



Privacy & fair processing of personal data

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Context

Cloud Careers[®] Limited is a specialist international executive search firm focused on the cloud computing market. We only deal with senior roles where one of our clients has asked us to identify suitable potential candidates for one or more specific vacancies. We do not hold a general database of jobseekers.

Our business is facilitating introduction of appropriate candidates to our clients, then as & if appropriate helping to manage the recruitment process which particularly means communications (phone, email) with the parties. In this context we hold & use ("process") personal information in respect of:

Client contact information. This is obviously necessary (a "legitimate interest") to fulfil our obligations in respect of our contract with the client. It will include (& normally be confined to) names, business email & phone numbers provided to us by the client. We will on request confirm, amend or remove from our records any information concerning client contacts. Excepting that we have to retain information related to commercial contracts or invoicing/VAT for a period of 6 years & such information is likely to include name, job title & other contact details of the client executive involved in the assignment.

Candidate information. This will include extensive personal information e.g. concerning an individual's career to date.

For the purposes of data protection legislation the Data Controller is the company Cloud Careers[®] Limited.

Explanation for candidates. Fair processing of your information

We are, have been or expect to be, in discussion with you about a professional role that one of our clients is seeking to fill. You expressed interest in exploring such opportunities further. You have provided certain personal information ("personal data") to us about (non-exhaustive examples) your career to date (e.g. CV), current remuneration package, career aspirations, experience related to our client's requirements, and your personal contact details. In order to fulfil our obligations concerning your personal data (specifically the General Data Protection Regulation, "GDPR") we need your agreement & understanding to the following.

In order to represent your interests in exploring career opportunities with our client/s we need you to agree that we can hold & process certain of your personal data. In particular you need to agree:

- We have your express approval to share your personal data with a specified client. "Specified client" means that the client has been identified to you & you have agreed we can share such of your personal information as is reasonably necessary to explore whether there could be mutual interest as between your career & the client requirements.
- We will use your contact details (email, phone, LinkedIn) in order to communicate with you in facilitating this purpose.
- We absolutely do not share your identifiable information with any client or other 3rd party unless you have given your prior consent or as otherwise required by law.

Detail follows, including an explanation of your rights. If you need a broader explanation of rights & responsibilities concerning personal data within the UK/EU, investigate <https://ico.org.uk>

Detail

1) **Your right to be informed.** We will use (process) your data in the following manner:

- a) The legal basis for processing your data is express consent. Excepting for 3.a.i & 3.a.ii below where the legal basis is "legitimate interests".
- b) Your personal data will be managed (processed) by the Account Director who first contacted you, specifically Alex Millie. By exception & in his absence another member of the Cloud Careers team may access your information for the purposes of necessary communications with you or with a client in respect of whom you have given your consent that we may share your personal data.

- c) We communicate with you using contact information you provide to us or have placed in the public domain. This is primarily personal emails, text messages, LinkedIn, phone calls & text messages. We do not record phone calls but may take notes for our records.
- d) We process your personal data for the purposes of communicating with our client by sharing information such as your CV, explanations about your career situation/aspirations based on what you have told us, summary comparison of candidates.
- e) Your data will be retained, subject to your rights concerning erasure of personal data (below) as follows unless you specifically agree to the contrary:
 - i) If you join one of our clients (you become an employee or worker) as a result of our introduction, information you have provided in the context of the application will be retained for 2 years. The purpose is that the information you have given us could be relevant to your ongoing contractual relationship with your new employer. Additionally we may use your personal email or mobile phone details to contact you during the first few months of your employment to check with you 'how things are going'. In the context of such contacts, no resulting information will be shared with your employer (our client) without your express consent.
 - ii) If you do not join our client as result of your initial interest, we will retain your information for 2 years. The purpose being to notify you of any other opportunities that we believe relevant to you. Your identifiable information would not be shared with any of our clients or potential clients without your express permission.
 - iii) In either event (you join or do not join our client) we will by default erase your data after 2 years. We may contact you at that point to ask whether you wish to give your consent for us to continue holding your personal data for the purposes identified in e.ii above.

2) Your right of access & right of rectification.

- a) You may at any time ask us to confirm what of your personal data is held by us.
- b) If you believe any such personal data is inaccurate or has changed, we will amend our records accordingly.

3) Your right to have personal data erased.

- a) You may at any time ask that we permanently erase all personal information we hold about you excepting that:
 - i) Notwithstanding your right to request erasure of personal data, we reserve the right to retain such data according to 1.e.i above in respect of any information you provided to us that in our reasonable opinion could be relevant to your continued contractual relationship with our client (your new employer). Or alternatively, to provide such data to our client your employer.
 - ii) In the event that we become aware of an actual or potential dispute between you & your employer, or you & us (both improbable but possible scenarios) where in our reasonable opinion we have personal information about you that could be relevant to the dispute &/or be potentially subject to a court order requiring disclosure, then we will retain such data for such time as we think reasonably necessary. This does not in any way restrict your right to have full disclosure of all such personal data.
 - iii) In the event that you make a request for personal data to be erased but we feel unable to comply for the foregoing reasons, this will be explained with reasons to you & you may request the decision is reviewed.
- b) Once your data is erased there will be no more contact with you based on the personal information you had provided. However:
 - i) Your information could in the future come to our attention in the context of us researching potential candidates for a new position. For instance if you maintain a LinkedIn profile stating you are interested in new job opportunities, or if a mutual contact recommends you for a position. In such scenarios we would not be in breach of our obligation to erase your previous personal data if we made contact based on such new information.

4) The information we hold, how we use it & how it is held.

- a) We will ask for such information as is reasonably necessary to understand your suitability for a specific role. Equally important, in order to understand your creative interests & ambitions. At a basic level this would be your CV, contact details, current & required remuneration. Additionally we will discuss with you your specific experience & opinions relevant to the specific role.
- b) We will not ask for any "sensitive" personal data such as family circumstances, age or ethnicity. However, you may choose to disclose certain matters to us that you believe relevant to your application, non-exhaustive example if you have a disability necessitating reasonable adjustment to the recruitment process.

- c) If in our reasonable opinion we believe that you could be a suitable applicant for the identified role, then we will with your prior approval share information (1.d., 4.a above) with our client.
- d) We do not deploy any automated analysis of your personal information (e.g. as part of determining potential suitability for a particular role) as part of any of our work.
- e) Within our business your information is held on a stand-alone laptop within an encrypted folder & backed up to an encrypted external drive. The mobile phone used by your Account Director for the purposes of communicating with you is subject to pass code access, tracking & remote erasure. Email communications are not currently encrypted.
- f) In respect of your personal data that is with your permission shared with a specified client, once that client receives the information they are additionally responsible for the security & management of such personal data. We take reasonable steps to ensure that any client has data protection policies that are compliant with GDPR requirements.
- g) Where we share with you communications via LinkedIn, your personal information will be held on LinkedIn servers. In that context LinkedIn is the “data controller”. If you use LinkedIn for these purposes you should satisfy yourself as to LinkedIn management of your personal data that you place on their platform e.g. <https://www.linkedin.com/legal/privacy-policy>
- h) We do not transfer your personal data (that is been obtained or provided within the EU) outside the EU unless either we have your express consent or we are dealing with a client (where you have previously consented to our sharing information with that client) who is based in the US & is a participant in the Privacy Shield framework.
- i) If you are outside EU & expressing interest in an opportunity based outside the EU, we will still be holding & processing your information within the EU & your rights related to management of your personal data is covered by prevailing UK law.

5) Data breaches

If we become aware that any of your personal data has been subject to unauthorised access or lost, we will promptly tell you explaining the circumstances & the actions we are taking. We will within 72 hours notify the Information Commissioner of the breach unless in our reasonable opinion “... the personal data breach is unlikely to result in a risk to the [your] rights and freedoms ...”. This is a direct quote from the GDPR.

6) Governing law

In providing your personal information to us you agree that our use of your data is subject to the laws of England and Wales, & that any claim or matters concerning our use of your data would be the exclusive jurisdiction of the English Courts. Note that we are registered under the Data Protection Act # ZA321696 & as a data subject you also have certain rights to raise any concern with the Information Commissioner.

7) Contacting us & further information

If you have any concerns or questions please contact info@cloudcareers.co.uk or our office +44 (0) 845 299 7933.