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Human Resources & Business Development

Galian Ltd, trading as Bespoke HR, Privacy Policy.

Last update on 24th May 2018

General

Who is the data controller and data processor?

Galian Ltd trading as Bespoke HR, registered under company number 05581081, of 81 Portsmouth Road, Surbiton, Surrey, KT6 5PT.

Purpose of the Privacy Policy.

This Privacy Policy explains in detail the types of personal data we may collect in the course of providing Human Resources Services ("HR Services") to our clients ("Clients") or potential clients ("Potential Clients"). It also explains how we'll store and handle that data and keep it safe. We will only process personal information as detailed in this policy unless we inform you otherwise.

We hope the following sections will answer any questions you have but if not, please do get in touch by emailing (info@bespokehr.com).

Changes to this Privacy Policy

This Privacy Policy is regularly reviewed and may be updated from time to time to reflect changes in our business, or legal or commercial practice.

Complaints

If you are dissatisfied about any aspect of the way in which your data is processed you may, in the first instance refer the matter to via email to (info@bespokehr.com)_This does not affect your right to make a complaint to the Information Commissioner's Office.

The legal basis for data processing that we rely on.

The law on data protection sets out a number of different reasons for which a company may collect and process personal data, including:

Consent: In specific situations, we can collect and process data with an individual's consent. For example, where we request medical records and/or a medical opinion for an employee on behalf of one of our Clients. Please note data subjects may withdraw their consent to processing of personal data for a particular purpose at any stage. However, please note that we may continue to retain, or otherwise use such personal information thereafter where we have a legitimate interest or a legal or contractual obligation to do so. Our processing in that





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respect will be limited to what is necessary in furtherance of those interests or obligations. Withdrawal of consent will not have any effect on the lawfulness of any processing based on consent before its withdrawal.

Contractual obligations: In many circumstances, we need personal data to comply with our contractual obligations to Clients. For example, if a Client requires to run a disciplinary procedure, on its behalf, as part of our offering of HR Services.

Legal compliance: If the law requires us to, we may need to collect and process data; for example, if DBS or right to work checks are required.

Legitimate interest: In providing our HR Services, we will carry out some processing of personal data which is necessary for the purpose of our legitimate interests, which include the provision of broad and comprehensive HR Services, retaining records of our dealings and transactions and where applicable, using such records for the purposes of, establishing compliance with contractual obligations with Clients, addressing any query or dispute that may arise including establishing, exercising or defending any legal claims, protecting our reputation, maintaining a back-up of our system, solely for the purpose of being able to restore the system to a particular point in the event of a system failure or security breach and evaluating quality and compliance including compliance with this Privacy Policy.

Automated decisions

We do not use any automated decision-making software.

Data Subject Rights

We take the protection of personal data rights very seriously. Personal data rights include, the right to: -

- Request a copy of the personal data that we hold.
- Object to our processing of personal data where that processing is based upon legitimate interest and there are no compelling grounds for the continued processing of that data.
- Request that we restrict processing of personal data in certain circumstances.
- Request that data is erased where the continued use of that data cannot be justified.
- Object to any decision, which significantly affects personal data, being taken solely by a computer or via another automated process.
- Withdraw your consent to the processing of personal data for a particular purpose at any stage. However, please note that we may continue to retain, or otherwise use personal information thereafter where we have a legitimate interest or a legal or contractual obligation to do so. Our processing in that respect will be limited to what is necessary in furtherance of those interests or obligations.
- Request that inaccurate or incomplete data is rectified.



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- Request that data provided directly by a data subject and processed by automated means is transferred to an individual or another controller; this right only being applicable where our processing of such data is based either on consent or in performance of a contract.
- Make a complaint to the Information Commissioner's Office Request that direct marketing by us to is stopped.

Please note that where a right to request that we erase data or cease any processing activity is exercised, we may retain a record of this request and the action taken in order to both evidence our compliance, and to take steps to minimise the prospect of any data being processed in the future should it be received again from a third-party source.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive or refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you.

If you have any questions concerning your rights or should you wish to exercise any of these rights, please email (info@bespokehr.com).

If you are not happy with any aspect of how we collect and use your data, you have the right to complain to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We should be grateful if you would contact us first if you do have a complaint so that we can try to resolve it for you.

Transfer

In the event of a sale, merger, liquidation, receivership or the transfer of all or part of our assets to a third party, we may need to transfer information to a third party. Any transfer will be subject to the agreement of the third party to this Privacy Policy and any processing being only in accordance with this Privacy Policy.

Data Security and Confidentiality



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It is our policy to ensure, in so far as is reasonably practicable, that our systems and records are secure and not accessible to unauthorised third parties in line with contemporary practice.

We have put in place security measures to prevent your personal data from being accidentally lost, used, altered, disclosed, or accessed without authorisation.

We have procedures in place to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach if we are legally required to.

Data Retention

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

When deciding what the correct time is to keep the data for we look at its amount, nature and sensitivity, potential risk of harm from unauthorised use or disclosure, the processing purposes, if these can be achieved by other means and legal requirements.

For tax purposes the law requires us to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they stop being customers.

In some circumstances we may anonymise your personal data for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

Third Party Systems

Our websites may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

Marketing Communications

Our lawful ground of processing your personal data to send you marketing communications is either your consent or our legitimate interests (namely to grow our business).

Under the Privacy and Electronic Communications Regulations, we may send you marketing communications from us if (i) you made a purchase or asked for information from us about our goods or services or (ii) you agreed to receive marketing communications, and, in each case, you have not opted out of receiving such communications since. Under these



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regulations, if you are a limited company, we may send you marketing emails without your consent. However, you can still opt out of receiving marketing emails from us at any time.

We will not share your personal data with any third party for their own marketing purposes.

You can ask us or third parties to stop sending you marketing messages at any time by emailing us at (info@bespokehr.com) at any time.

If you opt out of receiving marketing communications this opt-out does not apply to personal data provided as a result of other transactions, such as purchases, warranty registrations etc.

Client and Client Employee Data

What personal data do we collect?

In order to provide HR Services, we may hold (but is not limited to) the following information in relation to employees, workers or self-employed contractors engaged by our Clients: -

- name;
- photos;
- date of birth;
- gender;
- nationality;
- marital status;
- current address and former addresses;
- email address;
- telephone numbers;
- passport or identity card number;
- work visas/residence permit and other Home Office documentation;
- emergency contacts;
- contracts of employment;
- sickness record, including medical records and details of disability;
- information and documentation in respect of pregnancy and maternity, paternity, and shared parental leave;
- flexible working request records;
- disciplinary record;
- information regarding a grievance raised by you;
- application documentation;
- records of educational history and qualifications;
- records of training and professional development courses;
- personal information relating to hobbies, interests, and pastimes;
- information contained in references and pre-employment checks from third parties;
- salary level, pension, bonus, private health care and life assurance cover;



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- job title;
- bank details;
- performance record, including appraisals;
- IP addresses;
- consultancy agreements;
- settlement agreements;
- documentation in relation to a tribunal claim with which you are involved in whether as the claimant or a witness; and
- any other documentation or information that you would normally expect to find on an HR file or to be produced in relation to an HR matter.

What are the specific legitimate business interests that we require personal data for?

We process data for the purpose of our legitimate business interest of carrying on the commercial activity of HR Services and which may include, but is not limited to: -

- the provision of broad and comprehensive HR consultancy services;
- contacting individuals on behalf of our Clients and in relation to the provision of HR Services to our Clients;
- notifying individuals of potential roles or opportunities;
- assessing and reviewing suitability for job roles;
- making employment offers and issuing contracts of employment;
- making offers to engage your services and issuing consultancy agreements;
- consultation regarding changes to terms and conditions of employment;
- following a redundancy procedure;
- investigating grievances, disciplinary matters, or performance concerns;
- managing leave requests, whether by reason of holiday, sickness absence, maternity, paternity, adoption of shared parental leave;
- assessing suitability for work or promotion, managing continuing professional development, performance management;
- organisation planning and development and workforce management;
- investigating complaints;
- information relating to our relationship with an individual or the party for whom the individual works including records of any meetings or discussions;
- compliance with legal, regulatory, and statutory obligations relating to business generally, for example tax, bribery, and fraud/crime prevention legislation, right to work and co-operating with regulatory authorities such as HMRC or any other corporate governance obligations;
- as otherwise necessary to provide our HR Services and/or to meet our obligations towards either the party whom an individual represents, or other Clients or suppliers;
- to personalise our offering, whether via our website or otherwise;
- retaining records of our dealings and transactions and where applicable, using such records for the purposes of:



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- establishing compliance with contractual obligations with Clients or suppliers;
- administering and maintaining Client records;
- taking payment from Clients and administering any refunds; and
- ensuring compliance with health and safety requirements;
- protecting our reputation;
- maintaining a back-up of our system, solely for the purpose of being able to restore the system to a particular point in the event of a system failure or security breach;
- evaluating quality and compliance including compliance with this privacy policy
- determining staff training and system requirements;
- marketing our business and/or improving our services;
- in connection with any legal proceedings and/or as required by law;
- protecting the vital interests of a data subject; and
- any other reasonable and legitimate business purpose, which is not unduly prejudice to the individual's privacy.

Where do we collect personal data from?

We may obtain your personal data from the following sources (please note that this list is not exhaustive):

- individuals, including where an individual has provided us with their contact details or other information for the purposes of using our HR Services, including on behalf their employer;
- staff or other representatives of the organisation an individual represents;
- via our various type form questionnaires, completed by our Clients;
- via our performance development review software;
- marketing databases;
- social media;
- our websites;
- the public domain;
- conversations, with you or others, on the telephone or video conferencing (which may be recorded) or in meetings;
- notes following a conversation, with you or others, or meetings you attend;
- tribunal documents sent to us by the tribunal service, an employer, or a legal representative; and
- medical records, which you have agreed can be released to us.

Please note the majority of the personal data we control and/or process is provided by our Clients, who in turn should ensure that they have a lawful basis for providing personal data to us. In order to ensure that the personal information we hold is accurate and up-to-date, we request that our Clients inform us of any relevant changes to the personal information we hold about their employees and or contractors.



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How and why do we process personal data?

We will process your personal data in the context of our dealings with our Clients as part of our HR services. Processing may include:

- processing data as is necessary for the purpose of contractual obligations to our Clients;
- collecting and storing personal data, whether in manual paper or electronic files;
- to communicate with you;
- sending information to third parties with whom we have or intend to enter into communications which are related to our HR services e.g. your employer or your legal representatives;
- providing information to regulatory authorities or statutory bodies and our legal or other professional advisers, including insurers;
- retaining records of our dealings with Clients;
- establishing quality, training and compliance with our obligations and best practice.

Where and how is the data stored?

The data is stored in the following ways: -

- paper and electronic Client files;
- Type Form questionnaires;
- Bespoke HR performance development software;
- the company's email system;
- any other written or electronic documentation produced during the normal course of the company's business.

How long will we process your data for?

For our commercial viability and to pursue these legitimate interests, we may continue to process personal information for as long as we consider reasonably appropriate for these purposes. This is unlikely to be longer than 7 years after the contractual relationship with our Client, who may be an individual's employer has ended.

It is our policy to only store your personal data for as long as is reasonably necessary for us to comply with our legal obligations and for our legitimate business interests.

If, however you believe that we should delete your personal data, please inform us in writing of your reasons.

Who do we share personal data with?





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We shall not share personal data unless we are entitled to do so. The categories of persons with whom we may share personal information include:

- Any regulatory authority or statutory body pursuant to a request for information or any legal obligation which applies to us.
- Our/our Clients legal and professional advisers.
- Insurers.
- Tribunal.
- Your legal representatives.
- ACAS conciliators.
- IFA's for example if we are partnering with them to provide pension or insurance advice.

How do we treat Special Personal Data (SPD)?

Special personal data is information which is intensely personal to someone. Examples of SPD include information which reveals political, religious, or philosophical beliefs, sexual orientation, race or ethnic origin, or information relating to your health. To the extent that we process any special personal data, we shall only use that special personal data for the purposes of the provision of our HR Services and this will only be in the following circumstances: -

- the data subject has explicitly consented to the processing;
- to protect the vital interests of a data subject;
- where processing is necessary for the purpose of obligations or rights under employment, health and safety legislation, social security or social protection law or any other applicable legislation; and
- to maintain records of our dealings to address any later dispute.

What if we obtain personal data from a third party?

The majority of our business activity involves dealing with human resources matters in respect of the employees and/or contractors of our Clients. This may include obtaining personal data from the Client and from social media sites.

Where information from third party sources is of no use to us, or where an individual has notified us that they do not want us to process it and it is not otherwise necessary to do so to meet contractual obligations to our clients, to satisfy legal obligations or in a data subject's vital interests, we shall discard it. You do have the right to object to processing.

Potential Client Data

This section of the privacy policy provides you with details of how we collect and process personal data of Potential Clients.



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By providing us with your data, you warrant to us that you are over 13 years of age.

It is very important that the information we hold about you is accurate and up to date. Please let us know if at any time your personal information changes by emailing us at info@bespokehr.com

What data do we collect about you, for what purpose and on what grounds we process it?

Personal data means any information capable of identifying an individual. It does not include anonymised data.

We may process the following categories of personal data about you:

- **Communication Data** that includes any communication that you send to us whether that be through the contact form on our website, through email, text, social media messaging, social media posting or any other communication that you send us. We process this data for the purposes of communicating with you, for record keeping and for the establishment, pursuance or defense of legal claims. Our lawful ground for this processing is our legitimate interests which in this case are to reply to communications sent to us, to keep records and to establish, pursue or defend legal claims.
- **Customer Data** that includes data relating to any purchases of goods and/or services such as your name, title, billing address, delivery address email address, phone number, contact details, purchase details and your card details. We process this data to supply the goods and/or services you have purchased and to keep records of such transactions. Our lawful ground for this processing is the performance of a contract between you and us and/or taking steps at your request to enter into such a contract.
- **User Data** that includes data about how you use our website and any online services together with any data that you post for publication on our website or through other online services. We process this data to operate our website and ensure relevant content is provided to you, to ensure the security of our website, to maintain back-ups of our website and/or databases and to enable publication and administration of our website, other online services and business. Our lawful ground for this processing is our legitimate interests which in this case are to enable us to properly administer our website and our business.
- **Technical Data** that includes data about your use of our website and online services such as your IP address, your login data, details about your browser, length of visit to pages on our website, page views and navigation paths, details about the number of times you use our website, time zone settings and other technology on the devices you use to access our website. The source of this data is from our analytics



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tracking system. We process this data to analyse your use of our website and other online services, to administer and protect our business and website, to deliver relevant website content and advertisements to you and to understand the effectiveness of our advertising. Our lawful ground for this processing is our legitimate interests which in this case are to enable us to properly administer our website and our business and to grow our business and to decide our marketing strategy.

- **Marketing Data** that includes data about your preferences in receiving marketing from us and our third parties and your communication preferences. We process this data to enable you to partake in our promotions such as competitions, prize draws and free giveaways, to deliver relevant website content and advertisements to you and measure or understand the effectiveness of this advertising. Our lawful ground for this processing is our legitimate interests which in this case are to study how customers use our products/services, to develop them, to grow our business and to decide our marketing strategy.
- We may use Customer Data, User Data, Technical Data and Marketing Data to deliver relevant website content and advertisements to you (including Facebook adverts or other display advertisements) and to measure or understand the effectiveness of the advertising we serve you. Our lawful ground for this processing is legitimate interests which is to grow our business. We may also use such data to send other marketing communications to you. Our lawful ground for this processing is either consent or legitimate interests (namely to grow our business).

Potential Client Sensitive Data

We do not collect any Sensitive Data about Potential Clients. Sensitive data refers to data that includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data. We do not collect any information about criminal convictions and offences.

How we collect Potential Client Personal Data

We may collect data about you by you providing the data directly to us (for example by filling in forms on our site or by sending us emails). We may automatically collect certain data from you as you use our website by using cookies and similar technologies. Please see our cookie policy for more details about this.

We may receive data from third parties such as analytics providers such as Google based outside the EU, advertising networks such as Facebook based outside the EU, such as search information providers such as Google based outside the EU, providers of technical, payment and delivery services, such as data brokers or aggregators.



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We may also receive data from publicly available sources such as Companies House and the Electoral Register based inside the EU.



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