

## **Legitimate Interests Assessment**

**Legal Basis for Processing Candidates' and Client Contact Data for Crimson Limited**

## 1. Introduction

Crimson Limited consider the protection and confidentiality of personal data to be very important and we are committed to protecting and respecting Personal Data in accordance with the provisions of the various data acts, laws and regulations that apply to the company. The purpose of this document is to identify the lawful basis of processing for Crimson Limited.

## 2. Legal Basis of Processing

The regulations state that you must have a valid lawful basis to process personal data.

Looking at the regulation, we have determined that our legal basis processing will be that of “legitimate interest”. We have determined that this is appropriate because we use data in a way that the data subject would reasonably expect, and we believe there is a minimal privacy impact.

The justification for this is that Crimson Limited has a recruitment consultancy arm to its’ business. Part of Crimson Limited’s Recruitment Consultancy purpose is twofold:

- to provide services to help candidates develop their careers. We do this through assessing and matching people with potential job opportunities, as well as providing wider services to help them in their careers, such as invitations to networking events and opportunities to take part in research.
- work with clients to provide recruitment, consultancy and outsourcing services to help them solve recruitment, talent, technology and other related challenges.

Any Data Subject who contacts Crimson Limited will have a reasonable expectation that we will need to store their personal information to perform our business purpose. In other words, the data subject would reasonably expect us to use and process their personal data.

Our legitimate interests therefore are to:

- develop business relationships with clients and client staff, to help them solve their recruitment, career or outsourcing, technology, leadership consulting and assessment work;

Challenges:

- To look for, and encourage candidates, to contact Crimson Limited when they are interested in potential job opportunities.
- To process prospective candidates interested in employment and service contract opportunities with our clients.
- To process and retain information required to provide advice and support for personal development and leadership improvement for our clients.

In this regard, we are also mirroring the legitimate interest of any client looking to fill an employment requirement acting as a Data Processor.

To perform these, we need to collect 'appropriate information' and store this information as required by other legal obligations. The processing of data is essentially manual. Our Recruitment Consultants will look at the client requirements and the information we have stored from potential candidates to determine the best candidates to put forward to the client for consideration.

Appropriate Information – we will store no more information than is required to perform the purpose or is required by subsequent regulation.

In this regard, we are operating within the Data Subject's interests – by which we mean they have an interest in a new recruitment role which we are able to facilitate or their career/leadership development – but within this we will maintain the rights and freedoms to the Data Subject data as defined by the regulation.

Regarding the processing of personal data and third parties that may be used, Crimson Limited considers that it is the Controller as defined by the regulations and the third parties that may be used are Processors.

### **3. Legitimate Interest**

Our legitimate basis is the pursuit of our business services as detailed below:

- the storage and processing of personally identifiable information is necessary for this purpose - to this end we will store and process only the information required to fulfil our business services and to meet other legal regulations in relation to job placement activities.
- We do not conflict with the Data Subject's interest in this manner and base this assumption on the fact that they will have a reasonable expectation that we will need to store and process their data in order to perform our business services;

#### **3.1 Legitimate interest assessment**

##### **3.1.1 Why are we processing the data?**

Our purpose is to supply clients with suitable candidates for job requirements, provide consultancy on recruitment, talent and leadership related topics or provide outsourcing solutions. In order to do this, we must store personal information regarding people (candidates and client contact details). In recruitment, we match candidate information against requirements provided by clients. We capture and store client contact details to communicate our services and submit candidates for consideration.

### 3.1.2 **Benefit**

In terms of benefit, we benefit from being able to pursue our legitimate and commercial interests in providing outsourcing and consulting services. In recruitment the candidate or services company benefit through our support in helping to potentially find an employment opportunity or contract. The client benefits because we can help them fill their recruitment requirements with the minimum of effort on their part. There are no wider public benefits.

### 3.1.3 **Impact**

If we were unable to operate in the above way, our business and our employees would suffer significantly.

### 3.1.4 **Use of data**

We will not use the data in any unethical or unlawful way.

## 3.2 **Necessity**

The processing furthers the interests of the company, the interests of the client and the interests of the candidates.

The processing of data and the matching of candidates is reasonable and fair.

There is no way that we can best serve the clients interest by collecting less data or operating in a less intrusive way.

## 3.3 **Balancing**

3.3.1 Our relationship with the Data Subject is that of a facilitator/career adviser.

3.3.2 Some of the data we are required to collect such as salary, bank details, passport information, diversity information, Right to Work/Visa information or criminal record checks is considered particularly sensitive and private information, but is only collected when required by other legal requirements or the client requires this information to make an employment decision.

Where the information collected is required by regulation, we would expect candidates to understand that we are required to collect this information for regulatory purposes. Other sensitive information required by the client – for example diversity information – we would be happy to explain the requirement to the candidate and if they object, we would not be able to pursue interests on their behalf.

### 3.3.3 Possible impacts

As far as the storage and processing of personal information is concerned, we do not believe there is any possible impact on the Data Subject because of storage.

If we or one of our processes have a data breach, then there is significant impact on the Data Subject in terms of personal privacy. The significant risk to Crimson Limited and the reputation of Crimson Limited is therefore the possible impact of a data breach.

We do not evaluate or record any vulnerabilities of our data subjects. For completeness – we do not store or process any data regarding children.

### 3.3.4 Safeguards

We will be implementing several safeguards across our systems. As per the regulation, we will be implementing privacy and protection by design, enhanced by software to ensure data loss prevention, undergoing regular security audits, and when available we commit to undertaking GDPR compliance testing.

We will also provide safeguards for the data rights of the Data Subjects including Opt Outs. However, it should be noted that a candidate cannot Opt Out of any data required by regulations or clients. If they are unwilling to provide this information, or have it stored/processed, we will be unable to offer recruitment services to them.

#### **1.1 Staying in touch**

Legitimate Interest will also apply to activities where we stay in touch with candidates/contacts via email, telephone call or social media eg, such as through inviting to career events, taking part in research or presenting job opportunities. Our use of personal data is proportionate within their interest and reasonable expectation and has a minimal privacy impact.

#### **1.2 Further Information Regarding Legitimate Interest**

We are awaiting article 29 working party to publish further guidelines and guidance on legitimate interests under the GDPR, however no dates have been given as to when this may appear.

#### **1.3 Legal Basis for Processing and Individual Rights**

The first principle of the regulations requires that we process all personal data lawfully, fairly and in the transparent manner. Processing is only lawful if you have a lawful basis under article 6.

### 3.4 Article 6 - lawfulness of processing

Processing is only lawful if at least one of the following applies:

- (a) Consent:** the Data Subject has given clear consent for you to process their personal data for a specific purpose.
- (b) Contract:** the processing is necessary for a contract you have with the Data Subject, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests:** the processing is necessary to protect someone's life.
- (e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the Data Subject's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

It is the intention of Crimson Limited to utilise a, b, c, and/or f as a definition for our legal basis of processing depending on the services provided to our candidates and/or clients.

### 3.5 Data Subject rights versus lawfulness of processing

	Right to erasure	Right to portability	Right to object
<b>Consent</b>	✓	✓	X but right to withdraw consent
<b>Contract</b>	✓	✓	X
<b>Legal Obligation</b>	X	X	X
<b>Vital Interests</b>	✓	X	X
<b>Public Task</b>	X	X	✓
<b>Legitimate Interests</b>	✓	X	✓