

## Data protection privacy notice (employment)

This notice explains what personal data (information) we hold about you, how we collect it, and how we use and may share data about you during your employment and after it ends. We are required to notify you of this information under data protection legislation. Please ensure that you read this notice (sometimes referred to as a 'privacy notice') and any other similar notice we may provide to you from time to time when we collect or process personal data about you.

### Who collects the data

Berkson Family Law Solicitors is a 'controller' of personal data and gathers and uses certain data about you. We are not required to appoint a statutory Data Protection Officer. Responsibility for data protection compliance sits with our Data Protection Manager.

### Data protection principles

We will comply with the data protection principles when gathering and using personal data, as set out in our *Data protection (employment) policy*.

### About the data we collect and hold

The table set out below summarises the data we collect and hold, how and why we do so, how we use it and with whom it may be shared.

We may also need to share some of the categories of personal data set out with other parties, such as external contractors and our professional advisers and potential purchasers of some or all of our business or on a restructuring. Usually, data will be anonymised, but this may not always be possible. The recipient of the data will be bound by confidentiality obligations. We may also be required to share some personal data with our regulators or as required to comply with the law.

We seek to ensure that our data collection and processing is always proportionate. We will notify you of any changes to data we collect or to the purposes for which we collect and process it.

Some of our IT systems and service providers may be located outside the United Kingdom. Where personal data is transferred outside the UK, appropriate safeguards are in place, such as adequacy decisions or approved contractual safeguards, to ensure compliance with UK GDPR.

### What data

Depending on your employment status, we may collect the following data during your employment:

Category of data	Employee	Independent contractor /consultant/volunteer/intern
Your name, personal and work contact details (i.e. address, home and mobile phone numbers, email addresses)	✓	✓
Your emergency contacts (i.e. name, relationship and home and mobile phone numbers)	✓	✓
Information collected during the recruitment process that we retain during your employment	✓	

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Employment contract information	✓	
Details of salary and benefits	✓	
Bank/building society details	✓	✓
National Insurance contributions and tax information, date of birth	✓	
Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information	✓	
Details of your pension arrangements, and all information included in these and necessary to implement and administer them	✓	
Information regarding your fitness for work, and information in your sickness and absence records (including special category data regarding your physical and/or mental health)	✓	
Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs		
Criminal records data, including the results of Disclosure and Barring Service (DBS) checks in a criminal records certificate (CRC) or enhanced criminal records certificate (ECRC)	✓	✓
Information on grievances raised by or involving you (depending on the nature of the grievance this may include special category data)	✓	
Information on conduct and/or other disciplinary issues involving you (depending on the nature of the issue this may include special category data)	✓	
Details of your appraisals and performance reviews	✓	
Details of your performance management/improvement plans (if any)	✓	
Details of your time and attendance records	✓	[✓]
Information regarding your work output	✓	[✓]

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Information in applications you make for other positions within our organisation	✓	[✓]
Information about your use of our IT, communication and other systems, and other monitoring information	✓	✓
Your image, in photographic form	✓	[✓]
Your use of public social media (only in very limited circumstances, to check specific risks for specific functions within our organisation; you will be notified separately if this is to occur)	✓	[✓]
Details in references about you that we give to others	✓	[✓]

### Where data may be held

Data may be held at our offices and third-party agencies, service providers, representatives and agents as described above. We have security measures in place to seek to ensure that there is appropriate security for data.

### How long we keep your data.

We keep your data during and after your employment for no longer than is necessary for the purposes for which the personal data is processed. Further information about retention periods is set out in the Company's Retention and Disposal policy.

### Your right to object to us processing your data.

Where our processing of your data is based solely on our legitimate interests (or those of a third party), you have the right to object to that processing if you give us specific reasons why you are objecting, which are based on your particular situation. If you object, we can no longer process your data unless we can demonstrate legitimate grounds for the processing, which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.

Please contact **Adele Schofield**, email [a.schofield@berksonglobe.com](mailto:a.schofield@berksonglobe.com) or **Carole Pattinson**, email [c.pattinson@berksonglobe.com](mailto:c.pattinson@berksonglobe.com) who can be contacted if you wish to object in this way.

### Your rights in relation to your personal data

Please contact **Adele Schofield**, email [a.schofield@berksonglobe.com](mailto:a.schofield@berksonglobe.com) or **Carole Pattinson**, email [c.pattinson@berksonglobe.com](mailto:c.pattinson@berksonglobe.com) you would like to correct or request access to data that we hold relating to you or if you have any questions about this notice. You also have the right to ask **Adele Schofield** or **Carole Pattinson** some but not all of the data we hold and process to be erased (the 'right to be forgotten') in certain circumstances. **Adele Schofield** or **Carole Pattinson** will provide you with further information about the right to be forgotten, if you ask for it.

In addition, you may have the right to:

- restrict how we process your personal data in certain circumstances;

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- object to processing based on legitimate interests;
- request the transfer of your personal data to another organisation or to you, where applicable (data portability); and
- withdraw consent at any time, where processing is based on consent.

These rights are not absolute and may be subject to legal limitations.

### **Keeping your personal data secure**

We have appropriate security measures in place to prevent personal data from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal data to those who have a genuine business need to know it. Those processing your data will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

### **How to complain**

We hope that Adele Schofield or Carole Pattinson can resolve any query or concern you raise about our use of your data. If not, contact the Information Commissioner at <https://ico.org.uk/make-a-complaint/> or telephone: 0303 123 1113 for further information about your rights and how to make a formal complaint.

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### ABOUT THE DATA WE COLLECT AND HOLD

The data we collect	Whose data	How we collect the data	Why we collect or process the data (purpose)	Legal basis for processing	How we may share the data
name, contact details (ie address, home and personal mobile phone numbers, personal email address)	All (i.e. employees, workers, independent contractors, volunteers)	From you	So that we can contact you by letter, email, or phone where necessary in relation to your employment	To enter into/perform the employment contract  Legitimate interest: to maintain employment records and good employment practice	We may share this data with the emergency services if required. Otherwise, not without your consent.
Your emergency contacts (i.e. name, relationship and home and mobile phone numbers)	All	From you	In case we need to let your next of kin or emergency contact know there has been an emergency, e.g. accident or illness	Legitimate interest: to maintain employment records and good employment practice  Legitimate interest: to contact your next of kin/emergency contacts if required in case of emergency	With the emergency services if required
Your work contact details (i.e. place of work, work landline and mobile phone numbers, work email address)	Employees only	From you and our IT	For general employment purposes	To enter into/perform the employment contract  Legitimate interest: to allow workplace communications  Legitimate interest: to maintain employment records and good employment practice	With your colleagues and business contacts, e.g. suppliers, customers, clients
Details of salary and	Employees	From you	To ensure you	To perform the	With our payroll

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benefits, bank/building society, National Insurance contributions and tax information, your age	only		receive the correct pay and benefits	employment contract including payment of salary and benefits  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice	administrators Mitchell Charlesworth, bank and with HM Revenue & Customs (HMRC)
Details of invoices/fees, bank/building society details	Workers and independent contractors only	From you	To ensure you receive the correct fee for your services	To perform the contract, including payment of fees	With our bank or payroll administrators Mitchell Charlesworth
Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information	Employees only	From you and, where necessary, the Home Office	To carry out right to work checks	To enter into/perform the employment contract  To comply with our legal obligations  Legitimate interest: to maintain employment records  To carry out obligations and exercise rights in employment law  For reasons of substantial public interest (preventing or detecting unlawful acts)	With the Home Office
Details of your pension	Employees	From you, from our	To administer your pension benefits and	To perform the employment	With our pension administrators

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<p>arrangements, and all information included in these and necessary to implement and administer them</p>	<p>and workers</p>	<p>pension administrator s Mitchell Charlesworth and (where necessary) from your own pension fund administrator s</p>	<p>to comply with our pension obligations</p>	<p>contract including employment-related benefits</p> <p>To comply with our legal obligations</p> <p>Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice</p>	<p>Mitchell Charlesworth and with HMRC</p>
<p>Information regarding your fitness for work</p>	<p>Employees only</p>	<p>From you, from your doctors, from medical and occupational health professional s we engage</p>	<p>To maintain employment records, to administer statutory and contractual sick pay entitlement, to follow our policies</p> <p>To comply with our legal obligations to you as your employer</p>	<p>To comply with our legal obligations</p> <p>To perform the employment contract including contractual sick pay</p> <p>Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices</p> <p>To carry out and exercise obligations and rights in employment and social security law</p>	<p>With our payroll administrators, with your doctors, with medical and occupational health professional s we may engage</p>
<p>Information in your sickness and</p>	<p>Employees</p>	<p>From you, from your</p>	<p>To facilitate payment</p>	<p>To perform the employment</p>	<p>With your doctors, with medical and</p>

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<p>absence records (including special category data regarding your physical and/or mental health)</p>	<p>only</p>	<p>doctors, from medical and occupational health professionals we engage</p>	<p>of benefits</p>	<p>contract</p> <p>To comply with our legal obligations</p> <p>Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices</p> <p>To carry out and exercise obligations and rights in employment and social security law</p>	<p>occupational health professionals we engage</p>
<p>Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs</p>	<p>Employees only</p>	<p>From you</p>	<p>To comply with our equal opportunities monitoring obligations and to follow our policies</p>	<p>To comply with our legal obligations and for reasons of substantial public interest (equality of opportunity or treatment)</p>	<p>For further information, see * below</p>
<p>Criminal records data, including the results of Disclosure and Barring Service (DBS) checks in a criminal records certificate (CRC) or enhanced criminal records certificate (ECRC)</p>	<p>All</p>	<p>From you and the DBS</p>	<p>To assess your suitability for a role</p> <p>To carry out statutory checks</p>	<p>To perform the employment contract</p> <p>To comply with our legal obligations</p> <p>For reasons of substantial public interest (preventing or detecting unlawful acts, suspicion of terrorist financing or money</p>	<p>With DBS and other regulatory authorities as required</p>

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				laundrying in the regulated sector and protecting the public against dishonesty)	
Information relating to grievances raised by or involving you (depending on the nature of the grievance this may include special category data)	Employees only	From you, from other employees and from consultants we may engage in relation to the grievance procedure	To follow our policies and to deal with grievance matters  Where appropriate, to deal with any resulting conduct matters  For staff administration  To maintain records	To perform the employment contract  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice  To carry out and exercise obligations and rights in employment and social security law	As appropriate, with the employee(s) involved in the grievance, to the extent necessary for them to know what case they have to answer  With relevant managers, HR personnel
Information on performance and conduct and/or other disciplinary issues involving you (depending on the nature of the issue this may include special category data)	Employees only	From you, from other employees and from consultants we may engage in relation to the conduct procedure	To follow our policies and to deal with performance and disciplinary matters  For staff administration and assessment  To maintain records	To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices	As appropriate, with other employee(s) involved in the issue  With relevant managers, HR personnel and with consultants we may engage

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				To carry out and exercise obligations and rights in employment and social security law	
Details of your appraisals and performance reviews	Employees only	From you, from other employees and from consultants we may engage in relation to the appraisal/performance review process	To follow our policies and to monitor staff performance and conduct  For staff administration  To maintain records	To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices	With relevant managers,
Details of your performance management/improvement plans (if any)	Employees only	From you, from other employees	To follow our policies and to monitor staff performance and conduct  For staff administration  To maintain records	To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices	With relevant managers, HR personnel
Details of your time and attendance records	Employees only	From attendance records	For payroll purposes  For staff administration and assessment  To follow our policies and to monitor staff performance and	To perform the employment contract  Legitimate interest: to monitor and manage staff access to our systems and	With relevant managers,

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			attendance	facilities and to record staff absences	
Information regarding your work output	Employees only	From Practice Management System	For payroll purposes  For staff administration and assessment  To follow our policies and to monitor staff performance and attendance	To perform the employment contract  Legitimate interests: to maintain employment records	With relevant managers,
<b>Information in applications you make for other positions within our organisation</b>	Employees only	From you	To process the application	To enter into/perform the employment contract  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice	With relevant managers,
<b>Information about your use of our IT, communication and other systems, and other monitoring information</b>	All	Automated monitoring of our websites and other technical systems, such as our computer networks and connections, CCTV and access control	To protect and carry out our legitimate interests (see adjacent column)	Legitimate interests:  to monitor and manage staff access to our systems and facilities  to protect our networks, and personal data of employees and customers/clients, against	With relevant managers,

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		<p>systems, communications systems, remote access systems, email and instant messaging systems, intranet and Internet facilities, telephones, voicemail, mobile phone records</p>		<p>unauthorised access or data leakage</p> <p>to ensure our business policies, such as those concerning security and internet use, are adhered to</p> <p>for operational reasons, such as maintaining employment records, recording transactions, training and quality control</p> <p>to ensure that commercially sensitive information is kept confidential</p> <p>to check that restrictions on your activities that apply after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with</p> <p>for security vetting and investigating complaints and allegations of criminal offences</p> <p>to prevent unauthorised access and modifications to our</p>	
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				<p>systems</p> <p>as part of investigations by regulatory bodies, or in connection with legal proceedings or requests</p> <p><b>Monitoring is carried out in accordance with our internal IT, communications and monitoring policies, and only to the extent necessary and proportionate.</b></p>	
<b>Your image, in photographic form</b>	Employees only	From you	To protect and carry out our legitimate interests (see adjacent column)	<p>Legitimate interests: to monitor and manage staff access to our premises, systems and facilities if required</p> <p>for marketing and business development purposes</p>	With relevant managers,
<b>Details of your use of business-related social media, such as LinkedIn</b>	Employees only	From relevant websites and applications	To protect and carry out our legitimate interests (see adjacent column)	<p>Legitimate interests: to monitor and manage staff access to our systems and facilities</p> <p>to protect our networks, and personal data of employees and customers/clients, against</p>	With relevant managers,

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				<p>unauthorised access or data leakage</p> <p>to ensure our business policies, such as those concerning security and internet use, are adhered to</p> <p>for operational reasons, such as maintaining employment records, recording transactions, training and quality control</p> <p>to ensure that commercially sensitive information is kept confidential</p> <p>to check that restrictions on your activities that apply after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with</p> <p>for security vetting and investigating complaints and allegations of criminal offences</p> <p>as part of investigations by regulatory bodies, or in connection with legal proceedings or</p>	
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				requests	
Your use of public social media (only in very limited circumstances, to check specific risks for specific functions within our organisation; you will be notified separately if this is to occur)	Employees only	From relevant websites and applications	To protect and carry out our legitimate interests (see adjacent column)	<p>Legitimate interests:</p> <p>to monitor and manage staff access to our systems and facilities</p> <p>to protect our networks, and personal data of employees and customers/clients, against unauthorised access or data leakage</p> <p>to ensure our business policies, such as those concerning security and internet use, are adhered to</p> <p>for operational reasons, such as maintaining employment records, recording transactions, training and quality control</p> <p>to ensure that commercially sensitive information is kept confidential</p> <p>to check that restrictions on your activities that apply after your employment has ended (post-termination)</p>	With relevant managers,

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				<p>restrictions or restrictive covenants) are being complied with</p> <p>for security vetting and investigating complaints and allegations of criminal offences</p> <p>as part of investigations by regulatory bodies, or in connection with legal proceedings or requests</p>	
Details in references about you that we give to others	Employees only	From your personnel records, your manager and other employees	<p>To provide you or third parties with the relevant reference</p> <p>To comply with legal/regulatory obligations</p>	<p>To perform the employment contract</p> <p>To comply with our legal obligations</p> <p>Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice</p>	With relevant managers,

We may also retain and use your personal data in relation to the legitimate interests we have and for the establishment, exercise or defence of legal claims, such as defending any legal claims that may be brought against us in connection with your employment, or in establishing, bringing or pursuing any claim against you, eg to enforce post-termination restrictions. This will typically involve passing data on to our legal advisers, who will be under strict professional and contractual duties of confidentiality.

You are required (by law or under the terms of your contract of employment, or in order to enter into your contract of employment) to provide the categories of data listed above to us to enable us to verify your right to work and suitability for the position, to pay you, to provide you with your contractual benefits, such as *Holiday entitlement*, eg *contractual sick pay* and to administer statutory payments such as statutory sick pay (SSP). If you do not provide

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this data, we may not be able to employ you (or continue to employ you), to make these payments or provide these benefits.