

Privacy Notice

The General Data Protection Regulation (GDPR) requires employers to be transparent about the personal data that they hold and how it is used.

Brown & Co HR Department collects and processes personal data relating to its job applicants, student and work experience applicants, current employees and ex-employees in order to manage the employment relationship. We are committed to being transparent about how we collect and use that data and to meeting our data protection obligations.

1.1 Information that must be provided by Brown & Co:

The GDPR requires employers to provide the following information to employees at the point that data is collected from them:

- The identity and contact details of Brown & Co;
- The contact details of the data protection officer, if relevant;
- The purposes for which the personal data will be processed, as well as the legal basis for the processing;
- If the employer is relying on its legitimate interests as the lawful condition for processing, what those legitimate interests are;
- The recipients or categories of recipients of the personal data;
- Any transfer of the data outside the European Economic Area and the basis for such transfer;
- The period for which data will be stored, or the criteria used to determine how long data will be retained;
- The individual's rights to subject access, rectification or erasure of personal data, and the right to restrict processing or object to processing;

- The right to withdraw consent to processing at any time, if the data controller is relying on consent as a ground for processing;
- The right to lodge a complaint with the Information Commissioner;
- Whether or not providing the data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, and whether or not the data subject is obliged to provide the personal data, and the consequences of failing to provide the data;
- The existence of any automated decision-making and meaningful information about the logic involved and the consequences of any such processing for the individual; and
- Where data is obtained from a third party, the source of the data, including if it came from publicly accessible sources.

1.2 Brown & Co's obligations regarding employee data:

All employers are required to provide the information in a concise, transparent, intelligible and easily accessible form. It must be in writing, and written in clear and plain language. Brown & Co completely support this.

GDPR states:

Where an Employer wishes to process existing personal data for a new purpose, it must inform the employee of the reason for that further processing.

Where an Employer collects employee data for equal opportunities monitoring purposes, it may rely on a limited exception under the Data Protection Bill for processing data related to racial or ethnic origin, sexual orientation, health and religious or belief only. Alternatively, in limited circumstances, the employer may choose to ask for employee consent where processing is entirely optional (e.g. for employee support networks or employee wellness programs).

1.3 Data collected and processed by Brown & Co about you

This includes [please note this list is not exhaustive]:

- Your name, address and contact details, including email address and telephone number, date of birth and gender;
- The terms and conditions of your employment;
- Details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with Brown & Co;
- Information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
- Details of your bank account and national insurance number;
- Information about your marital status, next of kin, dependents and emergency contacts;

- Information about your nationality and entitlement to work in the UK;
- Information about your criminal record;
- Details of your schedule (days of work and working hours) and attendance at work;
- Details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- Details about your car insurance, driving licence and any driving endorsements or fines;
- Details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- Assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- Information about medical or health conditions, including whether or not you have a disability for which Brown & Co needs to make reasonable adjustments;
- Details of trade union membership; and
- Equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

1.4 How is that information collected?

Brown & Co collects information in a variety of ways, for example, data is collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, Brown & Co collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

Changes post-GDPR: Brown & Co seeks information from third parties with your consent only [unless necessary for employment purposes].

Data is stored in a range of different places, including in your personnel file, in Brown & Co's HR management systems and in other IT systems (including Brown & Co's email system), see Section 17 on page **Error! Bookmark not defined.** of this Handbook for further details.

1.5 Why does Brown & Co process personal data?

Brown & Co needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract, for example, we need to process your data to provide

you with an employment contract, to pay you in accordance with your employment contract and to administer benefits, pension contributions and insurance entitlements.

In some cases, Brown & Co needs to process data to ensure that it is complying with its legal obligations, for example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.

For certain positions, it may be necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, Brown & Co has a legitimate interest in processing personal data before, during and after the end of the employment relationship.

Processing employee data allows Brown & Co to:

- Run recruitment and promotion processes;
- Maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- Operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- Operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- Obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- Operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that Brown & Co complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- Ensure effective general HR and business administration;
- Provide references on request for current or former employees;
- Respond to and defend against legal claims; and
- Maintain and promote equality in the workplace.]

1.6 Declaration for processing data on grounds of legitimate interest:

Where Brown & Co relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes).

Where Brown & Co processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that Brown & Co uses for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences for failing to do so.

1.7 Who has access to the data?

Certain data will be shared internally, including with members of the HR team, your line manager, or Partners in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

Brown & Co also shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service.

Brown & Co may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

Brown & Co also shares your data with third parties that process data on its behalf this is in connection with payroll, the provision of benefits and the provision of occupational health services.

Brown & Co will not transfer your data to countries outside the European Economic Area.

1.8 How does Brown & Co protect data?

Brown & Co takes the security of your data seriously.

Brown & Co has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. For more details on our security measures, see also Sections 13, 15 and 17.

Where Brown & Co engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

1.9 For how long does the HR department keep data?

1.9.1 Pre-employment / Applicants / Candidates:

If you have applied for a job/position/placement or work experience role, with your consent – explicit in the correspondence you receive from the HR department – we will keep your data for the time period expressed within that correspondence only. After the designated time period, we will destroy all paper records and electronic copies we may hold.

1.9.2 During employment:

Brown & Co will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are as long as necessary dependent on the reason for the end of the employment relationship, but 6 years is our guide as it satisfies HMRC guidance too.

1.9.3 Post-employment:

The General Data Protection Regulation (2016/679 EU) (GDPR) sets no specific periods for retention of employees' personal data, but one of the key principles of the GDPR is that personal data should not be kept longer than is necessary for the purpose or purposes for which it is being processed. Employers must therefore set their own retention periods, based on business needs, professional guidelines and statutory requirements. For example, there is a statutory requirement to keep national minimum wage records for three years after the pay reference period following the pay period that they cover. For a detailed (though not exhaustive) list of specific record-keeping requirements in the employment field, see <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-5-retention/>.

Where the data is kept after the termination of employment for the purposes of defending possible tribunal and court claims, the time limits for bringing claims will inform the retention period. Most employment tribunal claims must be brought within three months of the date of the act complained of, although some (such as equal pay and redundancy pay claims) have a time limit of six months, and the time limit can be extended to allow the employee to contact Acas about early conciliation. Claims for breach of contract can be brought in the civil courts at any time within six years of the alleged breach.

1.10 Your rights

As a data subject, you have a number of rights, these are outlined in detail in Section 6, page **Error! Bookmark not defined.**

If you would like to exercise any of these rights, please contact, in writing, one of the notable people listed on page **Error! Bookmark not defined.**

If you believe that Brown & Co has not complied with your data protection rights, you can complain to the Information Commissioner, further details can be found at <https://ico.org.uk/>

1.11 What if you do not provide personal data that Brown & Co request?

You have some obligations under your employment contract to provide Brown & Co with data.

In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide Brown & Co with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable Brown & Co to enter a contract of employment with you. If you do not provide other information, this will hinder Brown & Co's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

1.12 Automated decision-making:

None of the employment decisions are based on automated decision-making (as Brown & Co do not have any relevant software).

1.13 Who to contact for further information:

Brown & Co , The Atrium, St George's Street, Norwich, NR3 1AB.

Telephone: 01603 629 871

- Charles Whitaker is the Managing Partner.
- Stephen Allen is registered with the Information of Commissioners Office (ICO)
- Suzanne Morgan is Head of HR