



Company Name:	Class Cover Ltd ('the Company')
Company contact details:	Kate Hool Director
Document DP5A	<b>Privacy Notice (when personal data is obtained directly from the data subject)</b>
<b>Topic:</b>	<b>Data protection</b>
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<b>Version:</b>	1

The Company is a recruitment business which provides work-finding services to its clients and work-seekers. The Company must process personal data (including sensitive personal data) so that it 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 them 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 special categories of personal data) and will process your personal data for the purposes of providing you with work-finding services. This includes for example, contacting you about job opportunities, assessing your suitability for those opportunities, updating our databases, putting you forward for job opportunities, arranging payments to you and developing and managing our services and relationship with you and our clients.

In some cases, we may be required to use your data for the purpose of investigating, reporting and detecting crime and also to comply with laws that apply to us. We may also use your information during the course of internal audits to demonstrate our compliance with certain industry standards.

The legal bases we rely upon to offer these services to you are:

- Your consent
- Where we have a legitimate interest
- To comply with a legal obligation that we have
- To fulfil a contractual obligation that we have with you

#### **b. Legitimate interest**

This is where the Company has a legitimate reason to process your data provided it is reasonable and does not go against what you would reasonably expect from us. Where the Company has relied on a legitimate interest to process your personal data our legitimate interests is/are as follows:

- To provide work seeking services

#### **c. Recipient/s of data**

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

- Clients (whom we may introduce or supply you to)
- Auditors who are assessing the compliance and processes of the Company to ensure it is adhering to all relevant legislation and good practice guidance

#### **d. Statutory/contractual requirement**

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

- We would not be able to continue to provide-work-finding services to you.

## **2. Data retention**

The Company will retain your personal data only for as long as is necessary for the purpose we collect it. Different laws may also 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 records for at least one year from (a) the date of their creation or (b) after 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.

Where the Company has obtained your consent to process your personal data/sensitive personal data, we will do so in line with our retention policy. Upon expiry of that period the Company will seek further consent from you. Where consent is not granted the Company will cease to process your personal data/and sensitive personal data.

### 3. 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 on you;
- The right of access to the personal data the Company processes on you;
- The right to rectification of your personal data;
- The right to erasure of 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.

Where you have consented to the Company processing your personal data/and sensitive personal data you have the right to withdraw that consent at any time by contacting Kate Hool by emailing [kate@classcover.com](mailto:kate@classcover.com) or by visiting [www.classcover.com](http://www.classcover.com) and downloading the Withdraw of Consent form in the policies section. Please note that if you withdraw your consent to further processing that does not affect any processing done prior to the withdrawal of that consent, or which is done according to another legal basis.

There may be circumstances where the Company will still need to process your data for legal or official reasons. We will inform you if this is the case. Where this is the case, we will restrict the data to only what is necessary for the purpose of meeting those specific reasons.

If you believe that any of your data that the Company processes is incorrect or incomplete, please contact us using the details above and we will take reasonable steps to check its accuracy and correct it where necessary.

**You can also contact us using the above details if you want us to restrict the type or amount of data we process for you, access your personal data or exercise any of the other rights listed above.**

### 4. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact: Kate Hool Class Cover Ltd. 1 Swan Court, Station Road, Pulborough, West Sussex RH20 1RL 01798 872446 OR [kate@classcover.com](mailto:kate@classcover.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/make-a-complaint/>, or any other relevant authority should your personal data be processed outside of the UK, if you believe that your data protection rights have not been adhered to.

## Annex 1

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

1. **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
2. **Contract:** the processing is necessary for the performance of a contract with the data subject or in order to take specific steps before entering into a contract.
3. **Legal obligation:** the processing is necessary for compliance with a legal obligation to which the data controller/data processor is subject to.
4. **Vital interests:** the processing is necessary to protect someone's life.
5. **Public task:** the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official functions, and the task or function has a clear basis in law.
6. **Legitimate interests:** the processing is necessary for the legitimate interests pursued by the data controller or a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

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

1. The *data subject* has given explicit consent to the processing of the *special categories of personal data* for one or more specified purposes, except where the *data subject* is not permitted or able to give consent.
2. Processing is necessary for carrying out obligations and exercising specific rights of the *data controller* or of the *data subject* under employment, social security or social protection law, in so far as it is authorised by UK law or a collective agreement, provided for appropriate safeguards for the fundamental rights and interests of the *data subject*.
3. Processing is necessary to protect the vital interests of the *data subject* or another person where the *data subject* is physically or legally incapable of giving consent.
4. Processing is carried out in the course of its legitimate activities 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 solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the *personal data* are not disclosed outside that body without the consent of the *data subject(s)*.
5. Processing relates to *personal data* which manifestly made public by the *data subject*.
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 UK law which is proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject domestic law.
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 management of health or social care systems and services on the basis of UK law or a contract with a health professional and subject to relevant 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 health care and of medicinal products or medical devices on the basis of UK law.
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 the fundamental rights and interests of the *data subject*.

# Record keeping table

## Documents to retain and for how long

All businesses must keep personnel and financial records in order to run their business efficiently and to comply with legal requirements. The type of record will determine the length of time you must keep it for.

Remember that:

- You must keep all records in accordance with [data protection laws](#). You should take extra care with 'sensitive personal data' i.e. data relating to race, ethnic origin, political or religious opinions or philosophical beliefs, trade union membership, data concerning health or a person's sex life or sexual orientation or criminal records.
- If you collect personal data, then you must register it with the [Information Commissioner's Office](#).
- You are not required to keep the original of all documents and copies can be stored electronically.
- When erasing or destroying records you must do it securely.

Document type	How long to keep for and source of requirement
<b>Personnel records</b>	
<p><a href="#">Key information documents</a></p> <p>Plus Work-seeker records including application forms, CVs, ID checks, terms of engagement (see also below), details of assignments, opt-out notices and interview notes;</p> <p>Hirer records including client details, terms of business (see below), assignment/vacancy details; and</p>	<p>One year from the last date of providing work-finding services as an Employment Agency or Employment Business as defined in the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (the "Conduct Regulations")</p> <p>Please note, there is no legal obligation to keep records where you take no action in relation to an application.</p> <p>For full details please see the <a href="#">REC Guide to the Conduct Regulations</a>.</p>
<p>Terms of engagement with temporary workers;</p> <p>Terms of business with clients; and</p> <p><a href="#">Written statements of particulars</a></p>	<p>Six years in order to deal with any civil action in the form of contractual claim (Limitation Act 1980) (five years in Scotland).</p> <p>Please note that this six-year period is not a minimum legal requirement but after this time has expired no contractual claim can be made. You will still have to establish why it is necessary to keep these records for data protection purposes.</p>

Document type	How long to keep for and source of requirement
Working time records: 48 hour opt out notice annual leave/holiday records	2 years from the time they were created
Annual appraisal/assessment records	No specific period - under data protection laws you should only keep records for as long as is necessary.
References	Under data protection laws, only keep records for as long as is necessary. However, the Conduct Regulations require you to keep references for 1 year following the introduction or supply of a work-seeker to a client.
Records held relating to right to work in the UK	2 years after employment or engagement has ended - must not be alterable.
<a href="#">Criminal records checks/Disclosure Barring checks</a>	<a href="#">The Disclosure and Barring Service (DBS) Code</a> requires registered bodies to handle all information provided to them by DBS, in line with the obligations under data protection laws and no longer than is necessary.
<a href="#">National Minimum Wage</a> documentation: <ul style="list-style-type: none"> <li>• Total pay by the worker and the hours worked by the worker;</li> <li>• Overtime/shift premia;</li> <li>• Any deduction or payment of accommodation;</li> <li>• Any absences e.g. rest breaks, sick leave, holiday;</li> <li>• Any travel or training during working hours and its length; and</li> <li>• Total number of hours in a pay reference period.</li> </ul>	For HMRC purposes: three years after the end of the pay reference period following the one that the records cover (National Minimum Wage Act 1998)  For a breach of contract claim: six years (5 in Scotland) in order to show that you have paid at least national minimum wage rates.
<a href="#">Sickness records</a> - statutory sick pay	You must keep records for payroll purposes but you can do this in the way best suited to your business.
<a href="#">Statutory maternity, paternity, adoption @Y</a>	Three years from the end of the tax year to which it relates
Pensions auto-enrolment (including auto-enrolment date, joining date, opt in and opt out notices, contributions paid)	Six years except for opt out notices which should be kept for four years. For further information please see <a href="#">The Pensions Regulator's detailed guidance for employers.</a>
<a href="#">Gender pay gap reporting</a>	One year (but the statement must be kept on the Government website and organisation's own website for three years).

Document type	How long to keep for and source of requirement
<b>Company financial records</b>	
<b>VAT</b>	Six years -please see an <a href="#">overview of VAT record keeping on the gov.uk website.</a>
Company accounts	Six years -please see an <a href="#">overview of running a limited company on the gov.uk website.</a>
Payroll information CIS records	Three years from the end of the tax year - please <a href="#">CIS record-keeping</a> and <a href="#">PAYE record-keeping</a> guidance on the gov.uk website.
ITEPA (the intermediaries legislation) records	<p>Report due every quarter and records to be kept for no less than three years after the end of the tax year to which they relate.</p> <p>Please note that while there is no statutory requirement to keep certain records such as status determination statements, exempt company declarations etc., it is advisable to keep these for the time periods set out above in order to be able to prove compliance if necessary.</p>