our data privacy and retention notice in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes to our privacy notice.

Contact

General questions, comments and requests regarding this privacy notice are welcomed and should be addressed to John Birtwhistle, Data Control Officer on 0207 444 4098 or at gdpr@esynergy-solutions.co.uk