

## Employee and Contractor Data Processing Notice

### Introduction

This Employee and Contractor Data Processing Notice (“Notice”) explains how AWO (“we”, “us”, “our”) processes your personal data as an employee or contractor with us, addressing what we do with your data, the legal basis and purpose of this and setting out your rights under applicable data protection laws.

### Data controller

AWO is an agency comprised of HNK Legal Ltd, HNK Litigation Ltd, HNK Data Consulting Ltd and AWO Belgium and you will be employed or contracted by one of these entities.

HNK Legal Ltd (ICO registration: ZA656719) is the Data Controller for processing under this Notice and AWO’s Human Resources are centralised through this entity.

If you have any questions regarding this notice or other data protection issues you can contact the AWO data protection focal point via [privacy@awo.agency](mailto:privacy@awo.agency).

### What we process, why and the legal basis for this

#### **Application information**

Following your successful application for a role with us, we will retain the following information supplied during the application process – your name, contact details and any details about your ethnic origin, race or health status (this is special category data, explained further below). We process this data either on the basis of your consent or our interest in ensuring compliance with our equality, diversity and recruitment policies and employment law obligations.

#### **Conflict of interest and reference checks**

After we make an offer of employment or contract to you, we request some information from you about any public affiliations you may have that may impact your work with AWO. We may also request details of your professional references and contact these individuals for a reference about you.

We process this information on the basis of our legitimate interests in ensuring that staff and contractors do not have affiliations that would compromise or conflict with AWO’s mission, vision and values, that we hire the most appropriate person for the role and in order to facilitate entry into a contract with you.

Should this information relate to special category data as defined under UK and EU data protection laws, we process this on the basis that this information has been made public by you (for example where you are affiliated with an organisation as a board member or fellow and this implicitly reveals your political, religious or philosophical beliefs) or in accordance with our rights as a data controller in connection with your employment.

#### **Onboarding**

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During the onboarding process for new employees and contractors, we collect personal data from you including your name, date of birth, contact details, social security or National Insurance Number, emergency contact details, student loan status (for UK-based individuals), ergonomic home office equipment requests, copies of passports or national identity cards and details of visa status and/or any other documentation that may prove an employee's right to work in the country where work is performed. For employees and contractors based in Belgium, some additional information must be collected including education history, marital status, information about children and their health/ability status. For employees and contractors based in countries where AWO is obliged to provide them with health insurance, some additional information may be required to arrange this but generally this will be provided directly to the insurer. This information is processed on the basis of legal obligations on us as an employer and contractor and in order to enter into a contract with you.

Some of this information may be considered 'special category' under European and UK data protection laws, for example where it relates to the ability status of children or health data you may provide in connection with an ergonomic equipment request. We collect this special category information on the basis of the legal obligations on us as an employer.

On the basis of our legitimate interests in promoting our organisation, we also request your CV and professional bio. We will display your professional bio on our website and may provide copies of your CV to prospective clients when tendering for work, see the *Data sharing and processors* section for more information about this.

On the basis of your consent, we will share your birthdate (day and month) and a photo of you with other AWO team members in our shared internal calendar and directory.

## **Solicitors Regulatory Authority (SRA) checks**

For contractors of HNK Litigation Ltd who undertake work regulated by the Solicitors' Regulatory Authority (SRA) in the UK, we may be required to conduct certain checks with the SRA to ensure that those individuals are duly qualified and authorised to undertake this work. We process this information on the basis of information that is already public, such as the SRA record of solicitors, as well as our legal obligations on us as a provider of regulated legal services in the UK.

## **Finance and payroll**

In order to facilitate payment of your salary or contract amount, taxes, insurance and pension payments and other applicable benefits, we process the information set out in the *Onboarding* section above. We process this on the basis of carrying out the contract we make with you as an employee or contractor and fulfilling the legal obligations on us as an employer. For some employees, we engage with local payroll companies and agents to make payments and liaise with tax and other authorities on our behalf as required by law in those employees' countries of residence. We share data with these companies and agents on the basis of our legitimate interests in expediting payroll and contract payment processes and complying with the legal obligations on us as an employer. More information about data sharing with third parties is provided in the *Data sharing and processors* section below.

## **Performance management**



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We undertake “360 degree” performance management and for this purpose obtain feedback from you about your team members and directors, and feedback from these individuals about you. We use this information to understand individuals’ professional performance and eligibility for promotion and salary or contract amount increases. We process this information on the basis of our legitimate interests in assessing your professional performance and in order to facilitate entry into contract with you.

## **Investigations, whistleblowing, complaints**

In the event that a claim, complaint or other issue is disclosed to AWO management and/or Human Resources, certain information may need to be processed by us for the purpose of investigation including copies of emails, message exchanges (via Teams, Slack, or other services), voicemail or text exchanges, videos, statements from witnesses or any other relevant material. If deemed necessary by AWO management and as required by law, external regulators may be contacted and this information disclosed to them, for example the UK HMRC, Health and Safety Executive or other regulatory body. This information is processed on the basis of either our legitimate interests in managing employee and contractor conduct, or in accordance with our legal obligations on us as an employer and in accordance with the terms of your contract with us.

## **Security and IT administration**

AWO provides employees and contractors with IT hardware including laptops and mobile phones. In order to set up profiles and keep IT systems and software secure and updated, we typically process Names, Job Title, Email address, device identification data and telephone numbers. This data may be shared with third parties including our IT support team and technology and software service providers. This data sharing is supported by agreements that comply with UK and EU data protection laws to ensure the protection and confidentiality of personal data, including the safeguarding of any international transfers. We process this information on the basis of our legitimate interests in maintaining functional and secure hardware and software and protecting the confidentiality of our work and our clients’ and collaborators’ personal and commercial data.

## **Monitoring use of AWO hardware and software**

AWO does not routinely monitor staff use of AWO hardware and software for purposes of evaluating employee performance. However, many of the tools, software and applications we use maintain system usage logs for security and functionality purposes. For example, Microsoft Active Directory records all successful and failed logins to our Office 365 suite, Sharepoint records modifications to documents etc. AWO may access this data in the event of a data breach or security incident for the purposes of investigating, mitigating, remedying or otherwise responding to such events. We process this information on the basis of our legitimate interests in maintaining functional and secure hardware and software and protecting the confidentiality of our work and our clients’ and collaborators’ personal and commercial data.

## **UK visa sponsorship**



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There are legal obligations on us as a sponsoring employer to process and retain certain information in relation to sponsored employees in the UK. For employees who require UK visa sponsorship, the following additional information is processed: copy of job advertisements, details of where advertisement was posted, application score, interview feedback and notes (where interview undertaken), CV, passport, Biometric Residence Permit card, National Insurance number, evidence of UK entry date, history of contact details and history of absences.

## **Time tracking**

AWO requires employees and contractors to track their working time to specific projects, including working hours and any applicable overtime, in our time management systems Harvest and Clio. Additionally, we require staff to track any time off, including annual holiday, sick leave, parental leave, in our time off tracking system Timetastic. More information about Clio, Harvest and Timetastic is provided in the *Data sharing and processors* section below. We process this information on the basis of our legitimate interests in understanding how employee and contractor time is spent, preparing client invoices and managing holidays and leave.

## **Learning and development**

Depending on the nature of work you undertake, we may request information about and copies of your qualifications, certifications, professional training courses you undertake and documentation of the completion of any continuing professional development requirements. We process this information on the basis of legal obligations on us as an employer of regulated roles (including SRA regulated roles), our contractual relationship with you, and our legitimate interests in evidencing the qualifications of our employees and contractors.

## **Travel and events**

Sometimes you may be required to travel for conferences, client meetings or other work-related events.\* Your passport, name, contact details, dietary requirements and other information required to facilitate travel bookings will be processed for this purpose on the basis of our legitimate interests in having employees and contractors attend in-person events, or otherwise on the basis of our contract with you. To the extent that this information may incidentally disclose special category data (for example religious beliefs or concerning health), we process this information on the basis of your consent.

\*At the time of drafting, in-person attendance at meetings and events is not recommended or required by AWO because of Covid-19.

## **Offboarding**

When you leave AWO, we will generate a resignation/termination letter and equipment return confirmation including your name and contact details. We process this information on the basis of our legitimate interests in evidencing offboarding procedures. At your request and on the basis of your consent, we may also produce a written reference for you.



## **Gifts, cards or other non-work related deliveries**

In certain circumstances we may send you gifts, cards or other deliveries unrelated your work. We will need to share your delivery details with the supplier. If you have any concerns in this regard, please let us know.

If you wish to send a delivery of this type to another team member, we request that you ask them directly for their delivery information and obtain their consent first.

## Special category data

In addition to the circumstances described above, we may process special category data concerning your need to take time away from work, where this is required because of health, family life, pregnancy or other personal circumstances. In these circumstances, we process this data on the basis of your consent and/or in accordance with our rights as a data controller in connection with your employment.

## Data sharing and processors

Our Human Resources processes are managed by HNK Legal Ltd. Sometimes it may be necessary to share your data between entities within the AWO group of companies for the purposes and on the basis of facilitating your employment or contract with us. Your data will always be appropriately protected, kept confidential and not used for any other purpose than those specified here.

AWO works with carefully selected third party service providers who perform certain data processing tasks on the basis of our legitimate interests in facilitating your employment or contract with us. These third parties are engaged by AWO on terms which ensure confidentiality and compliance with data protection laws. An up-to-date list of processors which are engaged in the processing of your data is available on request.

There is also a possibility that we could be legally compelled to disclose data about you in response to a request from a judicial body or law enforcement agency.

If you have any concerns about how your data will be processed and by whom please contact us.

## International transfers of data

Where your personal data is transferred outside the European Union, this will be supported by an approved international transfer safeguard, for example the Standard Contractual Clauses.

## Retention

In general, once your employment or contractual relationship with AWO ends, we retain the information processed for this purpose for six years. The exceptions to this are pension records, which we retain for 12 years, and whistleblowing documentation, which we retain for six months following any investigation. Where a whistleblowing claim is not investigated the documentation is deleted immediately. These retention periods are made on the basis of our legitimate interests in defending

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against any potential claim made against us and/or on the basis of legal obligations on us as an employer.

At the expiration of the periods set out above, we will securely and permanently delete your personal data. We may retain some fully and irreversibly anonymised data relating to race and gender for the purposes of diversity reporting.

## Information security

We take all reasonable steps to ensure that personal data is processed securely and treated in accordance with this Notice. The technical and organisational measures to prevent unauthorised access to personal data include limiting staff and sub-processor access to personal data in accordance with specific job responsibilities or contractual obligations, the encryption of data where possible, the institution of security protocols and staff training.

## Your rights

Where AWO processes your personal data you may have the right:

- to be informed as to whether AWO holds data about you;
- to access that data;
- to have inaccurate data corrected;
- to have your data deleted;
- to opt-out of particular data processing operations;
- to receive your data in a form that makes it “portable”;
- to object to data processing;
- to receive an explanation about any automated decision making and/or profiling, and to challenge those decisions where appropriate.

You can seek to exercise these rights by contacting the AWO data protection focal point via [privacy@awo.agency](mailto:privacy@awo.agency). You also have the right to lodge concerns or complaints with the UK [Information Commissioner's Office](#). Data subjects covered by EU law may also be entitled to lodge complaints with the data protection supervisory authority in their country of residence (see [here](#)).

## Updates to this notice

This Notice was last updated on 26 May 2021. We will notify you of any subsequent updates and the impact thereof on the way your data is processed.

