



WILSON JAMES LTD

AGENCY WORKER PRIVACY NOTICE

23rd September 2020

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AGENCY WORKER PRIVACY NOTICE

Title	AGENCY GDPR Privacy Notice	Date Issued	Sep-20
Owner	The Data Protection Officer	Date Reviewed	July - 21
Scope	This privacy notice applies to agency workers engaged by Wilson James and should be served up when their information is captured.		

About Us

Wilson James Ltd (or 'Us') is registered in England, with the trading address: Chalkwell Lawns, 648-656 London Rd, Westcliff on Sea, Essex, SSO 9HR. For the purposes of the General Data Protection Regulation (GDPR), Wilson James Ltd is a data controller with respect to the personal data that you provide to us.

Wilson James is committed to respecting and protecting your privacy. Questions and comments about this privacy notice are welcomed. These, and any enquiries about the processing of your personal data should be directed to dataprotection@wilsonjames.co.uk in the first instance.

What is Personal Data?

The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified by reference to data items such as: name, contact details, unique identification numbers, location data or online identifiers.

Special Categories of Personal Data

GDPR refers to sensitive data as 'special categories' of personal data. Special categories are racial and ethnicity information, political or religious beliefs, trade-union membership, genetic and biometric data, health information and anything concerning an individual's sex life.

How Wilson James uses your information

In order to employ you through your agency, Wilson James needs to collect personal data about you. This is required to provide duty of care to you, to comply with employment law and to enable the fulfilment of any contract that may exist between Wilson James and yourself, or your agency. Failure to provide the required information in a timely manner may result in Wilson James being unable to provide you with employment through your agency.

Wilson James will process – that means collect, store and use – the information you provide in a manner that is compatible with the GDPR. Wilson James will endeavour to keep your information accurate and up to date and not keep it for longer than is necessary. In some instances, the law sets the length of time information must be kept, but in most cases, Wilson James uses a set of retention rules to ensure that data is not retained any longer than to fulfil the purpose for which it has been collected. These retention rules are contained within the Document Control Standard Operating Procedure.

The aim is not to be intrusive, and Wilson James will not ask irrelevant or unnecessary questions. Moreover, the information you provide will be subject to rigorous measures and procedures to minimise the risk of unauthorised access or disclosure. These measures are described in the Wilson James Information Security Policy and the Data Protection Policy.

What information Wilson James may collect from you

Under the lawful basis of legal obligation, Wilson James may collect the following information:

- Medical information or information on any ongoing condition
- Proof of right to work in UK

A summary of these legal obligations:

- To enable Wilson James to comply with statutory requirements around statutory leave
- To assist us in considering any “reasonable adjustments” that are required in the workplace
- To enable verification of your right to work in the UK in accordance with Home Office regulations.

Health related information is a ‘special category’ of data and as such there is a second lawful basis for the processing of this data: processing is necessary for the purposes of occupational medicine, for the assessment of the working capacity of the employee.

Under the lawful basis of legitimate interests, Wilson James may collect the following information:

- Personal information such as national insurance number, name, address and contact details
- Email correspondence between staff members and clients
- Relevant qualifications relating to the role requirements
- To manage the workforce operations for example, the use of information on rotas and timesheets
- CCTV footage – for security purposes at Wilson James offices and sites
- Biometrics – fingerprint and facial recognition for payment processing of timesheets

A summary of these legitimate interests:

- To enable an up-to-date record of your details as required, for communication purposes and to maintain a duty of care to you
- To maintain a record of business communications
- To ensure that you meet the qualification requirements of the role
- To be able to identify staff and protect their safety at all Wilson James and client sites

In addition to the above, Wilson James also collects data on equality and diversity, including ethnicity, religion, and sexual orientation - it is entirely optional whether you provide this information if, for example, you would like Wilson James to facilitate prayer times within the shift rotas for the role. Where this information is gathered, it may also be compiled into anonymised statistics to provide insight and promote the rich diversity of the Wilson James workforce.

Where the information we process is special category data, for example your Biometric data, the additional bases for processing that we rely on are:

- Article 9(2)(b) which relates to carrying out our obligations and exercising our rights in employment and the safeguarding of your fundamental rights. In addition, we rely on the processing condition at Schedule 1 part 1 paragraph 1 of the DPA 2018.

Disclosure of your personal data

Wilson James may pass your personal data on to our service providers for example training providers and occupational health professionals who are contracted to Wilson James while dealing with you. These service providers are obliged to keep your details secure and use them only for the specific services that they provide to you, on our behalf. Once this service need has been satisfied or the case has been closed, they will dispose of the details in line with Wilson James' retention procedures.

In addition to this, Wilson James provides staffed services to end-clients. In circumstances where your resource forms part of such a service, your name and a sub-set of your employee file will be provided to those end clients so that you can be identified and work effectively on those client sites. Depending on your role, Wilson James may also contact licensing organisations or aviation screening authorities or pass certain information to suppliers such as uniform, vehicle or equipment providers.

Your rights

You have the right to access information held about you. You have a right to request a copy of the personal data you have provided, to be sent to you or other parties in machine readable format (data portability). Where there are any changes to the purposes for which your data is processed, or any changes to the way in which your personal data is disclosed, you have a right to be informed of these changes. Wilson James will do this by contacting you with the relevant information in a timely and transparent manner.

You have the right to ask for your personal data to be rectified where there is an inaccuracy and you have the right to ask for your personal data to be erased, where there is no overriding legal basis for it to be retained. You have the right to ask for your data not to be processed for marketing purposes and where any processing of personal data is carried out based on your consent, you have the right to withdraw that consent as easily as it was given.

You have the right to object to decisions Wilson James has taken about the processing of your personal data and where you believe Wilson James has contravened the General Data Protection Regulations, you have the right to lodge a complaint with the Information Commissioner's Office.

You have the right to request that processing of your personal data is restricted, where there is an objection or request for rectification pending, or where you require data that would otherwise be deleted to be retained, for example for the defence of legal claims.

You also have the right to request meaningful information about the logic involved in any automated decision-making or profiling processes. Although Wilson James do not have any such internal processes, automated services are used as part of the employee screening process, such as Credit Checks, Counter Terrorism Checks, and the Disclosure Barring Service.

For any questions about, or to exercise any of your rights as a data subject, please contact dataprotection@wilsonjames.co.uk