



## Data Protection Policy

### Introduction

Baltic Services (Boston) Ltd takes the security and privacy of your data seriously.

We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the Data Protection Act 2018 (the '2018 Act') and the EU General Data Protection Regulation ('GDPR') in respect of data privacy and security. We have 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 work seekers, agency workers and individual client contacts. If you fall into one of these categories, then you are a 'data subject' for the purposes of this policy.

You should read this policy alongside your contract of employment or contract for services and any other notice we issue to you from time to time in relation to your data.

The Company has registered with the **ICO** and its registration number is ZA188635.

The Company has measures in place to protect the security of your data in accordance with our **Data Security Policy**. A copy of this can be obtained from Paulo Freitas, Director on 01205 316529.

The company will hold data in accordance with our **Data Retention Policy**. A copy of this can be obtained from Paulo Freitas, Director on 01205 316529.

We will only hold data for as long as necessary for the purposes for which we collected it.

The Company is a 'data controller' for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data.

This policy explains how the Company will hold and process your information. It explains your rights as a data subject. It also explains your 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 our website, provided to job applicants, work seekers and agency workers in the application pack and provided to current and new clients.

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 your contract of employment or contract for services if relevant and can be amended by the Company at any time. It is intended that this policy is fully compliant with the **2018 Act and the GDPR**. If any conflict arises between those laws and this policy, the Company intends to comply with the **2018 Act** and the **GDPR**.

### Data Protection Principles

Personal data must be processed in accordance with our 'Data Protection Principles.' It 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.

We are accountable for these principles and must be able to show that we are compliant.

### How we define personal data

'Personal data' means information which relates 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 our 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 us by you, or someone else (such as a former employer, or your doctor), or it could be created by us. 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 your manager or other colleagues.

#### We will collect and use the following types of personal data about you:

recruitment information such as your application form and CV, references, qualifications and membership of any professional bodies and details of any pre-employment assessments, your contact details and date of birth, the contact details for your emergency contacts, your gender, your marital status and family details, information about your contract of employment or contract for services including start and end dates of employment, role and location, working hours, details of promotion, salary/rates of pay (including details of previous remuneration), pension, benefits and holiday entitlement, your bank details and information in relation to your tax status including your national insurance number, your identification documents including passport and driving licence and information in relation to your immigration status and right to work for us, information relating to disciplinary or grievance/worker complaints and disputes investigations and proceedings involving you (whether or not you were the main subject of those proceedings), information relating to your performance and behaviour at work, training records, electronic information in relation to your use of IT systems/swipe cards/telephone systems, your images (whether captured on CCTV, by photograph or video) and any other category of personal data which we may notify you of from time to time.

### How we define special categories of personal data

'Special categories of personal data' are types of personal data consisting of information as to: your racial or ethnic origin, your political opinions, your religious or philosophical beliefs, your trade union membership, your genetic or biometric data, your health, your sex life and sexual orientation and any criminal convictions and offences.

We may hold and use any of these special categories of your personal data in accordance with the law.

### How we define processing

'Processing' means 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 and restriction, destruction or erasure.

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

### How will we process your personal data?

The Company will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act. We will use your personal data for compliance with a legal obligation (e.g. real time information reporting to HMRC). 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). You have the right to challenge our legitimate interests and request that we stop this processing. See the section on subject data access rights for further detail.

We can process your personal data for these purposes without specifically informing you or obtaining your consent. We will **not** use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.



**If you choose not to provide us with certain personal data, you should be aware that we may not be able to carry out certain parts of the contract between us. For example, if you do not provide us with your bank account details we may not be able to pay you. It might also stop us from complying with certain legal obligations and duties which we have such as to pay the right amount of tax to HMRC.**

### Privacy by design and default

We are required to demonstrate that privacy considerations are embedded into all our processes and procedures. We complete documented data protection impact assessments on our processes and procedures to ensure we are compliant with the principles of GDPR. This is completed each time a policy or procedure is changed.

The types of measures that we have implemented includes:

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

### Examples of when we might process your personal data

We have to process your personal data in various situations during your recruitment, employment or engagement and even following termination of your employment or engagement. For example:

to decide whether to employ or engage you;

to decide how much to pay you, and the other terms of your contract with us;

to check you have the legal right to work in the UK;

to carry out the contract between us including where relevant, its termination;

training you and reviewing your performance;

to decide whether to promote you;

to decide whether and how to manage your performance, absence or conduct;

to carry out a disciplinary or grievance investigation or complaints and disputes procedure in relation to you or someone else;

to determine whether we need to make reasonable adjustments to your workplace or role because of your disability;

to monitor diversity and equal opportunities;

to monitor and protect the security (including network security) of the Company, of you, our other staff, customers and others;

to monitor and protect the health and safety of you, our other staff, customers and third parties;

to pay you and provide pension and other benefits in accordance with the contract between us;

paying tax and national insurance;

to provide a reference upon request from another employer;

to pay trade union subscriptions;

monitoring compliance by you, us and others with our policies and our contractual obligations;

to comply with employment law, immigration law, health and safety law, tax law and other laws which affect us;

to answer questions from insurers in respect of any insurance policies which relate to you;

running our business and planning for the future;

the prevention and detection of fraud or other criminal offences;

to defend the Company in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure;

and for any other reason which we may notify you of from time to time.

We will only process special categories of your personal data (see above) in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we asked for your consent to process a special category of personal data, then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting Paulo Freitas, Director on 01205 316529.



We do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do:

where it is necessary for carrying out rights and obligations under employment law;  
where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;  
where you have made the data public;  
where processing is necessary for the establishment, exercise or defence of legal claims; and  
where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.

We might process special categories of your personal data for the purposes detailed above which have an asterisk beside them. In particular, we will use information in relation to:

your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities;  
your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work, to pay you benefits, to comply with our legal obligations under employment law including to make reasonable adjustments and to look after your health and safety; and  
your trade union membership to pay any subscriptions and to comply with our legal obligations in respect of trade union members.

We do not take automated decisions about you, using your personal data or use profiling in relation to you, except where the automated/profiling decision:

Is necessary for the entering into or performance of a contract between the Company and you;  
Is authorised by law, or you have given your explicit consent.

### Sharing your personal data

Sometimes we might share your personal data with group companies or our contractors and agents to carry out our obligations under our contract with you or for our legitimate interests.

We require those companies to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions. This include **payroll**, timesheets, clocking in/out reports,acu2 forms and payslips.

We do not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

Further information on your rights and a helpline number can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)).