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PKF FRANCIS CLARK  
EMPLOYEE PRIVACY POLICY  
Version 1

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## 1. INTRODUCTION AND TERMS

PKF Francis Clark is a trading name of Francis Clark LLP, which is a Data Controller and registered with the Information Commissioners Office [ICO] under reference Z2121229. We also trade through a number of other legal entities, which are either subsidiaries or are closely related by virtue of common ownership.

The full list of legal entities is:

- Francis Clark LLP
- PKF Francis Clark Limited
- Francis Clark Tax Consultancy Limited
- CIS Tax Advice Limited
- PW Payroll Solutions Limited
- Francis Clark Financial Planning Limited

This privacy notice relates to all of the above legal entities (the 'FC Group') and applies to all Employees, Contractors, Agency Workers and Third Parties working under a service agreement ('Employees').

If you want to request more information about our privacy policy or information regarding data protection you should contact us using the details provided below:

Mail: For the attention of the Head of Privacy, Francis Clark LLP, Sigma House, Oak View Close, Edginswell, Torquay TQ2 7FF

Email: [privacyofficer@pkf-francisclark.co.uk](mailto:privacyofficer@pkf-francisclark.co.uk)

Telephone: 01803 320100 and ask to speak to the Head of Privacy

The FC Group "the firm" is committed to protecting the privacy and security of your personal information.

We are a data controller. This means that we are responsible for deciding how we hold and use personal data relating to you. This notice explains to you the decisions we have taken in relation to that information. The firm is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR). We encourage you to read this notice carefully, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Any queries in relation to how we hold and use your personal information should be directed to the Head of Privacy using the above contact details.

## **2. DATA PROTECTION PRINCIPLES**

In collecting and processing your personal information, we will comply with the data protection law in force at the time. This requires that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

## **3. WHAT KIND OF INFORMATION WE HOLD ABOUT YOU**

The firm collects, stores and processes a range of information about you. These categories are detailed in the separate Schedule to this notice available on request.

We may also collect, store and use "special categories" of more sensitive personal information, which are also detailed in the Schedule to this notice.

## **4. HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

The firm may collect this information in a variety of ways. For example, data might be collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as personal information forms, benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the firm may collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

## **5. HOW WE WILL USE INFORMATION ABOUT YOU**

We will only use your personal information when the law allows us to and as detailed in the Schedule to this notice available on request.

## **6. WHERE WE STORE YOUR PERSONAL INFORMATION**

This data will be stored in a range of different places, including in your personnel file, in the firm's HR management systems and in other IT systems (including the firm's email system).

## **7. WHY DOES THE FIRM PROCESS PERSONAL INFORMATION?**

There are a variety of situations in which we will use the information we collect about you and these are detailed in the Schedule to this notice available on request. The information in the Schedule includes the use we make of particularly sensitive personal information ("special category data"), such as information about your physical or mental health and criminal records information.

For example, the firm may need to process data to enter into a contract with you and to meet its obligations under your contract. For example, it needs to process your data to provide you with a contract, to pay you in accordance with your contract and to administer benefit, pension and insurance entitlements.

In some cases, the firm needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.

In some cases, the firm has a legitimate interest in processing personal data before, during and after the end of the working relationship.

Where we use your personal information to pursue the legitimate interests of the business, we will do so provided your interests and fundamental rights do not override those interests.

Some of the grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

## **8. CHANGE OF PURPOSE**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **9. DO WE NEED YOUR CONSENT TO USE PARTICULARLY SENSITIVE INFORMATION?**

We do not need your consent if we use your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## 10. WHO HAS ACCESS TO DATA?

Your information may be shared internally, including with members of the HR and recruitment team (including payroll), your line manager, and managers in the business area in which you work, partners of the firm and IT staff.

## 11. WHY MIGHT YOU SHARE MY PERSONAL INFORMATION WITH THIRD PARTIES?

We may have to share your data with third parties, including third party service providers. We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate reason to do so.

Any third parties with whom we might share your personal information are detailed in the Schedule to this notice available on request.

## 12. TRANSFERRING INFORMATION OUTSIDE THE EEA

Your data may be transferred to countries outside the European Economic Area (EEA) based on binding corporate rules (agreements governing transfers made between organisations within a corporate group) this is due to the firm being part of the international PFK Network and due to certain outsourcing arrangements.

As part of our contract with you we may send your data outside the European Economic Area ('EEA'). Where this is the case, we will take reasonable steps to ensure that your data is protected in the same way as if it was being used in the EEA. For example, where third party suppliers store data in the US, we will ensure that their services fall within the Privacy Shield. <https://www.privacyshield.gov>

## 13. HOW DOES THE FIRM PROTECT DATA?

The firm takes the security of your data seriously. The firm has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. For further information, please see the policy on Information and Communication systems, Social Media Policy and Guidelines.

Where the firm engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and formal measures to ensure the security of data.

## 14. FOR HOW LONG DOES THE FIRM KEEP DATA?

We will only retain your personal information for as long as necessary to fulfil the purpose we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

When assessing what retention period is appropriate for your personal data, we take into consideration

- any statutory or legal obligations;
- the purposes for which we originally collected the personal data;
- the lawful grounds on which we based our processing;
- the types of personal data we have collected;

- the amount and categories of your personal data; and
- whether the purpose of the processing could reasonably be fulfilled by other means.

In some circumstances we may anonymise your personal data so that it can no longer be associated with you, in which case we may use such information without a further notice to you.

## 15. YOUR DUTY TO INFORM US OF CHANGES

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

## 16. YOUR RIGHTS

Under certain circumstances, as a data subject, you have a number of rights. These are summarised below. Please note that your rights may be limited and subject to restrictions in certain situations. You have:

- a right to be informed about the collection and use of your data (this policy);
- a right to access and obtain a copy of your data on request;
- a right to require the firm to change incorrect or incomplete data;
- a right to require the firm to delete or restrict, processing your data, for example where the data is no longer necessary for the purposes of processing;
- a right to request the transfer of your data to another party; and
- a right to object to the processing of your data where the firm is relying on its legitimate interests or consent as the legal ground for processing.

If you would like to exercise any of the above rights, please write to the HR Department (Sigma House – Torquay). If you would like to exercise your right of access, please follow the following procedure:

## 17. RIGHT OF ACCESS REQUESTS

Write to

For the attention of the Head of Privacy  
Francis Clark LLP  
Sigma House  
Oak View Close  
Edginswell  
Torquay TQ2 7FF

and in your request make clear what specific information your request relates to.

The information will be provided free of charge (the same applies to the exercise of your other rights), unless the request is unfounded, excessive, or repetitive. Information will be provided within one month of receipt of the request, however this time period may be extended by a further 2 months if the request is complex or

numerous. Where the request is manifestly unfounded or excessive, the firm reserves the right to charge a fee or refuse to respond.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **18. COMPLAINTS TO THE ICO**

If you believe that the firm has not complied with your data protection rights, you can complain to the Information Commissioners Office, the UK supervisory authority for data protection issues.

## **19. WHAT IF YOU DO NOT PROVIDE PERSONAL DATA?**

You have some obligations under your employment contract to provide the firm with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide the firm with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, right to work in the UK and payment details, have to be provided to enable the firm to enter a contract of employment with you.

If you do not provide certain information, this will hinder the firm's ability to administer the rights and obligations arising as a result of the employment relationship efficiently or at all.

## **20. AUTOMATED DECISION-MAKING**

You will not be subject to decisions that will have a significant impact on you based solely automated decision making, unless we have a lawful basis for doing so and we have notified you.

## **21. RIGHT TO WITHDRAW CONSENT**

In any circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the the Head of Privacy using the contact details in section 1. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **22. CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact Head of Privacy using the contact details in section 1**