**PRIVACY NOTICE FOR EMPLOYEES, WORKERS AND CONTRACTORS**

**Introduction**

Welcome to Hatchers Solicitors LLP’s (“the Company”) Privacy Notice for employees, workers and contractors.

The Company is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the UK General Data Protection Regulation (UK GDPR).

It applies to all employees, workers and contractors.

Contents

* Purpose
* Data Protection Principles
* The kind of information we hold about you
* How your information is collected
* How we will use information about you
* Situations in which we will use your personal information
* Consent
* Criminal Convictions
* Data Security
* Data Retention
* Individual’s Rights
* Privacy Manager

**Purpose of this Privacy Notice**

Hatchers Solicitors LLP is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers and contractors. This notice does not form part of any contract of employment or 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 retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing 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**

We will comply with data protection law. This says 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.
6. Kept securely.

**The kind of information 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 "special categories" of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation.

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

|  |  |
| --- | --- |
| **Identity Data** | Title, first name, maiden name, last nameUsername or similar identifierMarital statusDate of birthGenderPhotographic images e.g. ID documents such as passport or driving license.Photographic images taken at marketing/social eventsMoving video images such as CCTVSound recordings (for example, if an interview is recorded). |
| **Contact Data** | Address, email, contact phone numbers |
| **Next of Kin Data** | Emergency contact information |
| **Financial Data** | National Insurance numberBank account detailsPayroll records and tax status informationSalaryAnnual leavePension and benefits informationInsurance information (in relation to using a car for Business Purposes) |
| **Recruitment Data** | Application forms/CV’s and covering lettersCopies of ‘right to work’ information.Professional qualifications and/or other references |
| **Employment Data** | Start date (and if different, the date of your continued employment)Job titleLocation of workWorking hoursAnnual leaveLeaving date and reason for leaving.Regulatory information such as:* Ongoing complaints about you made to your regulatory body
* Details of any disciplinary action taken against you by your regulatory body

Compensation data |
| **Training, Development and performance Data** | Training recordsProfessional membershipsPerformance/appraisal information |
| **Technical Usage Data** | Log in dataInformation about your use of our information and communication systems.Data obtained through use of Salto Key cards. |
| **Disciplinary and Grievance Data** | Information relating to any disciplinary investigations, hearings or appeals Information relating to grievances raised. |

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.
* Trade union membership.
* 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 employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.
* Information about criminal convictions and offences.
* Information in relation to your regulatory body, any disciplinary proceedings or ongoing complaints and closed/ongoing claims against you.

**How is your personal information collected?**

We collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

We may, with your consent, use technological tools available to us to assist in the management and administration of information. This may include tools which rely on artificial intelligence (AI) such as recording devices to record and transcribe notes of meeting with you or other third parties in relation to your employment. We will ensure that any data processed through such tools is handled in strict compliance with applicable data protection laws including the UK GDPR and the Data Protection Act 2018.

**How we will use information about you**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

* Where we need to perform the contract we have entered into with you.
* Where we need to comply with a legal or regulatory obligation.
* Where it is necessary for our 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 situations, which are likely to be rare:

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

**Situations in which we will use your personal information.**

We need all the categories of information in the list above (see ‘the kind of information we hold about you’) primarily to allow us to:

* Perform our contract with you
* Comply with our with legal and regulatory obligations
* In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests.

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground, depending on the specific purpose for which we are using your data. Please contact us if you need more details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below:

|  |  |  |
| --- | --- | --- |
| **Purpose/activity** | **Type of data** | **Lawful basis for processing**  |
| Making a decision about your recruitment or appointment | Identify dataRecruitment data | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure sound recruitment practices and that the firm has the necessary resources and skill set out achieve its business objectives) |
| Determining the terms on which you work for us | Identity dataContact dataEmployment data | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure sound recruitment practices and that the firm has the necessary resources and skill set out achieve its business objectives) |
| Checking you are legally entitled to work in the UK | Identify dataContact data | Performance of a contract with you.To comply with our legal and regulatory obligations. |
| Paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NIC’s) | Identity dataContact dataEmployment dataFinancial data | Performance of a contract with you.To comply with our legal and regulatory obligations. |
| Providing benefits: death in service cover, Aviva health insurance, Westfield Health. | Identity dataContact dataEmployment dataFinancial data | Performance of a contract with you. |
| Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties.  | Identity dataContact dataEmployment dataFinancial data | Performance of a contract with you.To comply with our legal and regulatory obligations. |
| Administering the contract we have entered into with you. | Identity dataContact dataEmployment dataFinancial data | Performance of a contract with you.To comply with our legal and regulatory obligations. |
| Business management and planning, including accounting and auditing. | Identity dataEmployment dataFinancial data | Performance of a contract with you.Necessary for our legitimate interests (for example, succession planning). |
| Conducting performance reviews, managing performance and determining performance requirements. | Identity dataContact dataEmployment dataTraining, development and performance data | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure the firm has the necessary resources and skill set to achieve its business objectives). |
| Making decisions about salary reviews and compensation. | Identity dataContact dataEmployment dataTraining, development and performance data | Performance of a contract with you.Necessary for our legitimate interests (to ensure employees are remunerated fairly and appropriately)/ |
| Assessing qualifications for a particular job or tasks, including decision about promotions. | Identity dataContact dataEmployment dataTraining, development and performance data | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure the firm has the necessary resources and skill set to achieve its business objectives) |
| Gathering evidence for possible grievance or disciplinary hearings. | Identity dataContact dataEmployment dataTechnical use data | To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure that such procedures are dealt with effectively and efficiently). |
| Making decisions about your continued employment or engagement. | Identity dataContact dataEmployment dataFinancial data | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure the firm has the necessary resources and skill set to achieve its business objectives) |
| Making arrangements for the termination of our working relationship. | Identity dataContact dataEmployment dataFinancial data | Performance of a contract with you.To comply with our legal and regulatory obligations. |
| Education, training and development requirements. | Identity dataContact dataEmployment dataTraining, development and performance data | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure the firm has the necessary resources and skill set to achieve its business objectives) |
| Dealing with legal disputes involving you, or other employees, workers, contractors, including accidents at work. | Identity dataContact dataEmployment dataInformation about your health | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure that legal disputes are dealt with effectively and efficiently). |
| Ascertaining your fitness to work. | Identity dataContact dataEmployment dataInformation about your health | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure the firm has the necessary resources and skill set to achieve its business objectives) |
| Managing sickness absence. | Identity dataContact dataEmployment dataInformation about your health | Performance of a contract with you.To comply with our legal and regulatory obligations. |
| Complying with health and safety obligations. | Identity dataContact dataEmployment dataInformation about your health | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure the safety and well-being of our employees) |
| To prevent fraud. | Identity dataContact data | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to safeguard the firm from loss of assets – financial or otherwise). |
| To monitor your use of our information and communication systems to ensure compliance with our IT Policies. | Identity dataContact dataTechnical Use data | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure the security of the firm’s information assets). |
| Network and information security, including preventing unauthorised access to computer/ electronic communications systems and preventing malicious software | Identify dataContact dataTechnical Use data | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure the security of the firm’s information assets). |
| To conduct data analytics studies to review and better understand employee retention and attrition rates. | Identity dataContact dataEmployment data | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to ensure the firm has the necessary resources and skill set to achieve its business objectives) |
| Equal opportunities monitoring. | Identity dataContact dataEmployment dataInformation about your race, ethnicity, religious beliefs, sexual orientation.Information about your health and any medical conditions. | Performance of a contract with you.To comply with our legal and regulatory obligations.Necessary for our legitimate interests (to maintain status as an equal opportunities employer) |
| To administer our Staff Incentive Scheme | Identify dataContact dataEmployment dataFinancial data | Necessary for our legitimate interests (to encourage employees to introduce new business) |
| Quality standard applications and audits such as Investors in People, Lexcel and CQS | identity dataContact dataEmployment dataTraining, development and performance data | To comply with our legal and regulatory obligations. |
| To administer our Conveyancing Panel applications and membership. | identity dataContact dataEmployment dataTraining, development and performance data. | To comply with our legal and regulatory obligations. |
| To carry out pre-employment screening checks and annual checks during your employment with us. | Identity dataContact dataEmployment data | Performance of a contract with you.To fulfil our legal and regulatory obligations in relation to Anti Money Laundering Regulations and Finance Crime. |

**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).

**Change of purpose**

We 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.

**How we use particularly sensitive personal information**

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

* In limited circumstances, with your explicit written consent.
* Where we need to carry out our legal obligations or exercise rights in connection with employment.
* Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.
* Where it is necessary to protect you or another person from harm.

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. We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

**Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

* We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
* We will use information about 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 and to administer benefits including statutory maternity pay, statutory sick pay, pensions and permanent health insurance.
* We will use information about your race or national 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 accordance with our written policy 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 data. 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 contract 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. This will usually be where such processing is necessary to carry out our obligations and provided, we do so in line with our Data Protection Policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary 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.

We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

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.

The following table sets out the situations in which we process information about criminal convictions:

|  |  |  |
| --- | --- | --- |
| **Purpose/Activity**  | **How the information is processed** | **Lawful basis for processing** |
| To carry out pre-employment screening checks and annual checks during your employment, | DBS check carried out in house through Atlantic Data Ltd. Results of the DBS check are sent directly to the employee who is obliged to inform the CQS Senior Responsible Officer (SRO) of any criminal convictions. | To comply with our legal and regulatory obligationsNecessary for our legitimate interests (for risk management purposes). |
| To add relevant members of staff to the firm’s Conveyancing Quality Scheme (CQS) Accreditation | DBS check carried out in house through Atlantic Data Ltd. Results of the DBS check are sent directly to the employee who is obliged to inform the CQS Senior Responsible Officer (SRO) of any criminal convictions. | To comply with our legal and regulatory obligationsNecessary for our legitimate interests (for risk management purposes). |

Where appropriate, we may 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.

**Data sharing**

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

If we do, you can expect a similar degree of protection in respect of your personal information.

**Why might you share my 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" includes third-party service providers (including contractors and designated agents)

The following activities are carried out by third-party service providers:

|  |  |
| --- | --- |
| **Third party service provider** | **Activity** |
| ABC | Printer/photocopier services and support |
| Access | IT services and support |
| Access Workspace | Online Compliance Training provider |
| Access Workspace Training | Compliance Software provider |
| Atlantic Data | DBS check |
| Connexis | Telephone services and support |
| Conveyancing Quality Scheme (CQS) | Quality Standard Administration |
| Credit safe | Pre-employment screening checks |
| Hatchers Insurers | Insurance |
| Investors in People | Quality Standard Administration |
| Lender Exchange | Conveyancing Panel Membership |
| Lexcel | Quality Standard Administration |
| LMS | Conveyancing Panel Membership |
| MBL Seminars  | Training Providers |
| NEST | Pension Administration |
| Other Mortgage Lenders | Conveyancing Panel Membership |
| Review Solicitors | Client feedback services |
| Solicitors Regulation Authority | Regulatory obligations e.g. Practising Certificates |
| SOS Connect | Case Management service provider |
| Speak IT | Digital and voice recognition software |
| Staffology HR and Payroll | Cloud HR and payroll software |
| The Law Society | Regulatory obligations |
| The SRA | Regulatory obligations |
| Thirdfort | Employee screening ID checks |

**How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

**What about other third parties?**

We may 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. This may include making returns to HMRC for example.

**Transferring information outside the EU**

We will not transfer personal information we collect about you to any country outside the EU.

**Data security**

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

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 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. Details of these measures may be obtained from the Privacy Manager.

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. Details of retention periods for different aspects of your personal information are available in our retention policy which is set out in the firm’s Data Protection Manual or available from the Privacy Manager.

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 our data retention policy.

**Rights of access, correction, erasure, 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 erasure** 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 where we are processing 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 want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Privacy Manager in writing.

**No fee usually required**

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.

**What we may need from you**

We may need to 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 Privacy Manager. 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.

**Privacy Manager**

We have appointed a Privacy Manager 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 Privacy Manager whose details are below:

**Emma Jones, Data Privacy Manager**

**e.jones@hatchers.co.uk** **or** **dataprotection@hatchers.co.uk**

**01743 248545**

You 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.