

## **PRIVACY POLICY**

### **Legislation and compliance**

The Company takes the security and privacy of data seriously. In order to fulfil its business requirements, the Company will need to gather and use information or 'data' to effectively conduct its business and manage relationships.

The Company intends to comply with legal obligations under the Data Protection Bill and the General Data Protection Regulation ('GDPR') in respect of data privacy and security. It has a duty to notify you of the information contained in this policy.

This policy applies to data processed regarding current and former employees and workers, job applicants, agency candidates, agency workers and individual client contacts. Any person that falls into one of these categories is known as the 'data subject' for the purposes of this policy.

### **Retention and processing**

The Company will only hold data for as long as necessary for the purposes for which it has collected the data. The Company is a 'data controller' for the purposes of personal data. This means that it determines the purpose and means of the processing of personal data. This policy explains how the Company will hold and process information. It explains an individual's rights as a data subject. It also explains the data subject's obligations when obtaining, handling, processing or storing personal data in the course of working for, or on behalf of, the Company.

The Company will only process personal data where it has a legal basis for doing so. The Company's Privacy Notice is available on its website, provided to job applicants, work seekers. The Company has separate policies and privacy notices in place in respect of suppliers and other categories of data subject. A copy of these can be obtained from the Company website.

The Company will review the personal data it holds on a regular basis to ensure it is being lawfully processed and it is accurate, relevant and up to date. Before transferring information to a third party (e.g. past, current or prospective employers, suppliers, clients, intermediaries or any other third party), the Company will establish that it has a legal basis for making the transfer. This policy does not form part of the contract of employment or contract for services and, if necessary, can be amended by the Company at any time. It is intended that this policy is fully compliant with the Data Protection Bill and the GDPR. If any conflict arises between legislation and this policy, the Company intends to rectify the discrepancy and ensure full compliance.

## Handling data

Data must:

- be processed fairly, lawfully and transparently
- be collected and processed only for specified, explicit and legitimate purposes
- be adequate, relevant and limited to what is necessary for the purposes for which it is processed
- be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay
- not be kept for longer than is necessary for the purposes for which it is processed
- be processed in accordance with the rights of data subjects
- not be transferred to another country without appropriate safeguards being in place; and
- be processed securely

The Company is accountable for these principles and must be able to show that it is compliant. 'Personal data' is defined as information relating to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information which is likely to come into the Company's possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

This policy applies to all personal data whether it is stored electronically, on paper or on other materials. This personal data might be provided to the Company by the data subject directly, or someone else (such as a former employer, or doctor), or it could be created by the Company. It could be provided or created during the recruitment process or during the course of the contract of employment or contract for services, or after its termination. It could be created by the data subject's manager or other colleagues.

The Company will collect a limited amount of information at the pre-onboarding recruitment process. When applying for a position at LDC Care Co via its website, the following types of personal data will be collected:

- recruitment information such as an application form and CV, references, qualifications and membership of any professional bodies and details of any pre-employment assessments
- contact details and date of birth
- the contact details for emergency contacts;
- gender
- marital status and family details

Data 'processing' is defined as any operation which is performed on personal data such as:

- collection, recording, organisation, structuring or storage
- adaption or alteration
- retrieval, consultation or use
- disclosure by transmission, dissemination or otherwise making available.
- alignment or combination
- restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system and any automated processing.

## **Processing data**

The Company will process personal data (including special categories of personal data) in accordance with its legislative obligations.

The Company will use personal data for:

- Compliance with a legal obligation
- The performance of the contract (e.g. processing payroll, monitoring attendance)
- Protecting the legitimate interest of the Company or third party (e.g. collecting information during a disciplinary, grievance, complaints or disputes process, or collecting workplace data in order to improve workplace performance)

Data subjects have the right to challenge the Company's legitimate interests and request that it stops processing the data. The Company can process personal data for these purposes without specifically informing the data subject or obtaining consent. The Company will not use personal data for an unrelated purpose without telling the data subject about it and the legal basis that it intends to rely on for processing it.

If the data subject chooses not to provide the Company with certain personal data, they should be aware that the Company may not be able to carry out certain parts of the contract, and it might also prevent the Company from complying with certain legal obligations.

The Company is required to demonstrate that privacy considerations are embedded into all its processes and procedures. It completes documented data protection impact assessments on its processes and procedures to ensure the Company is compliant with the principles of GDPR. This is completed each time a policy or procedure is changed. The types of measures that the Company has implemented include:

- Data minimisation (i.e. not keeping the data longer than is necessary)
- Pseudonymisation (personal data which cannot be attributed to an individual without additional information. The information must be kept separately and is subject to technical and organisational measures to ensure the individual cannot be identified)
- Anonymisation (using separate keys/codes so that individuals cannot be identified)
- Cyber security

The Company will only process special categories of personal data in certain situations in accordance with the law. For example, the Company may do so if it has explicit consent of the data subject. If the Company has asked for consent to process a special category of personal data, it would explain the reasons for the request.

The Company does not need consent to process special categories of personal data when processing it for the following purposes:

- When it is necessary for carrying out rights and obligations under employment law
- When it is necessary to protect the data subject's vital interests or those of another person whereby they are physically or legally incapable of giving consent
- When the data subject has made the data public

- When processing is necessary for the establishment, exercise or defence of legal claims
- When processing is necessary for the purposes of occupational medicine or for the assessment of the data subject's working capacity.

Data will be processed for the lawful purpose for which it has been shared and in accordance with the Company's instructions within the European Economic Area.

## **Subject Access Requests**

Data subjects can make a Subject Access Request ('SAR') to find out the information the Company holds about them. This request must be made in writing.

The Company must respond within one month unless the request is complex or numerous in which case the period in which it must respond can be extended by a further two months. There is no fee for making a SAR. However, if the request is manifestly unfounded or excessive, the Company may charge a reasonable administrative fee or refuse to respond to the request.

Data subjects have the right to:

- Information about what personal data the Company processes, how and on what basis as set out in this policy.
- Access their own personal data by way of a SAR.

## **Erasure of data**

Whilst requesting that personal data is corrected or erased, or contesting the lawfulness of the Company's processing, the data subject can apply for its use to be restricted while the application is made. They may:

- Object to data processing where the Company is relying on a legitimate interest to do so, but the data subject believes their rights and interests outweigh the Company's need, and they wish them to stop
- Object if the Company processes personal data for the purposes of direct marketing
- Receive a copy of their personal data and request a transfer of their personal data to another data controller. The Company will not charge for this and will in most cases aim to do this within one month
- With some exceptions, not be subjected to automated decision-making
- Be notified of a data security breach concerning their personal data

In most situations, the Company will not rely on the data subject's consent as a lawful ground to process data. If it does however request consent to the processing of personal data for a specific purpose, the data subject has the right not to consent. The data subject may also withdraw their consent at a later date.

## Data portability

Data portability allows the data subject to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.

## Contacts

The data subject should read this policy alongside their contract of employment or contract for services, and any other notice issued by the Company from time to time in relation to data. The Company is registered with the ICO and its registration number is Z2772858.

The Company has put measures in place to protect the security of data in accordance with its Data Security Policy. In addition, the Company will hold data in accordance with its Data Retention Policy. Both policies can be obtained by contacting, in writing:

- Dean Pitchforth, Technical Services Manager  
LDC Care Co, 11 Glenmore Centre, Shearway Business Park, Folkestone, Kent,  
CT19 4RJ

In accordance with other rights of the data subject, they may contact the HR team, in writing, for the following purposes:

- To withdraw consent for processing particular data
- To make a Subject Access Request
- To correct any inaccuracies in their personal data
- To request that the Company erases their personal data where it is not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected

## Complaints

To complain to the Information Commissioner directly – or for further information on a data subjects' rights, the Company's obligations, or exceptions to the above – a helpline number can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)).