



## **GDPR PRIVACY NOTICE FOR EMPLOYEES, WORKERS, CONTRACTORS AND CANDIDATE PROCESSING**

Berton Group UK Limited (“Berton”) 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 GDPR. Berton 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.

If you have any questions about this privacy notice or how we handle your personal information please contact us via [team@efespremium.co.uk](mailto:team@efespremium.co.uk).

### **1. Applicability**

This notice applies to current and former employees, workers, contractors and for candidate processing. This notice does not form part of any contract of employment, worker agreement 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. This privacy notice will inform you about how we collect your personal data, what we collect, how we use it, when and to whom we may disclose it and for how long we store it (collectively, processing). It also tells you about your privacy rights including how you can access, amend, correct and in some cases delete your information.

### **2. 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). On rare occasions, there may be special categories of more sensitive personal data, which require a higher level of protection.

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

- Personal contact details such as name, title, addresses, telephone numbers, personal email addresses, date of birth, gender, marital status and dependants, next of kin and emergency contact information, National Insurance number, bank account details, payroll records and tax status information, salary, annual leave, pension and benefits information, start date and, if different, the date of your continuous employment, leaving date and your reason for leaving, location of employment or workplace, and copy of driving licence.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships).
- Compensation history, performance information, disciplinary and grievance information.

- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.
- Photographs.
- Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied.

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.

Your personal information does not include personal information where identifiers that associate that data with you have been removed. We term this anonymous data. Aggregated data could be derived from your personal information but is not considered personal information in law as this data will not directly or indirectly reveal your identity. We may collect, use and share aggregated data such as statistical or demographic data for any purpose.

### **2.1. How is your personal information collected?**

We collect personal information about employees, workers and contractors 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, personal referees, credit reference agencies, medical professionals, or other background check agencies. Other members of staff, clients or customers may also provide us with information about you.

We will collect additional personal information in the course of job-related activities throughout the period you are working for us. It is important that your personal information is accurate and up to date. Please keep us informed if your personal information changes during your engagement.

### **3. 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:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.

3. 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:

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

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

We need all the categories of information in the list above (see Section 2) primarily to allow us to perform our contract with you and to enable us to comply with legal 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. The situations in which we will process your personal information are listed below in section 3.5.

### **3.2. 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:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
4. Where it is needed to assess your working capacity on health grounds, subject to the appropriate confidentiality safeguards.

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.

### **3.3. Our obligations as an employer or party engaging a worker/contractor**

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

1. 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.
2. 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.

3. 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.

### 3.4. 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.

### 3.5. How we process your personal information

Situation	Performance of Contract	Legal Obligations	Berton's Legitimate Interests	[For special categories of data] To exercise or perform employment law rights or obligations
1. Administering the contract, we have entered with you.	X			X
2. Assessing qualifications for a specific job or task, including decisions about promotions.			X	
3. Business management and planning, including accounting and auditing.		X	X	X
4. Checking you are legally entitled to work in the UK.	X	X	X	
5. Complying with health and safety obligations.		X		X
6. Conducting performance reviews, managing performance and determining performance requirements.			X	
7. Dealing with legal disputes involving you, or other		X	X	X

employees, and casual employees, including accidents at work.				
8. Determining the terms on which you work for us.			X	
9. Education, training and development requirements.			X	
10. Equal opportunities monitoring.		X	X	X
11. Gathering evidence for possible grievance or disciplinary hearings.			X	X
12. Liaising with your pension provider.	X	X		
13. Making a decision about your recruitment.			X	(if criminal background check required)
14. Making arrangements for the termination of our working relationship.			X	
15. Making decisions about salary reviews and compensation.			X	
16. Making decisions about your continued employment or engagement.			X	
17. Managing sickness absence.			X	X
18. Paying you and, if you are an employee, deducting tax and National Insurance contributions.	X	X		
19. Providing you with benefits.	X			X
20. To ensure network and		X	X	

information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.				
21. To monitor your use of our information and communication systems to ensure compliance with our policies and procedures.			X	
22. To prevent fraud.		X	X	

Some of the above grounds for processing will overlap and there may be several grounds, which justify our use of your personal information.

### **3.5. Statutory requirement to provide your personal information**

In some circumstances, the provision of your personal information is a statutory requirement. This includes:

- Documentation confirming your right to work in the UK – if you don't provide this, we may not be able to enter into a contract with you, or we may need to terminate your contract.
- Statutory information you must provide to us if you wish to take maternity, paternity, adoption, shared parental or parental leave, or claim statutory payments in relation to such leave. If you don't provide this, we may not be able to comply with our legal obligations and / or provide relevant benefits to you.
- When there is a client or statutory requirement for criminal record checks, the results must be satisfactory. If the results are not satisfactory, we may not be able to enter into a contract with you, or we may need to terminate your contract.

### **3.6. 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).

### **3.7. 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.

#### **4. 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 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. Where appropriate, we will 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.

#### **5. 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. We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

##### **5.1. 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.

We may share your personal information with the following third parties:

- **Affiliates:** We share your personal information with affiliated legal entities within the Berton family of companies for internal administrative purposes and uses that are consistent with this Notice such as administration of your employment contract and business and management reporting.
- **Business services providers:** We may share your personal information with third-party business services providers who perform services on our behalf or for your benefit, such as for payroll processing, pensions administrators, IT service providers including hosting providers; and those involved in providing benefits in connection with your employment or engagement.
- **Professional advisors:** We may share your personal information with our professional advisors, including our legal and accountancy service providers, auditors and insurance brokers.
- **Legal process and safety:** Legal or government regulatory authorities as required by applicable law such as tax authorities and industry regulators — for example, HMRC, the Home Office (for sponsored employees), the HSE — to fulfil our legal obligations and to assist them in fulfilling their regulatory functions.
- **Business transfers:** Your personal information may be disclosed as part of a corporate business transaction, such as a merger, acquisition, joint venture, or financing or sale of company assets, and could be transferred to a third party as one of the business assets in such a transaction. It may also be disclosed in the event of insolvency, bankruptcy or receivership.

- Health professionals and occupational health providers: This includes third parties who provide our occupational health services and health insurance programmes.
- Public: For business promotion, we may share details of your name, work location, professional memberships and qualifications, and photographs of you.
- Other third parties as necessary to comply with the law or with your permission.

### **5.2. Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, Time recording systems and IT services.

We will share personal data regarding your participation in any pension arrangement operated by a group company with the scheme managers of the arrangement in connection with the administration of the arrangements.

### **5.3. 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.

### **5.4. When might you share my personal information with other entities in the group?**

We will share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.

### **5.5. 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 or a TUPE transfer. 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, disclosures to stock exchange regulators, and disclosures to shareholders such as directors' remuneration reporting requirements.

## **6. 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.

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.

## **7. Data retention**

### **7.1. 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 which are also available in our data protection policy, are as follows:

<u>Type of records</u>	<u>Retention period</u>
Wage/salary records	6 years
Retirement benefit schemes	6 years

In addition, our non-statutory retention periods include but are not limited to the following:

<u>Type of records</u>	<u>Retention period</u>
Job applications/CVs (unsuccessful applicants)	1 year
Personnel files	6 years after employment ceases

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 protection processes.

## **8. Rights of access, correction, erasure, and restriction**

### **8.1. Your rights in connection with personal information**

Under certain circumstances, by law, you have the right to:

1. 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.
2. 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.
3. Request the erasure of your personal information. This enables you to ask us to delete or remove personal information if:
  - it is no longer necessary for the purposes for which we obtained it;
  - you withdraw your consent, and we have no other legal basis for the processing;
  - you validly object to the processing as described below;
  - we have unlawfully processed the data; or
  - we must delete the data to comply with a legal obligation.
4. 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. We will only then continue the processing if we have overriding legitimate grounds for this, or if the processing is to establish, exercise or defend legal claims. You also have the right to object where we are processing your personal information for direct marketing purposes.
5. Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you if:
  - you contest the accuracy of the data (for a period that enables us to check it);
  - our processing is unlawful, but you don't want the data deleted;
  - we no longer need the data, but you require it to establish, exercise or defend legal claims; or
  - you have objected (as above) and are awaiting confirmation as to whether we have overriding legitimate grounds for processing.
6. Request the transfer of your personal information to another party. If our processing is based on your consent or is necessary to carry out our contract with you and is carried out by automated means, you can request a copy of the personal information you have provided to us and the transfer of this to someone else. Where technically feasible, you can ask us to transfer it directly.

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 [team@efespremium.co.uk](mailto:team@efespremium.co.uk) in writing.

## **9.2. 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.

### **9.3. 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.

### **10. 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 [team@efespremium.co.uk](mailto:team@efespremium.co.uk). 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.

### **11. 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.

If you have any questions about this privacy notice, please contact [team@efespremium.co.uk](mailto:team@efespremium.co.uk).