

Dated

September 2018

BREATHING SPACE PRIVACY POLICY

Breathing Space HR Limited take your privacy very seriously. Please read this privacy policy carefully as it contains important information on who we are and how and why we collect, store, use and share your personal data. It also explains your rights in relation to your personal data and how to contact us or supervisory authorities in the event you have a complaint.

When we use your personal data we are regulated under the General Data Protection Regulation (GDPR) which applies across the European Union (including in the United Kingdom) and we are responsible as 'controller' of that personal data for the purposes of the GDPR. Our use of your personal data is subject to your instructions, the GDPR, other relevant UK and EU legislation and our professional duty of confidentiality.

Key terms

It would be helpful to start by explaining some key terms used in this policy:

We, us, our	Breathing Space HR Limited
Personal data	Any information relating to an identified or identifiable individual
Special category personal data	Personal data revealing racial or ethnic origin, political opinions, religious beliefs, philosophical beliefs or trade union membership Genetic and biometric data Data concerning health, sex life or sexual orientation

Personal data we collect about you

The table below sets out the personal data we will or may collect in the course of advising and/or acting for you.

Personal data we will collect	Personal data we may collect depending on why you have instructed us
Your name, address and telephone number Information to enable us to check and verify your identity, e.g. your date of birth or passport details Electronic contact details, e.g. your email address and mobile phone number Information relating to the matter in which you are seeking our advice or representation Your financial details so far as relevant to your instructions, e.g. the source of your funds if appropriate Information about your use of our IT, communication and other systems, and other monitoring information, e.g. if using our secure online client portal	Your National Insurance and tax details Your bank and/or building society details Details of your professional online presence, e.g. LinkedIn profile

This personal data is required to enable us to provide our service to you. If you do not provide personal data we ask for, it may delay or prevent us from providing services to you.

How your personal data is collected

We collect most of this information from you direct or via our secure online client portal or HRIS system. However, we may also collect information:

- from publicly accessible sources, e.g. Companies House or HM Land Registry;
- directly from a third party, e.g.:
 - sanctions screening providers;
 - credit reference agencies;
 - client due diligence providers;
- from a third party with your consent, e.g.:
 - your bank or building society, another financial institution or advisor;
 - consultants and other professionals we may engage in relation to your matter;
- via our information technology (IT) systems, e.g.:
 - case management, document management and time recording systems;
 - door entry systems and reception logs;
 - automated monitoring of our websites and other technical systems, such as our computer networks and connections, CCTV and access control systems, communications systems, email and instant messaging systems;
 - HR information systems and software

How and why we use your personal data

Under data protection law, we can only use your personal data if we have a proper reason for doing so, e.g.:

- to comply with our legal and regulatory obligations;
- for the performance of our contract with you or to take steps at your request before entering into a contract;
- for our legitimate interests or those of a third party; or
- where you have given consent.

A legitimate interest is when we have a business or commercial reason to use your information, so long as this is not overridden by your own rights and interests.

The table below explains what we use (process) your personal data for and our reasons for doing so:

What we use your personal data for	Our reasons
To provide HR related services to you	For the performance of our contract with you or to take steps at your request before entering into a contract
Conducting checks to identify our clients and verify their identity Screening for financial and other sanctions or	To comply with our legal and regulatory obligations

What we use your personal data for	Our reasons
<p>embargoes</p> <p>Other processing necessary to comply with professional, and regulatory obligations that apply to our business, e.g. under health and safety regulation or rules issued by our professional regulator</p>	
<p>Gathering and providing information required by or relating to audits, enquiries or investigations by regulatory bodies</p>	<p>To comply with our legal and regulatory obligations</p>
<p>Ensuring business policies are adhered to, e.g. policies covering security and internet use</p>	<p>For our legitimate interests or those of a third party, i.e. to make sure we are following our own internal procedures so we can deliver the best service to you</p>
<p>Operational reasons, such as improving efficiency, training and quality control</p>	<p>For our legitimate interests or those of a third party, i.e. to be as efficient as we can so we can deliver the best service for you at the best price</p>
<p>Ensuring the confidentiality of commercially sensitive information</p>	<p>For our legitimate interests or those of a third party, i.e. to protect our intellectual property and other commercially valuable information</p> <p>To comply with our legal and regulatory obligations</p>
<p>Statistical analysis to help us manage our practice, e.g. in relation to our financial performance, client base, work type or other efficiency measures</p>	<p>For our legitimate interests or those of a third party, i.e. to be as efficient as we can so we can deliver the best service for you at the best price</p>
<p>Preventing unauthorised access and modifications to systems</p>	<p>For our legitimate interests or those of a third party, i.e. to prevent and detect criminal activity that could be damaging for us and for you</p> <p>To comply with our legal and regulatory obligations</p>
<p>Updating and enhancing client records</p>	<p>For the performance of our contract with you or to take steps at your request before entering into a contract</p> <p>To comply with our legal and regulatory obligations</p>

What we use your personal data for	Our reasons
	For our legitimate interests or those of a third party, e.g. making sure that we can keep in touch with our clients about existing and new services
Ensuring safe working practices, staff administration and assessments	To comply with our legal and regulatory obligations For our legitimate interests or those of a third party, e.g. to make sure we are following our own internal procedures and working efficiently so we can deliver the best service to you
Marketing our services and those of selected third parties to: —existing and former clients; —third parties who have previously expressed an interest in our services; —third parties with whom we have had no previous dealings.	For our legitimate interests or those of a third party, i.e. to promote our business to existing and former clients
External audits and quality checks, e.g. for ISO or Investors in People accreditation and the audit of our accounts	For our legitimate interests or a those of a third party, i.e. to maintain our accreditations so we can demonstrate we operate at the highest standards To comply with our legal and regulatory obligations

The above table does not apply to special category personal data, which we will only process with your explicit consent.

Promotional communications

We may use your personal data to send you updates (by email, text message, telephone or post) about developments in relation to HR matters (including legal and management related matters) that might be of interest to you and/or information about our services, including exclusive offers, promotions or new services.

We have a legitimate interest in processing your personal data for promotional purposes (see above ‘**How and why we use your personal data**’). This means we do not usually need your consent to send you promotional communications. However, where consent is needed, we will ask for this consent separately and clearly.

We will always treat your personal data with the utmost respect and never share it with other organisations for marketing purposes.

You have the right to opt out of receiving promotional communications at any time by:

- contacting us by emailing admin@breathingspacehr.co.uk
- using the 'unsubscribe' link in emails or 'STOP' number in texts
- updating your marketing preferences
- We may ask you to confirm or update your marketing preferences if you instruct us to provide further services in the future, or if there are changes in the law, regulation, or the structure of our business.

Who we share your personal data with

We routinely share personal data with:

- professional advisers who we instruct on your behalf or refer you to, e.g. lawyers (solicitors or barristers), medical professionals, accountants, tax advisors or other experts;
- credit reference agencies;
- our insurers and brokers;
- external auditors, e.g. in relation to ISO accreditation and the audit of our accounts;
- our bank[s];
- external service suppliers, representatives and agents that we use to make our business more efficient, e.g. typing services, marketing agencies, document collation or analysis suppliers;
- Your employer should your employer be our client.

We only allow our service providers to handle your personal data if we are satisfied they take appropriate measures to protect your personal data. We also impose contractual obligations on service providers relating to ensure they can only use your personal data to provide services to us and to you.

We may disclose and exchange information with law enforcement agencies and regulatory bodies to comply with our legal and regulatory obligations.

We may also need to share some personal data with other parties, such as potential buyers of some or all of our business or during a re-structuring. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations.

Where your personal data is held

Information may be held at our offices and those of our [group companies,]third party agencies, service providers, representatives and agents as described above (see '**Who we share your personal data with**').

Some of these third parties may be based outside the European Economic Area. For more information, including on how we safeguard your personal data when this occurs, see below: '**Transferring your personal data out of the EEA**'.

How long your personal data will be kept

We will keep your personal data after we have finished advising or acting for you. We will do so for one of these reasons:

- to respond to any questions, complaints or claims made by you or on your behalf;
- to show that we treated you fairly;
- to keep records required by law.

We will not retain your data for longer than necessary for the purposes set out in this policy. Different retention periods apply for different types of data. Further details on this are available in our retention schedule below:

Process	Information Held	Is the data sensitive personal data?	What is the purpose of storing the data.	Who has access to this data? / Is the data shared with anyone	How long will this data be held?	How is the information safeguarded?
Recruitment	Candidate Name / Address	Yes	Legitimate interest in business activities to fulfil recruitment	BSHR employees and Client employer of the individual	Data should be removed once the recruitment process has finished unless the candidate has given their explicit consent to hold onto it. –6 months to a year for unsuccessful candidate	Held under Cloud Based encrypted storage. "Dropox for business" or on a secure, GDPR compliant HRIS system
	CV	Yes				
	Job application	Yes				
	Assessment/ recruitment results	Yes				
	Interviewer notes / feedback	Yes				
New Starter	Name	Yes	necessary to do so in connection with their individual contracts of employment and to comply with the employer's legal obligations.		6 years after employment ceases.	
	Date of Birth	Yes				
	Address	Yes				
	Gender	Yes				
	Telephone number	Yes				
	Email address	no				
	Bank Details	yes	Performance of contract		Remove after 3 months of end of employment	
	ID – Passport/Birth Certificate	Yes	Comply with Right to work Law		2 years after employment ceases.	
	Ethnic Group	Yes				
	Religious beliefs	Yes				
	Disability information	Yes				
Driving license information	Yes					

	Information on Criminal convictions	Yes	When a Legal requirement	6 months after successful employment
	Employment References	Yes	Legitimate interest & consent	
	Proof of Qualifications	Yes		6 months after successful employment
	Medical History Questionnaire	Yes		
	Signed Contract of employment	Yes	comply with the employer's legal obligations	Remove after 6 months of end of employment
	Signed agreement to IT policy	no		
Pay Information	Payslips	Yes	compliance with a legal obligation	6 years.
	P45 from previous employer	Yes	performance of the employment contract	Statutory authority: Taxes Management Act 1970.
	P60	Yes		
	P11d	Yes		3 years after the end of the pay reference period following the one that the records cover.
	Records of Bonus/ Overtime/ Expense payments	Yes		Statutory authority: National Minimum Wage Act 1998
Employment changes	Change of terms letters	Yes	comply with the employer's legal obligations. (performance of the employment contract)	6 years after employment ceases.
	Any supporting evidence i.e. authorisation	Yes		6 years after employment ceases.
Performance processes	Confirmation of passed probation	Yes	To monitor, improve and develop employees.	6 years after employment ceases.
	1 to 1 forms	Yes	Legitimate interest.	

	Notes on review meetings	Yes			
	Appraisal form	Yes	defend possible future legal claims.		
	Training records / certificates	Yes			
Sickness	Sickness Records	Yes	To monitor sickness in the company.		at least 3 months after the end of the period of sick leave in case of a disability discrimination claim. if there were to be a contractual claim for breach of an employment contract it may be safer to keep records for 6 years after the employment ceases
	Return to work forms	Yes			
	Doctors fit notes	Yes	To support and make adjustments for employees in ill health		
	GP Reports	Yes			
	Occupational Health Reports	Yes	defend possible future legal claims.		
Employment Relations	Disciplinary Investigation/ notes and letters	Yes	To manage issues of conduct/ complaints/ comply with employment law		6 years after employment ceases.
	Grievance Hearing notes/letters	Yes			
	Appeal Letters; Hold/invite/outcome	Yes	defend possible future legal claims.		
	Flexible working requests	Yes			
	Letter of consequence	Yes			
	Documented conversation	Yes			
	Disciplinary record	Yes			

	Redundancy / Settlement Agreement	Yes			
Leave	Maternity leave/Pay	Yes	compliance with a legal obligation	Pay - 3 years after the end of the tax year in which the maternity period ends.	Statutory authority: The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended.
	Paternity leave/Pay			Leave – 6 years after end of employment to defend against claims.	
	Paternity leave/Pay	Yes			
	Adoption leave/Pay	Yes			
	Shared Parental leave/Pay	Yes			
	Parental Leave	Yes	compliance with a legal obligation	5 years from birth/adoption of the child or 18 years if the child receives a disability allowance	
	General absence not for sickness	Yes	compliance with a legal obligation	2 years from date on which they were made. – Working time directive.	
	Holiday records	Yes		6 years after employment to defend against claims	
	Overtime records	Yes			
Hours worked records	Yes				
Leavers	Resignation Letter from employee	Yes	defend possible future legal claims	6 years after employment ceases.	
	Letter from employer to confirm leaving	Yes			

References – length of service	Yes	Employees interest			
Exit Interviews (not anonymised)	Yes	Legitimate interest			

When it is no longer necessary to retain your personal data, we will delete or anonymise it.

Transferring your personal data out of the EEA

To deliver services to you, it is sometimes necessary for us to share your personal data outside the European Economic Area (EEA), e.g.:

- with your employer’s outside the EEA;
- with your and our service providers located outside the EEA;
- if you are based outside the EEA;
- where there is an international dimension to the matter in which we are advising you.

These transfers are subject to special rules under European and UK data protection law.

Non-EEA countries do not have the same data protection laws as the United Kingdom and EEA. We will, however, ensure the transfer complies with data protection law and all personal data will be secure.

If you would like further information please contact us our Data Protection Officer (see ‘How to contact us’ below).

Your rights

You have the following rights, which you can exercise free of charge:

Access	The right to be provided with a copy of your personal data
Rectification	The right to require us to correct any mistakes in your personal data
To be forgotten	The right to require us to delete your personal data—in certain situations
Restriction of processing	The right to require us to restrict processing of your personal data—in certain circumstances, e.g. if you contest the accuracy of the data
Data portability	The right to receive the personal data you provided to us, in a structured, commonly used and machine-readable format and/or transmit that data to a third party—in certain situations
To object	The right to object: —at any time to your personal data being processed for direct marketing (including profiling); —in certain other situations to our continued processing of your

	personal data, e.g. processing carried out for the purpose of our legitimate interests.
Not to be subject to automated individual decision-making	The right not to be subject to a decision based solely on automated processing (including profiling) that produces legal effects concerning you or similarly significantly affects you

For further information on each of those rights, including the circumstances in which they apply, please contact us or see the [Guidance from the UK Information Commissioner’s Office \(ICO\) on individuals’ rights under the General Data Protection Regulation](#).

If you would like to exercise any of those rights, please:

- email, call or write to us, our Data Protection Officer—see below: ‘**How to contact us**’; and
- let us have enough information to identify you (e.g. your full name, address and client or employer);
- let us have proof of your identity and address (a copy of your driving licence or passport and a recent utility or credit card bill); and
- let us know what right you want to exercise and the information to which your request relates.

Keeping your personal data secure

We have appropriate security measures to prevent personal data from being accidentally lost, or used or accessed unlawfully. We limit access to your personal data to those who have a genuine business need to access it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

If you want detailed information from Get Safe Online on how to protect your information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit www.getsafeonline.org. Get Safe Online is supported by HM Government and leading businesses.

How to complain

We hope that we can resolve any query or concern you may raise about our use of your information.

The [General Data Protection Regulation](#) also gives you right to lodge a complaint with a supervisory authority, in particular in the European Union (or European Economic Area) state where you work, normally live or where any alleged infringement of data protection laws occurred. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone: **0303 123 1113**.

Changes to this privacy policy

This privacy policy was published in September 2018 and last updated in September 2018.

We may change this privacy policy from time to time, when we do we will inform you via email or letter.

How to contact us

Please contact us[and/or our Data Protection Officer]] by post, email or telephone if you have any questions about this privacy policy or the information we hold about you.

Our contact details are shown below:

Our contact details	
Breathing Space HR Unit 13, Festoon Rooms, Sunny bank Mills, Town Street, Leeds. LS28 5UJ admin@breathingspacehr.co.uk 0113 426 7735	

Do you need extra help?

[If you would like this policy in another format (for example audio, large print, braille) please contact us (see 'How to contact us' above).