

Fair Processing Notice – MJC – Reviewed June 2020

GDPR provides the following rights for individuals:

- **The right to be informed** - Individuals have the right to be informed about the collection and use of their personal data
- **The right of access** - Individuals have the right to access their personal data and supplementary information. The right of access allows individuals to be aware of and verify the lawfulness of the processing.
- **The right to rectification** - The GDPR includes a right for individuals to have inaccurate personal data rectified, or completed if it is incomplete.
- **The right to erasure** - The GDPR introduces a right for individuals to have personal data erased. The right to erasure is also known as 'the right to be forgotten'.
- **The right to restrict processing** - Individuals have the right to request the restriction or suppression of their personal data. This is not an absolute right and only applies in certain circumstances.
- **The right to data portability** - The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability.
- **The right to object** - Individuals have the right to object to:
 - processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
 - direct marketing (including profiling); and
 - processing for purposes of scientific/historical research and statistics.
- **Rights in relation to automated decision making and profiling** - The GDPR has provisions on:
 - automated individual decision-making (making a decision solely by automated means without any human involvement); and
 - profiling (automated processing of personal data to evaluate certain things about an individual). Profiling can be part of an automated decision-making process.

1. Data Controller – For the purpose of this fair processing notice:

Matthew James Consulting, 174 Church Road, Hove, Sussex, BN3 2DJ

Jamie Carpenter – jcarpenter@mj-consulting.co.uk

For the purposes of this Fair Processing Notice, we have named ourselves as the Data Controller but within our day to day business, we are regularly the Data Processor (particularly in relation to the Pre-Employment Screening Services we carry out)

2. Purpose of the Processing:

The purpose of the processing is to carry out Pre-Employment Screening on data subjects on behalf of data controllers (our clients)

3. Legal Basis:

For data subjects, we use legitimate interest as the legal basis for collecting and processing the information. We have carried out a Legitimate Interest Assessment (LIA) to ensure our processing is lawful. Following the LIA, we concluded that the legitimate interests (carrying out background screening on behalf of the data controller – our clients) outweigh any risks to the data subject. Please note, that as we rely on Legitimate Interests, the right to data portability does not apply.

4. Categories of Personal Data:

Some of the data that we process includes special category data (US Criminal Record Checks only) and Criminal Offence Data. Other than that the data we process includes, but is not limited to Name, Gender, Date of Birth, Contact Details, Proof of Address, Photo ID, Employment History/Status, CV, Name Changes,

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Marriage Status, National Insurance Number, Credit History, Criminal History (accordant with law), Right to work, Directorship.

5. Recipients of the data (including the Data Processor):

We send personal data to recognised agencies such as Experian, uCheck and Owens Online in order to process criminal records checks, credit checks and various other checks. These three agencies are stated in the Information Release Form (consent form) that we send to all candidates before starting the Pre-Employment Screening procedure.

6. Transfers outside of the European Economic Area (EEA):

On occasion, we are required to carry out overseas checks such as, but not limited to, credit, bankruptcy and criminal records checks. To carry out these checks we use Experian and Owens Online.

7. Retention Period:

We keep the data we process for 3 months after we invoice the client (the Data Controller). After this period, all paper and electronic data is securely destroyed. Paper is shredded and electronic data is permanently deleted.

8. Automated Decision Making

No automated decision making or profiling is used when processing personal data at Matthew James Consulting.

If the data wasn't captured directly from the Data Subject, where it was obtained from?

The majority of the data we process is sent to us from the data subject. However, we do also receive some data from the Data Controller, which is only sent to us with the consent of the Data Subject.

Data subjects have the right to decline & withdraw consent; at this point Matthew James Consulting will make the subject aware of any potential negative outcomes and will also liaise with the data controller.

If you have any queries please contact jcarpenter@mj-consulting.co.uk