



# Privacy Policy

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**2019**

## **About this Privacy Notice**

PLUS Ltd is committed to protecting the privacy and security of your personal information.

The purpose of this privacy notice is to describe how we/the Company collects and uses personal information about you prior to the commencement of your working relationship; during your working relationship and once that relationship has ended in accordance with the General Data Protection Regulation (GDPR). This privacy notice applies to all employees, workers and contractors.

The Company is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are also required under data protection legislation to notify you of the information contained in this privacy notice.

This notice does not form part of any contract of employment or any other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

It is important that you read and keep a copy of this notice, together with any other privacy notices that we may provide from time to time that relate to our collecting or processing of personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

## **Data Protection Principles**

The Company will comply with data protection laws which provide that the personal information we hold about you must be:

1. used lawfully, fairly and in a transparent way;
2. collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
3. relevant to the purposes we have told you about and limited only to those purposes;
4. accurate and kept up to date;
5. kept only as long as necessary for the purposes we have told you about; and
6. kept securely.

## **What Personal Information Do We Hold About You?**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). There are also “special categories” of more sensitive personal data which require a higher level of protection, such as information about a person’s health.

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and details of dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date and, if different, the date of your continuous employment.
- Leaving date and your reason for leaving.
- Location of employment or workplace.
- Recruitment information (including copies of right to work documentation, credit checks, identity record checks, references and other information included in a CV or cover letter or as part of the application process).
- Background checks (other than DBS and criminal record checks – see below) that the Company may undertake to assess suitability for the role being undertaken in line with the Company’s safeguarding policy and other practices.
- Employment records (including job titles, work history, working hours, holidays, training records and any professional memberships (if applicable)).
- Salary history.
- Performance information.
- Disciplinary and grievance information.
- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness records, including:
  - details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and

- where you leave and the reason for leaving is related to your health, information about that condition where needed for pensions and permanent health insurance purposes.
- Information about criminal convictions and offences as a result of DBS checks (or their equivalent in Scotland, Ireland or other jurisdiction as appropriate) conducted by the Company.

### **How Is your Personal Information Collected?**

We may collect personal information in a number of different ways. This includes information that is provided to us directly by prospective employees or indirectly through an employment agency or a background check provider as part of the application and recruitment process. We may also collect additional information from third parties including former employers, credit reference agencies or other background check agencies such as the Disclosure and Barring Service (DBS).

We will also collect additional personal information from you in the course of job-related activities during the period of you working with the Company.

### **Using Your Personal Information**

The Company will only use your personal information in circumstances in which the law allows us to do so. Most commonly, we will use your personal information if:

- we need to perform the contract we have entered into with you;
- we need to comply with a legal obligation; and
- it is necessary for the Company's legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following additional situations although these are likely to be rare:

- we need to protect your interests (or someone else's interests); or
- it is needed in the public interest (or for official purposes).

The most common situations in which we will process your personal information will include the following:

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.

- Paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs).
- Providing any employment benefits to you and enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties (where applicable).
- Where applicable, liaising with the trustees or managers of a pension arrangement operated by a group company, your pension provider and any other provider of employee benefits.
- Administering the contract we have entered into with you.
- Business management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

#### If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers). You are therefore encouraged to provide the Company with the information that is requested of you from time to time within the timescale requested.

### Change of purpose

The Company will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent in compliance with the above rules, where this is required or permitted by law.

### **Processing Particularly Sensitive Personal Information**

Special categories of particularly sensitive personal information require higher levels of protection. This type of personal information will include details regarding:

- racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- trade union membership;
- genetic and biometric data;
- health; and
- sex life and sexual orientation

We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to an occupational pension scheme.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

### **Our Obligations to You**

We may use your particularly sensitive personal information in relation to:

- leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws and to administer benefits during such periods.
- your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence.
- your race, nationality or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

#### Do we need your consent?

We do not need your consent if we use special categories of your personal information in order to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive information. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your employment or engagement with us that you agree to any request for consent from us.

#### Information about Criminal Convictions

We may only use information relating to criminal convictions where the law allows us to do so. If the role that you are performing falls within one of the excepted occupations (e.g. working with children), a DBS certificate will be requested as part of the Company's pre-recruitment checks.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in order to determine your suitability to perform the role for which you have been employed and that the Company is not breaching any regulatory or legal obligations by employing or engaging you in your role.

#### Automated Decision-Making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.

2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

### **Data Sharing**

We may have to share your data with third parties both within and outside of the EU, including third-party service providers and other entities in the group. Where any personal data is shared with third parties, we will require those third parties to respect the security of your data and to treat it in accordance with the law.

#### Why might we share personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

#### Which third-party service providers process my personal information?

Third parties for this purpose include third-party service providers (including contractors and designated agents) and (where applicable) other entities within any group company. The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, IT services.

We will share personal data regarding your participation in any pension arrangement operated by a group company with the trustees or scheme managers of the arrangement in connection with the administration of the arrangements.

We may also share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is

completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

We may also need to share your personal information with a regulator or to otherwise comply with the law.

For administrative purposes, we may also share personal information with our sister company, Study Tours international.

#### Transferring information outside the EU

We do not anticipate there being any need for us to transfer any personal information outside of the EU. However, where appropriate, student data may sometimes be shared from time to time with the Company's US office. Where personal information is transferred outside of the EU, we will use all reasonable efforts to safeguard such information which will include us ensuring that the recipient of the personal information has appropriate safeguards in place to protect the personal information that is being transferred.

#### **Data Security**

We have put in place measures to protect the security of your information.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have also put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

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

#### **Data Retention**

##### How long will you use my information for?

We will only retain your personal information 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. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use

or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

### **Rights of Access, Correction, Deletion and Restriction**

#### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

#### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **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 deletion** 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 in the event that the Company wishes to process 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.

If you would like to review, verify, correct or request deletion of your personal information; if you wish to object to the processing of your personal data; or if you wish to request that we transfer a copy of your personal information to another party, please contact the Company’s data protection officer in writing.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances. We may however request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right to Withdraw Consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Company's data protection officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Data Protection Officer**

We have appointed a data protection officer to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Company's data protection officer. You also have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

### **Changes to this Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact Josh Bhim (Financial Controller) who is also the Company's data protection officer.

Please could you sign, date and return a copy of this privacy notice to confirm that you have read and understood its contents. In doing so, please could you confirm your express and explicit consent to the Company processing your personal and sensitive personal information respectively for the purposes set out in this privacy notice.