

## **Policy on data subject rights (UK GDPR compliant) (to be read in conjunction with the Data Protection policy and procedure)**

### **Aim and scope of policy**

HORA HR and Recruitment Ltd. (hereinafter the Company) processes many types of data for a variety of reasons (including but not limited to HR purposes) concerning job applicants, employees, former employees, workers, contractors, and other stakeholders. It is fully aware of its obligations under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 to process data lawfully and to ensure that the rights of data subjects, as set out in UK GDPR, are observed correctly. This policy sets out the rights of the aforementioned individuals as data subjects and the processes which should be followed in the event that the data subject wishes to exercise any such right.

### **Data subject rights**

Under UK GDPR, you have the following rights in relation to your data:

- the right to be informed
- the right of access
- the right for any inaccuracies to be corrected
- the right to have information deleted
- the right to restrict the processing of the data
- the right to portability
- the right to object to the inclusion of any information
- the right to regulate any automated decision-making and profiling of personal data.

#### **The right to be informed**

You have the right to be told how the Company processes your data and the reasons for the processing. In order to provide this information to you, the Company have a privacy notice to explain what data we collect about you, how we collect and process it, what we process it for and the lawful basis which permits us to process it. You can obtain a copy of the privacy notice, at no cost, from the data protection officer. More information about the data protection officer is available in the Data Protection policy.

If the Company intends to use data already collected from you for a different reason than that already communicated, you will be informed of the new reason.

#### **The right of access**

You have the right to access your personal data which is held by the Company.

#### **The right for data to be corrected**

One of the fundamental principles underpinning data protection is that the data the Company processes about you will be accurate and up to date. You have the right to have your data corrected if it is inaccurate or incomplete.

If you wish to have your data rectified, please contact the Data Protection officer at [sarahjo@peopleknd.co.uk](mailto:sarahjo@peopleknd.co.uk).

The Company will respond to a data rectification request within one month. Where the data rectification request is complex, the Company may extend the timescale for response from one month to three months. If this is the case, the Company will write to you within one month of receipt of the request explaining the reason for the extension.

If the response to your request is that the Company will take no action, you will be informed of the reasons for this and of your right to complain to the Information Commissioner and to a judicial remedy.

Where any data which has been rectified was disclosed to third parties in its unrectified form, the Company will inform the third party of the rectification where possible. The Company will also inform you of the third parties to whom the data was disclosed.

### **The right to have information deleted**

You have the right to have your data deleted and removed from our systems where there is no compelling business reason for the Company to continue to process it.

You have a right to have your data deleted in the following circumstances:

- where the personal data is no longer necessary in relation to the purpose for which the Company originally collected or processed it
- where you have withdrawn your consent to the continued processing of the data and there is no other lawful basis for the Company to continue processing the data
- where you object to the processing and the Company has no overriding legitimate interest to continue the processing
- the personal data has been unlawfully processed
- the personal data has to be deleted due to a legal obligation.

If you wish to make a request for data deletion, please contact the Data Protection officer at [sarahjo@peopleknd.co.uk](mailto:sarahjo@peopleknd.co.uk).

Upon receipt of a request, the Company will delete the data unless it is processed for one of the following reasons:

- to exercise the rights of freedom of expression and information
- for the Company to comply with a legal requirement
- the performance of a task carried out in the public interest or exercise of official authority
- for public health purposes in the public interest

- archiving purposes in the public interest, scientific historical research or statistical purposes or the defence of legal claims.

Where your request is not complied with because of the one of the above reasons, you will be informed of the reason. Where your request is to be complied with, you will be informed when the data has been deleted.

Where the data which is to be deleted has been shared with third parties, the Company will inform those third parties where this is possible. However, where this notification will cause a disproportionate effect on the Company, this notification may not be carried out.

### **The right to restrict the processing of data**

You have the right to restrict the processing of your data in certain circumstances. Restricting the Company from processing your data means that the Company will continue to hold the data but will stop processing it.

The Company will be required to restrict the processing of your personal data in the following circumstances:

- where you tell the Company that the data it holds on you is not accurate. Where this is the case, the Company will stop processing the data until it has taken steps to ensure that the data is accurate
- where the data is processed for the performance of a public interest task or because of the Company's legitimate interests and you have objected to the processing of data. In these circumstances, the processing may be restricted whilst the Company considers whether its legitimate interests mean it is appropriate to continue to process it
- when the data has been processed unlawfully
- where the Company no longer needs to process the data but you need the data in relation to a legal claim.

If you wish to make a request for data restriction, please contact the Data Protection officer at [sarahjo@peopleknd.co.uk](mailto:sarahjo@peopleknd.co.uk).

Where data processing is restricted, the Company will continue to hold the data but will not process it unless:

- you consent to the processing
- processing is required in relation to a legal claim.

Where the data to be restricted has been shared with third parties, the Company will inform those third parties where this is possible. However, where this notification will cause a disproportionate effect on the Company, this notification may not be carried out.

Where the Company is to lift any restriction on processing, you will be informed in advance.

## **The right to data portability**

You have the right to obtain the data that the Company processes on you and use it for your own purposes. This means you have the right to receive the personal data that you have provided to the Company in a structured machine readable format and to transmit the data to a different data controller.

This right applies in the following circumstances:

- where you have provided the data to the Company
- where the processing is carried out because you have given the Company your consent to do so
- where the processing is carried out in order to perform the contract between you and the Company
- where processing is carried out by automated means.

If you wish to exercise this right, please contact the Data Protection officer at [sarahjo@peopleknd.co.uk](mailto:sarahjo@peopleknd.co.uk).

Where a request for data portability is received, the Company will respond without undue delay, and within one month at the latest. Where the request is complex or the Company receives a number of requests, the Company may extend the timescale for response from one month to three months. If this is the case, the Company will write to you within one month of receipt of the request explaining the reason for the extension.

Where the Company is to comply with your request, you will receive the data in a structured and machine readable form. You will not be charged for the provision of this data. Upon request, the Company will transmit the data directly to another organisation if our IT systems are compatible with those of the recipient.

If the response to your request is that the Company will take no action, you will be informed of the reasons for this and of your right to complain to the Information Commissioner and to a judicial remedy.

The right to portability is different from the right to access. Although both involve a right to access your personal data, the personal data to be accessed is not the same. The right to access your data under the right to portability includes only personal data as described above. Access to data under the right of access includes all personal data relating to you, including that which has not been provided to the Company by you.

## **The right to object to the inclusion of data**

You have a right to object to the processing of your data in certain circumstances. This means that you have the right to require the Company to stop processing your data. In relation to your employment and/or engagement with the Company, you may object to processing where it is carried out:

- in relation to the Company's legitimate interests
- for the performance of a task in the public interest
- in the exercise of official authority or
- for profiling purposes.

If you wish to object, you should do so by completing the Data Protection officer at [sarahjo@peopleknd.co.uk](mailto:sarahjo@peopleknd.co.uk).

Where you object to processing, the Company will stop the processing activity objected to unless:

- the Company can demonstrate compelling legitimate reasons for the processing which are believed to be more important than your rights or
- the processing is required in relation to legal claims made by, or against, the Company.

If the response to your request is that the Company will take no action, you will be informed of the reasons.