

## CONTRACTOR PRIVACY NOTICE

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### 1 ABOUT THIS NOTICE

- 1.1 We take your privacy seriously. In this notice, you can find out more about your privacy rights and how we gather, use and share personal data about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (EU) 2016/679, as well as other data protection and privacy laws and separate UK data protection law as may be updated or replaced from time to time.
- 1.2 It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using such information. We will update this notice if we make any significant changes affecting how we use your personal data, and if so we will contact you to let you know about the change.
- 1.3 This notice does not form part of your contract and it may be amended at any time.

### 2 ABOUT US

- 2.1 We are what is known as the 'controller' of personal data we gather and use. When we say 'we' or 'us' in this notice, we mean the Imagile Group.
- 2.2 The Data Protection Officer is responsible for this notice and for ensuring it is kept up to date. If you have any queries regarding the information in this notice, the Data Protection Officer can be contacted at: [GDPR@imagilegroup.com](mailto:GDPR@imagilegroup.com).

### 3 YOUR PRIVACY RIGHTS

- 3.1 You have various rights in respect of the personal data we hold about you – these are set out in more detail below. If you wish to exercise any of these rights, or for more information about your rights, please contact the Data Protection Officer:
  - **Right to object:** You can object to our processing of your personal data where we are relying on a legitimate interest (or the legitimate interests of a third party) to process your personal data and there is something about your particular situation which makes you want to object to processing on this ground. Please contact us as noted above, providing details of your objection.

- **Access to your personal data:** You can request access to a copy of your personal data that we hold, along with information on what personal data we use, why we use it, who we share it with, how long we keep it for and whether it has been used for any automated decision making. You can make a Subject Access Request free of charge. Please make all requests for access in writing, and provide us with evidence of your identity.
- **Consent:** Most of the time, we won't need your consent to use your personal data as we will be using it only to fulfil our obligations and exercise our rights as an employer. There are limited circumstances where we may ask for your consent to process your information. Where you have given us your consent to use personal data, you can withdraw your consent at any time.
- **Rectification:** You can ask us to change or complete any inaccurate or incomplete personal data held about you.
- **Erasure:** You can ask us to delete your personal data where it is no longer necessary for us to use it, you have withdrawn consent, or where we have no lawful basis for keeping it. Please be aware that we will be under some legal obligations to retain contractor records for a certain period after the expiry of the contract between us - please see paragraph 12 below for more information. Where we are required by law to keep certain information, we will be unable to delete such information.
- **Portability:** You can ask us to provide you or a third party with some of the personal data that we hold about you in a structured, commonly used, electronic form, so it can be easily transferred to you or a third party.
- **Restriction:** You can ask us to restrict the personal data we use about you where you have asked for it to be erased or where you have objected to our use of it.

**No automated decision-making:** Automated decision-making takes place when an electronic system uses personal data to make a decision without human intervention. You have the right not to be subject to automated decisions that will create legal effects or have a similar significant impact on you, unless you have given us your consent, it is necessary for a contract between you and us or is otherwise permitted by law. You also have certain rights to challenge decisions made about you. We do not currently carry out automated decision-making in the course of you working with us, but we will notify you in advance if this changes.

## 4 WHAT KINDS OF PERSONAL DATA WE USE

4.1 In the course of our contractual relationship with you, we may collect, store, and use the following categories of personal data about you:

- Personal contact details such as name, title, address, telephone numbers, and email addresses
- Information about your qualifications and training
- Career and working history information (CV and records of professional memberships)

- Bank account details
- Information about your appointment (project details, role details, start date and end date, location)
- Information provided to us following a Disclosure and Barring Service (**DBS**) check or other security checks
- Where you are appointed via Constructionline, information provided to us by Constructionline that you have provided to them or which they have obtained about you in connection with your membership with them
- CCTV footage where you are working on a site covered by CCTV (for further information, please see paragraph 9 below)

4.2 Some kinds of personal data are given special protection by the law – these are called 'special categories' of personal data. We may sometimes collect, store and use the following types of 'special category' personal data:

- information about your race or ethnicity (for equalities and diversity monitoring purposes) information about your health, including any medical condition, health and sickness records (for recording any absences, accidents or for making adjustments to working environments)

Further information about our processing of your 'special category' personal data is set out in paragraph 7 below.

## 5 HOW WE GATHER YOUR PERSONAL DATA

We will obtain your personal data in different ways:

- directly from you, for example when you fill out a form;
- where you are appointed via Constructionline, from Constructionline;
- during the appointment process, from our DBS check provider (Verifile); and
- from CCTV cameras on site (if applicable to the site you are working at).

## 6 HOW WE USE YOUR PERSONAL DATA

6.1 To summarise, we process your personal data for the following key purposes:

- primarily, so that we can fulfil our contractual obligations and legal obligations to you, and to exercise our legal rights;
- to comply with our legal obligations and regulatory requirements which we are subjected to; and

- to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests, or where necessary to protect the interests of you or others.

## **7 HOW WE USE PARTICULARLY SENSITIVE PERSONAL DATA**

- 7.1 Special protection is given to certain kinds of personal data that is particularly sensitive. This is information about your health status, racial or ethnic origin, political views, religious or similar beliefs, sex life or sexual orientation, genetic or biometric identifiers, trade union membership or criminal convictions or offences.
- 7.2 Any use by Imagile Group of special categories of personal data is primarily to comply with our legal obligations (including regulatory requirements and in respect of health and safety), for equal opportunity monitoring, and to manage sickness absence records and accident records.
- 7.3 We may also process special categories of personal data about you for the following key purposes:
- we may require to process special categories of information about you in the establishment, exercise or defence of legal claims (for example, in the context of an insurance claim following an accident on site); and
  - for reasons of substantial public interest (for example, where such processing is required to monitor equal opportunities).
- 7.4 We may also be required to process information about any criminal convictions you may have when conducting DBS checks.

## **8 IF YOU FAIL TO PROVIDE PERSONAL DATA**

In some cases, if you fail to provide information when requested, we may not be able to perform the contract we have entered into with you fully, or we may be prevented from complying fully with our legal obligations. This could have consequences in terms of your continued appointment with us.

## **9 CCTV**

- 9.1 If you work on a site which has CCTV cameras, please be aware that these cameras will record images (and in some cases audio) of you while you are working on site. There will be signs displayed at the site informing you about the presence of CCTV cameras.
- 9.2 CCTV footage of you may be shared with the police if required for the prevention or detection of crime. CCTV footage of you may also be used as evidence in connection with any legal claim which we may be exercising or defending.
- 9.3 You can request a copy of CCTV footage of you under your rights to access personal data, as set out in paragraph 3.
- 9.4 We will generally only retain CCTV footage for 28 days, except in circumstances described in paragraph 9.2 above.

9.5 If you have any queries concerning our use of CCTV on site, please contact the Data Protection Officer.

## 10 OUR LEGAL BASIS FOR USING YOUR PERSONAL DATA

10.1 We only use your personal data where it is permitted by the laws that protect your privacy rights.

10.2 Our legal basis for processing your personal data will be:

- to comply with legal obligations (for example, conducting DBS checks and checking your qualifications and professional history to ensure your suitability for appointment)
- to comply with our contract with you (for example, using your bank details to pay you, or your contact details to contact you with information about your appointment)
- to exercise or defend ourselves in connection with a legal claim (for example, accident reports and CCTV footage of you when pursuing an insurance claim)
- in the pursuit of our legitimate interests or the legitimate interests of a third party (for example, keeping your contact details on a database accessible by all the parties involved in a project, and checking your qualifications and professional history to ensure your suitability for appointment)
- for the prevention and detection of crime (for example, sharing CCTV footage of you with the Police)

10.3 We do not need your consent to use your personal data where the law otherwise allows us to use it. In limited circumstances, we may approach you for your consent to allow us to process certain personal 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 consider whether you wish to consent. You have no obligation to give consent if you are asked for it, and if you do give consent you may withdraw it at any time.

## 11 SHARING YOUR PERSONAL DATA WITH OTHERS

11.1 We will share your personal data with third parties where required by law, or where it is necessary to administer the working relationship with you or where we or the third party has a legitimate interest and it is fair and reasonable in the circumstances to share the information. We will only share your personal data to the extent needed for those purposes.

11.2 We share personal data for these purposes with:

- third parties involved in the project you are appointed to work for, as required for the legitimate business interests of ensuring parties responsible for the project or which have invested in the project have oversight of who is working on the project and assurance that all appointed contractors are suitably qualified;
- companies within the Imagile Group, as required for the legitimate business interests of other companies within the Imagile Group;
- our insurers and professional advisers in the event of an insurance or other legal claim;

- law enforcement agencies in the event that any of the information held about you requires to be used by them for the prevention and detection of crime; and
- our external service providers that process your data for us on our behalf, including our external IT service providers who may store your information on our behalf.

## 12 RETENTION OF YOUR PERSONAL DATA

12.1 We will never retain your personal data for any longer than is necessary for the purposes we need to use it for. Our general data retention procedures are set out in our Information Retention Policy, which can be made available on request to the Data Protection Officer.

## 13 TRANSFERS OUTSIDE THE UK

13.1 We may need to transfer your personal data outside the UK to service providers in countries where data protection laws may not provide the same level of protection as those in the European Economic Area.

13.2 We will only transfer your personal information outside the EEA where either:

- (a) the transfer is to a country which the EU Commission has decided ensures an adequate level of protection for your personal information, or
- (b) we have put in place our own measures to ensure adequate security as required by data protection law. These measures include ensuring that your personal information is kept safe by carrying out strict security checks on our overseas partners and suppliers, backed by strong contractual undertakings approved by the relevant regulators such as the EU style model clauses.

## 14 RIGHT TO COMPLAIN

You can make a complaint to us about how we handle and use your personal data by contacting the Data Protection Officer or to the data protection supervisory authority – in the UK, this is the Information Commissioner's Office, at <https://ico.org.uk/>.

## 15 KEEPING YOU UP TO DATE

We reserve the right to change this notice at any time.