

# ABC Teachers' Data Retention Policy

<b>Company name:</b>	ABC Teachers ('the Company')
<b>Company contact details:</b>	DPO for the Company - Simon Trenholm Data Controller for the Company - Emma Matthews
<b>Topic:</b>	Data protection
<b>Date:</b>	May 2018
<b>Version:</b>	1.1

The Company is a recruitment business which provides work-finding services for our clients and work-seekers. The Company must process personal data (including sensitive personal data) so that we can provide these services – in doing so, the Company acts as a data controller.

You may give your personal details to the Company directly, such as on an application or registration form or via our website, or we may collect it from another source such as a jobs board. The Company must have a legal basis for processing your personal data. For the purposes of providing you with work-finding services and/or information relating to roles relevant to you, we will only use your personal data in accordance with the terms of the following statement.

## 1. Collection and use of personal data

### a. Purpose of processing and legal basis

The Company will collect your personal data (which may include sensitive personal data) and will process your personal data for the purposes of providing you with work-finding services. The legal bases we rely upon to offer these services to you are:

- Processing is necessary for carrying out the data controller's obligations under employment, social security or social protection law, or a collective agreement, providing for appropriate safeguards for the fundamental rights and interests of the individual. This is on the understanding that you may be entering into a contract with us to provide work-finding services to you.

### b. Legitimate interest

Where the Company has relied on a legitimate interest to process your personal data our legitimate interests is/are as follows:

- The Company is an employment business, which means we have a commercial interest in finding work for our work seekers in client and non-client educational establishments.
- The Company will contact you about free training opportunities that you may be interested in attending. We have a legitimate interest to enhance the skills of our current work force, to support your professional development and help you stay at the forefront of developments in the industry. Your data will not be shared with any third-party training provider without your prior consent.
- The Company will contact you to invite you to our free social events for staff. These events give you the opportunity to network with schools and other teaching staff and widen your professional contacts. The Company has a legitimate interest to create a more engaged community of supply teachers who are loyal to the Company.

### c. Recipients of data

The Company will process your personal data and/or sensitive personal data with the following 3rd party recipients:

- Client and non-client schools and educational establishments for the process of providing work-finding services.
- The police and any child protection professionals in the event of an investigation into your conduct.
- Other companies/governing bodies/government agencies in order to carry out checks or provide services for the fulfilment of work-finding services as required.

Your personal information may be disclosed to any company within the group\*, for the purpose of processing of that personal information, using appropriately secure methods, for services being provided.

\*Any reference to the 'group' within this policy includes Tes Global and all/any of its direct or indirect UK or worldwide subsidiaries including, but not limited to, Vision for Education, Smart Teachers, ABC Teachers, Tes Prime and Smart Education (Australia) Pty Ltd.

In order to offer additional services to you, the company will, with your consent, share minimal personal data with the following 3rd party recipients:

- Educare Learning Ltd
- Team Teach

### d. Statutory/contractual requirement

Your personal data is required by law and/or is a contractual requirement (e.g. our client may require this personal data). You are obliged to provide the personal data and if you do not, the consequences of failure to provide your data are:

- The Company will be unable to find you work as our clients require this information in order to comply with their safer recruitment practices.

## 2. Data retention

The company will retain your personal data only for as long as is necessary. Different laws require us to keep different data for different periods of time.

The Conduct of Employment Agencies and Employment Businesses Regulations 2003 require us to keep work-seeker's records for at least one year from:

- (a) the date of their creation, or
- (b) the date on which we last provide you with work-finding services.

We must also keep your payroll records, holiday pay, sick pay and pensions auto-enrolment records for as long as is legally required by HMRC and associated national minimum wage, social security and tax legislation.

We retain personal information for as long as we reasonably require it for legal or business purposes. The company and group offer work-finding services including permanent placements for senior leadership positions where the length of service is significantly longer, so our data retention period is greater. With this in mind, your information will not be kept for longer than 7 years after your last day of work, or from the date you were cleared to work, whichever is longer. Please note that we may be required, in certain circumstances, to retain your information indefinitely (for example under child protection legislation). We will take all necessary steps to ensure that the privacy of information is maintained for the period of retention.

### 3. Overseas transfers

The company may only transfer the information you provide to us to countries outside the European Economic Area (EEA) for the purposes of providing you with work-finding services. We will take adequate steps to ensure the security of your information. The EEA comprises of the EU member states plus Norway, Iceland and Liechtenstein.

### 4. Your rights

Please be aware that you have the following data protection rights:

- The right to be informed about the personal data the Company processes about you;
- The right to access the personal data the Company processes about you;
- The right to rectification of your personal data;
- The right to erase your personal data in certain circumstances;
- The right to restrict processing of your personal data;
- The right to data portability in certain circumstances;
- The right to object to the processing of your personal data that was based on a public or legitimate interest;
- The right not to be subjected to automated decision-making and profiling; and
- The right to withdraw consent at any time.

### 5. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it, please contact **dpo@abc-teachers.co.uk**.

Should you wish to exercise any of the rights listed in section 4, please email **help@tes.com**.

You also have the right to raise concerns with the Information Commissioner's Office on **0303 123 1113** or at **<https://ico.org.uk/concerns/>**, or any other relevant supervisory authority should your personal data be processed outside of the UK, if you believe that your data protection rights have not been adhered to.

## Appendix A

### a) The lawfulness of processing conditions for personal data are:

1. *Consent* of the individual for one or more specific purposes.
2. *Processing* is necessary for the performance of a contract with the individual or in order to take steps at the request of the individual to enter into a contract.
3. *Processing* is necessary for compliance with a legal obligation that the controller is subject to.
4. *Processing* is necessary to protect the vital interests of the individual or another person.
5. *Processing* is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the *data controller*.
6. *Processing* is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of the individual which require protection of *personal data*, in particular where the individual is a child.

### b) The lawfulness of processing conditions for sensitive personal data are:

1. Explicit *consent* of the individual for one or more specified purposes, unless reliance on consent is prohibited by EU or Member State law.
2. *Processing* is necessary for carrying out data controller's obligations under employment, social security or social protection law, or a collective agreement, providing for appropriate safeguards for the fundamental rights and interests of the individual.
3. *Processing* is necessary to protect the vital interests of the individual or another individual where the individual is physically or legally incapable of giving *consent*.
4. In the course of its legitimate activities, processing is carried out with appropriate safeguards by a foundation, association or any other not-for-profit body, with a political, philosophical, religious or trade union aim and on condition that the *processing* relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without the *consent* of the individual.
5. *Processing* relates to *personal data* which are manifestly made public by the individual.
6. *Processing* is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
7. *Processing* is necessary for reasons of substantial public interest on the basis of EU or Member State law which shall be proportionate to the aim pursued, respects the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the individual.
8. *Processing* is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of EU or Member State law or a contract with a health professional and subject to the necessary conditions and safeguards.
9. *Processing* is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare and of medicinal products or medical devices, on the basis of EU or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the individual, in particular professional secrecy.
10. *Processing* is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard fundamental rights and interests of the individual.