

Privacy Notice (when personal data is obtained directly from the data subject)

Company Name	Genius Payroll Ltd or Genius Contracts Ltd ('the Company') trading as Genius Money ("the Payroll Business")
Company Contact details:	Nikki Edyvane, Director nik@geniusmoney.co.uk
Date & Version	21st of May 2018 / Version.2

The Company is a recruitment/payroll business which provides payment & 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, social networking site, referral, walk-in. The Company must have a legal basis for processing your personal data. For the purposes of providing you with payment & 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.

Genius Payroll Ltd or Genius Contractors Ltd is the sole owner of the information collected on this site. We will not sell, share, or rent this information to others. Genius Payroll Ltd or Genius Contractors Ltd collects information from our users at several different points on our website. (Aggregated demographic information can be shared see below.)

1. Collection and use of personal data

a. Purpose of processing and legal basis

The Company will collect your personal data (which may include sensitive 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 or sharing your data with third parties for the purpose of arranging payments.

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

- Your consent, we receive information from you on our online registration forms. Here a user must provide contact information and information regarding the type of work you are seeking and your skills, qualifications and experience. This information is used to enable us to provide you with work-finding services and arrange payments. If we have trouble processing your application, this contact information is used to get in touch with you. Genius Payroll Ltd or Genius Contractors Ltd does not use this information for any other purpose.
- Where we have a legitimate interest
- To comply with a legal obligation that we or our third parties have
- To fulfil a contractual obligation that we have with you or our third parties

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:

- Managing our database and keeping payment & work-seeker records up to date;
- Contacting the individual to seek your consent where you need it or giving your explicit, clear consent when you follow our registration process on our website
- Providing work-finding services to the individual, including sending your information to our clients where you have demonstrated an interest in doing that particular type of work but not expressly consented to us passing on their cv;
- Contacting the individual with information about similar products or services that you have used from us recently;
- Passing work-seeker's information to debt collection agencies

c. Recipient/s of data

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

- Clients that we introduce or supply individuals.
- Candidates' former or prospective new employers that we obtain or provide references to
- Any other third parties who carry out audits to ensure that we run our business correctly
- Recruitment businesses and/or end users that we manage invoicing, payroll or compliance services for
- Other recruitment agencies and/or end users in the supply chain (e.g. master/neutral vendors and second tier suppliers);
- Our insurers
- Our legal advisers
- Social networks
- Our IT and CRM providers
- Any public information sources and third-party organisations that we may use to carry out suitability checks on work-seekers e.g. Companies House, the Disclosure and Barring Service (DBS), National College for Teaching and Leadership (NCTL), Nursing and Midwifery Council (NMC), General Medical Council (GMC), DVLA, credit reference agencies
- Government, law enforcement agencies and other regulators e.g. the Police, Home Office, HMRC, Employment Agencies Standards Inspectorate (EASI), Local Authority Designated Officers (LADOs), GLAA,

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 a requirement necessary to enter into a contract.

You are obliged to provide the personal data for the services you ask us to provide and if you do not the consequences of failure to provide the data are:

If we do not or cannot do all of these checks, we may not be able to introduce or supply you as a work seeker to a client or follow the payroll process.

2. Overseas Transfers

The Company may transfer only the information you provide to us to countries outside the European Economic Area ('EEA') for the purposes of providing you with payment & work-finding services or the purpose of storing our data with an overseas data provider. We will take steps to ensure adequate protections are in place to ensure the security of your information. The EEA comprises the EU member states plus Norway, Iceland and Liechtenstein.

3. 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.

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 and 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 unless we have obligation under law to keep it if we took action in relation to an application.

4. Data retention

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 in writing our office at nik@geniusmoney.co.uk

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.

5. Cookies

This site uses some unobtrusive cookies to store information on your computer. Some cookies on this site are essential, and the site won't work as expected without them. These cookies are set when you submit a form, login or interact with the site by doing something that goes beyond clicking on simple links. We also use some non-essential cookies to anonymously track visitors or enhance your experience of the site. If you're not happy with this, you can disable cookies in your browser, but some nice features of the site may be unavailable (such as having your login details remembered, your job applications tracked and more).

6. Log Files

We use IP addresses to analyse trends, administer the site, track user's movement, and gather broad demographic information for aggregate use. IP addresses are not linked to personally identifiable information.

7. Links

This web site contains links to other sites. Please be aware that Genius Payroll Ltd or Genius or Contractors Ltd is not responsible for the privacy practices of such other sites. We encourage our users to be aware when they leave our site and to read the GDPR privacy statements of each and every web site that collects personally identifiable information. This privacy statement applies solely to information collected by this Web site.

8. Security

This website takes every precaution to protect our users' information. When users submit sensitive information via the website, your information is protected both online and off-line. When our registration form asks users to enter sensitive information that information is encrypted and is protected with Secure email system. While on a secure page, the lock icon on the bottom of Web browsers such as Netscape Navigator and Microsoft Internet Explorer becomes locked, as opposed to un-locked, or open, when you are just 'surfing'. While we use encryption to protect sensitive information online, we also do everything in our power to protect user-information off-line. All of our users' information, not just the sensitive information mentioned above, is restricted in our offices.

We will only use information in accordance with the privacy policy under which the information was collected.

9. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact our office at nik@geniusmoney.co.uk or call our office at 0330 3350400

You also have the right to raise concerns with Information Commissioner's Office on 0303 123 1113 or at <https://ico.org.uk/concerns/>, or any other relevant supervisory 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 A

- a) The lawfulness of processing conditions for personal data are:
1. Consent of the individual for one or more specific purposes.
 2. Processing is necessary for the performance of a contract with the individual or in order to take steps at the request of the individual to enter into a contract.
 3. Processing is necessary for compliance with a legal obligation that the controller is subject to.
 4. Processing is necessary to protect the vital interests of the individual or another person.
 5. Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller.
 6. Processing is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of the individual which require protection of personal data, in particular where the individual is a child.
- b) The lawfulness of processing conditions for sensitive personal data are:
1. Explicit consent of the individual for one or more specified purposes, unless reliance on consent is prohibited by EU or Member State law.
 2. Processing is necessary for carrying out data controller's obligations under employment, social security or social protection law, or a collective agreement, providing for appropriate safeguards for the fundamental rights and interests of the individual.
 3. Processing is necessary to protect the vital interests of the individual or another individual where the individual is physically or legally incapable of giving consent.
 4. In the course of its legitimate activities, processing is carried out 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 only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without the consent of the individual.
 5. Processing relates to personal data which are manifestly made public by the individual.
 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 EU or Member State law which shall be proportionate to the aim pursued, respects the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the individual.
 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 the management of health or social care systems and services on the basis of EU or Member State law or a contract with a health professional and subject to the necessary 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 healthcare and of medicinal products or medical devices, on the basis of EU or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the individual, in particular professional secrecy.
 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 fundamental rights and interests of the individual