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Smulders Newcastle Privacy Notice

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[This procedure is property of Smulders, Hoge Mauw 200 – B-2370 Arendonk]

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1 Introduction

Smulders Projects UK Limited, hereinafter referred to as the Company, has provided this document to inform you about the use and management of your personal data in connection to your engagement with the Company or, where applicable, your provision of services to the Company. The Company is the data controller of this personal data. The Company wishes to clearly state why your personal data will be processed, who your personal data will be communicated to and to provide appropriate guarantees in accordance with the applicable legislation regarding the protection of personal data, including the General Data Protection Regulations (EU) 2016/679 and the Data Protection Act 2018 (together the **Data Protection Legislation**). You should note, where there is a legal obligation for us to process the personal data we have requested, if you do not provide this data or consent to the Company holding this data, we may not be able to hire you.

If you are engaged via a recruitment agency or limited company contractor, or a sub-contractor or supplier the information marked “[E]” in this Privacy Notice does NOT apply to you, in other words, we do not collect or process such data; it is likely the company that you are engaged through will collect and process this data and you should refer to their privacy policy in this regard. Please ensure you read this Privacy Notice and other referenced policies carefully before signing.

2 What information is being collected?

The majority of personal data processed by the Company is supplied with an individual's application and therefore processed for hiring purposes. The Company typically utilises the services of recruitment agencies for new hire, temporary personnel. On occasion applicants may contact the Company directly or via current onsite personnel. During the hiring process the Company will process the following personal data whether supplied directly or via a recruitment agency, for each applicant:

- Curriculum Vitae (CV) and the information contained within;
- Details of Qualifications including any essential certification as required;
- Training and Training Data; and
- Information to support your application including work history.

[E] The Company will also process information about criminal convictions and offences where applicants have unspent convictions of which we need to be aware for employment law purposes. We may ask you to disclose this on application or alternatively will let you know we need to carry out a background check, if applicable.

Further personal data will be processed for each successful applicant, whether supplied directly or via an agency:

- Identification information such as your name, address, telephone number, email address, date of birth, place of birth, age and gender;
- Copies of qualifications and training certification where required;
- Proof of right to work in the UK or confirmation from the company that you are engaged through of your right to work in the UK;
- Personal Protective Equipment sizes;
- Photograph;
- Private vehicle number plate;
- Contact details (including name, address and telephone number) of a nominated emergency contact and the relationship to the applicant;
- Commencement and end of assignment information including dates;
- National Insurance number, for unique identifier purposes and
- CCTV Image recordings.

For those employed directly by the Company, we also collect and process the following additional personal data:

- Financial information (including bank details);
- Performance and development information and
- Probation and disciplinary information.

The Company may also process special categories of personal data, whether supplied directly or via an agency, when certain circumstances or applicable legislation so require, such as:

- Health information (including data relating to disabilities, and certain information where provided during health screening, where relevant);
- Absence Information;
- Data relating to pregnancy and maternity leave;

3 How will my information be used?

There must be a lawful basis to process personal data. Processing shall be lawful only if one of the following applies:

- a data subject has given their consent to data being processed;
- it is necessary for the performance of a contract;
- it is necessary for compliance with a legal obligation;
- it is necessary to protect vital interests of the data subject or another person;
- it is for the performance of a task carried out in the public interest; or
- it is for the purpose of the legitimate interests pursued by the Company or a third party.

There are additional conditions to be met for the processing of special category or criminal convictions data to be lawful. The Company processes special category data only where it is necessary for the purposes of employment law, or with your explicit consent.

The Company will only collect and process your personal data to the extent necessary for the purposes listed below in the context of general HR management and administration.

The following table applies to all personnel, whether employed directly by the Company or engaged through a recruitment agency or limited company contractor, or a sub-contractor or supplier.

Purpose of processing	Lawful basis
Recruitment and selection, including hiring via an agency	This is a legitimate interest to hire workers to meet the needs of the Company.
Right to work checks or confirmation from the company you are engaged through of your right to work in the UK	This is a legal obligation, to ensure applicants are permitted to work in the UK.
Timesheet information	This is to ensure the recruitment agency or limited company contractor, or a sub-contractor or supplier meet their legal obligations in paying wages due to you; and for our own purposes in meeting our own legal obligations and legitimate interests in maintaining accurate finance records
To organise training	This is a legitimate interest to train workers to meet Company needs; and is also a legal obligation to meet Health and Safety requirements.
For organisation of work tasks to be completed, including planning	This is a legitimate interest of the Company to meet business needs and is also a legal obligation to meet Health and Safety requirements.

Time registration (to authorise payments, allocate time against a project and for Fire & Evacuation purposes)	This is for the legitimate interests of efficiently managing Company projects; protecting our staff and meeting Health and Safety requirements.
(Monitoring of the) use of the IT network and e-mail system of the Company	This is for the legitimate interests to protect Company IT systems and assets, and to monitor staff usage and behaviour.
The Company operates a closed-circuit television (CCTV) system at the Newcastle facility. All personnel gaining access to the facility will be working on site where the system records images of personnel at strategic points throughout the premises in order to protect the Company's property and to provide a safe and secure environment for all. Further information can be found in our CCTV Policy P-HRM-SPU-001 . CCTV images that are recorded by Smulders will be viewed by trained/authorised personnel and stored in accordance with UK retention laws.	This is for the legitimate interests to protect staff and visitors on site; and to investigate incidents or suspected incidents.
Your name, job title/trade and certification where required will also be used by the Company for internal administration associated with Production, Compliance and Health and Safety	This is to meet our legal obligations to comply with relevant laws and standards.
Equal opportunities monitoring	This is a legitimate interest to monitor anonymous equal opportunities information about the Company.
Managing sickness absence and ascertaining fitness to work	This is a legal obligation, to ensure an appropriate working environment, and to meet other Health and Safety requirements.
Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work	This is a legitimate interest to protect the rights and interests of the Company.
Statistical information and photographs retrieved from shared information management systems may be used for marketing purposes, company magazines, corporate publications and other such purposes.	This is a legitimate interest, to promote and celebrate the Company.
The Company sometimes uses subcontracting companies, who supply personnel under the terms of a subcontracting agreement, some of whom are provided by companies supplying hired plant. In such circumstances the Company requires the name of the individual being subcontracted together with other relevant information as notified to the subcontracting companies.	This is for the legitimate interests of efficiently managing Company projects; protecting workers and meeting Health and Safety requirements.

The following table applies ONLY to those employed directly by the Company **[E]**:

[E] Payment of wages, holiday pay or any other payments due including timesheet information	This is in performance of the employment contract we have with you, and to meet our legal obligations as an employer.
[E] Your name, job title/trade and certification where required will also be used by the Company for internal administration associated with Production, Compliance and Health and Safety	This is for the performance of our contract with you as an employee, and to meet our legal obligations.
[E] Reviewing performance and development	This is in performance of the employment contract we have with you, and is a legitimate interest to meet the Company's business needs.
[E] Administering pension payments and other benefits	This is in performance of the employment contract we have with you, and is a legal obligation, to provide workplace pensions.

Personal data supplied during the hiring process and upon commencement with the Company (whether directly or via an agency) will be input into electronic Management Information Systems to set up an individual profile. The systems are used for reporting purposes, time and attendance and payroll. Where a recruitment agency or subcontracting Company is used, they will request personal information for their own electronic Management Systems and should provide you with their own privacy notice about their use of your data.

Information on documents suitable for evidencing proof of right to work in the UK can be found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378926/employers_right_to_work_checklist_november_2014.pdf.

4 How will my information be shared?

The Company is part of the Eiffage Group, hereinafter referred to as the Group. To support HR management processes and payment administrations, we will process personal data internally, and we will need to share personal data with other members of the Group, which means subsidiaries, the ultimate holding company and its subsidiaries, as defined in section 1159 of the Companies Act 2006.

The Group shares information management systems, that are used and accessed by authorised personnel Group-wide. However, all UK personnel data is stored in UK servers. We do not transfer your personal data outside the European Economic Area (EEA).

We may share your information with third parties including business partners, suppliers and sub-contractors, such as recruitment companies and payroll administration providers.

Upon request, the Company will also provide basic information to potential employers where you have given them express permission to approach us for a reference for alternative employment. Likewise, where you have given permission to a third party to approach us for information in relation to your financial affairs such as a mortgage/loan company/Department for Works and Pensions, we will provide the necessary information in order to assist with the speed of your application where we can, otherwise this will be referred to the relevant recruitment agency, or a sub-contractor or supplier you are/were engaged through.

In the event of an incident occurring, information may be shared with a third party such as an insurance provider, HMRC or the Police in order to help them with an investigation.

We may disclose your personal information to third parties in the event that we sell or buy any business or assets, in which case we may disclose your personal data to the seller or buyer, or prospective seller or buyer, of such business or assets.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers (data processors) to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

5 How long will the Company keep my information?

The Company will process your data for as long as necessary to achieve the purposes for which it has been collected or retained. Your data should not be kept for any longer than is necessary for its intended purpose; in order to satisfy this requirement, the Company will conform to UK retention period guidelines. Further information can be found in our **Retention Policy P-HRM-SPU-002**.

All hard copies of personal data will be shredded before disposing of and electronic data will be deleted in line with ICT governance procedures.

6 Access

Data subjects have the right to access information about them that is held by the Company, subject to provisions of the Data Protection Legislation. Data subjects have the right to confirmation on whether their data is being processed and for what purpose. Should you wish to access your personal data, you are requested to complete a Subject **Access Request Form D-HRM-SPU-004**. The form is available via your recruitment agency, internally via the HR department or on the Company Sharepoint system, once completed it should be sent to the HR Manager. The Company will ask you to verify your identity before releasing any information to you. The data will be released in an electronic format as outlined by the GDPR unless another format has been requested.

7 Data rights

As well as the right of access, you have the following rights in respect of your personal data. You can:

Request correction of any inaccurate personal data that we hold about you. Please keep us informed if your personal data changes.

Request erasure of your personal data if we do not have a lawful reason to process it.

Object to processing of your personal data where we are relying on a legitimate interest (or that of a third party) and there is something about your particular situation which makes you want to object to processing on this ground, as you feel it impacts on your fundamental rights and freedoms.

Request restriction of processing of your personal data if you want us to establish the data's accuracy; where our use of the data is unlawful but you do not want us to erase it; where you need us to hold the data to establish, exercise or defend legal claims; or you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer of your personal data to you or to a third party in a structured, commonly used, machine-readable format. Note that this right only applies to automated information used to perform a contract with you.

Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent.

Complain at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk) if you believe we are not processing your data lawfully. We appreciate the chance to deal with your concerns before you approach the ICO so please speak to your line manager or the HR Manager in the first instance.

8 Further information

If you need further information about anything contained within this Privacy Notice including further information about consent, withdrawal of consent or access requests, please contact the HR Manager on: +44 (0)1912956728.

This Privacy Notice should be read in conjunction with the **Data Protection Policy P-HRM-SPU-003**.

If you agree that the Company can process and share your personal information, for the purposes and within the context as described within this document please complete, sign and date as required on the overleaf sheet.

This Privacy Notice should be retained for your records and the completed overleaf sheet returned to the HR Manager; for those not directly employed this should be via your Recruitment Agency, Limited Company Contractor, Sub-contractor or Supplier, as applicable.

9 Smulders Projects UK (Newcastle) Privacy Notice

9.1 INDIVIDUAL CONFIRMATION SHEET

I am signing to confirm I have received, read and understood the information contained within this Privacy Notice.

I have been given the opportunity to read all relevant documentation prior to signing and I know who to contact within Smulders Projects UK, should I have any further questions regarding the processing and storage of my personal information.

Name:

Job Title/Trade:

Company (name of agency, if applicable): **IRS Recruitment Limited**

Signature

Date