



Parker Jones Group
GDPR – Data Protection Policy

Introduction

Parker Jones Group and any other Umbrella Companies Ltd takes the security and privacy of your data seriously. We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the **Data Protection Act 2018** (the '2018 Act') and the **EU General Data Protection Regulation** ('GDPR') in respect of data privacy and security. We have a duty to notify you of the information contained in this policy.

This policy applies to data processed regarding current and former employees and workers, job applicants, agency work seekers, agency workers and individual client contacts. If you fall into one of these categories, then you are a 'data subject' for the purposes of this policy.

You should read this policy alongside your contract of employment or contract for services and any other notice we issue to you from time to time in relation to your data. Parker Jones Group and any other Umbrella Companies has measures in place to protect the security of your data in accordance with our Data Security Policy. A copy of this can be obtained from Andy Harvey, Managing Director, in writing to Parker Jones Group, Tapnag Farm, Titchfield Lane, Wickham, PO17 5PQ.

Parker Jones Group and any other Umbrella Companies will hold data in accordance with our Data Retention Policy. A copy of this can be obtained from Andy Harvey, Managing Director, in writing to Parker Jones Group, Tapnag Farm, Titchfield Lane, Wickham, PO17 5PQ. We will only hold data for as long as necessary for the purposes for which we collect it.

Parker Jones Group and any other Umbrella Companies is a '**data controller**' for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data. This policy explains how Parker Jones Group and any other Umbrella Companies will hold and process your information. It explains your rights as a data subject. It also explains your obligations when obtaining, handling, processing or storing personal data in the course of working for, or on behalf of, Parker Jones Group and any other Umbrella Companies.

Parker Jones Group and any other Umbrella Companies will only process personal data where it has a legal basis for doing so. Parker Jones Group and any other Umbrella Companies' Privacy Notice is available on our website, provided to job applicants, work seekers and agency workers in the application pack and provided to current and new clients.

Parker Jones Group and any other Umbrella Companies has separate policies and privacy notices in place in respect of suppliers and other categories of data subject. A copy of these can be obtained from our website. Parker Jones Group and any other Umbrella Companies will review the personal data it holds on a regular basis to ensure it is being lawfully processed and it is accurate, relevant and up to date.

Before transferring information to a third party (e.g. past, current or prospective employers, suppliers, clients, intermediaries or any other third party), Parker Jones Group and any other Umbrella Companies will establish that it has a legal basis for making the transfer. This policy does not form part of your contract of employment or contract for services if relevant and can be amended by Parker Jones Group and any other Umbrella Companies at any time. It is intended that this policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, Parker Jones Group and any other Umbrella Companies intends to comply with the 2018 Act and the GDPR.

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In this policy the following terms have the following meanings:

'consent': means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the *processing* of personal data relating to him or her;

'data controller': means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of processing of personal data;

'data processor': means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

'data subject'[†]: means the identified or identifiable living individual to whom personal data;

'personal data'^{*}: means any information relating to an identified or identifiable natural persona ('data subject'); an identifiable natural persona is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

'personal data breach': means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, *personal data* transmitted, stored or otherwise processed;

'processing': means any operation or set of operations which is performed on *personal data* or on sets of *personal data*, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

'profiling': means any form of automated *processing of personal data* consisting of the use of *personal data* to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

'pseudonymisation': means the *processing of personal data* in such a manner that the *personal data* can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the *personal data* are not attributed to an identified or identifiable natural person;

'special categories of personal data'^{*}: means the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation [See Note 1];

[†] For the purposes of this policy we have used the term 'individual' to mean '*data subject*'.

^{*} For the purposes of this policy we use the term '*personal data*' to include '*special categories of personal data*' except where we specifically need to refer to *special categories of personal data*.

All of these definitions are italicised throughout this policy to remind the reader that they are defined terms.

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The Company processes *personal data* in relation to its own staff, work-seekers and individual client contacts and is a *data controller* for the purposes of the Data Protection Laws. The Company has registered with the ICO and its registration number is ZA797482 (Parker Jones Group) and ZA815366 (Parker Jones Recruitment Solutions).

Data Protection Principles

Personal data must be processed in accordance with our 'Data Protection Principles.'

It must:

- be processed fairly, lawfully and transparently
- be collected and processed only for specified, explicit and legitimate purposes
- be adequate, relevant and limited to what is necessary for the purposes for which it is processed
- be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay
- not be kept for longer than is necessary for the purposes for which it is processed
- be processed in accordance with the rights of data subjects
- not be transferred to another country without appropriate safeguards being in place; and
- be processed securely.

We are accountable for these principles and must be able to show that we are compliant.

How we define personal data

'Personal data' means information which relates to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymized data.

This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

This personal data might be provided to us by you, or someone else (such as a former employer, or your doctor), or it could be created by us. It could be provided or created during the recruitment process or during the course of the contract of employment or contract for services or after its termination. It could be created by your manager or other colleagues.

- We will collect and use the following types of personal data about you:
- Recruitment information such as your application form and CV, references, qualifications and Membership of any professional bodies and details of any pre-employment assessments
- Your contact details and date of birth
- The contact details for your emergency contacts
- Your gender
- Your marital status and family details
- Information about your contract of employment or contract for services including start and end dates of employment, role and location, working hours, details of promotion, salary/rates of pay (including Details of previous remuneration), pension, benefits and holiday entitlement
- Your bank details and information in relation to your tax status including your national insurance number

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- Your identification documents including passport and driving licence and information in relation to your immigration status and right to work for us
- Information relating to disciplinary or grievance/worker complaints and disputes investigations and proceedings involving you (whether or not you were the main subject of those proceedings); Information relating to your performance and behaviour at work, training records, electronic information in relation to your use of IT systems/swipe cards/telephone systems; your images (whether captured on CCTV, by photograph or video)
- Any other category of personal data which we may notify you of from time to time.

Legal bases for processing

Parker Jones Group and any other Umbrella Companies will only process *personal data* where it has a legal basis for doing so. Where Parker Jones Group and any other Umbrella Companies does not have a legal reason for *processing personal data* any processing will be a breach of the Data Protection Laws.

Parker Jones Group and any other Umbrella Companies will review the *personal data* it holds on a regular basis to ensure it is being lawfully processed and it is accurate, relevant and up to date.

Before transferring *personal data* to any third party (such as past, current or prospective employers, suppliers, customers and clients, intermediaries such as umbrella companies, persons making an enquiry or complaint and any other third party (such as software solutions providers and back-office support)), Parker Jones Group and any other Umbrella Companies will establish that it has a lawful reason for making the transfer.

How we define special categories of personal data

'**Special categories of personal data**' are types of personal data consisting of information as to:

- your racial or ethnic origin
- your political opinions
- your religious or philosophical beliefs
- your trade union membership
- your genetic or biometric data
- your health
- your sex life and sexual orientation; and
- any criminal convictions and offences.

We may hold and use any of these special categories of your personal data in accordance with the law.

How we define processing

'**Processing**' means any operation which is performed on personal data such as:

- collection, recording, organisation, structuring or storage;
- adaption or alteration;
- retrieval, consultation or use;
- disclosure by transmission, dissemination or otherwise making available;
- alignment or combination; and
- restriction, destruction or erasure.

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This includes processing personal data which forms part of a filing system and any automated processing.

How will we process your personal data?

Parker Jones Group and any other Umbrella Companies will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act.

We will use your personal data for:

- Compliance with a legal obligation (e.g. real time information reporting to HMRC)
- The performance of the contract (e.g. processing payroll, monitoring attendance)
- Protecting the legitimate interest of Parker Jones Group and any other Umbrella Companies or third party (e.g. collecting information during a disciplinary, grievance, complaints or disputes process, or collecting workplace data in order to improve workplace performance). You have the right to challenge our legitimate interests and request that we stop this processing. See the section on subject data access rights for further detail.

We can process your personal data for these purposes without specifically informing you or obtaining your consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

If you choose not to provide us with certain personal data, you should be aware that we may not be able to carry out certain parts of the contract between us. For example, if you do not provide us with your bank account details we may not be able to pay you. It might also stop us from complying with certain legal obligations and duties which we have such as to pay the right amount of tax to HMRC.

Privacy by design and default

We are required to demonstrate that privacy considerations are embedded into all our processes and procedures. We complete documented data protection impact assessments on our processes and procedures to ensure we are compliant with the principles of GDPR. This is completed each time a policy or procedure is changed.

The types of measures that we have implemented include:

- Pseudonymisation (personal data which cannot be attributed to an individual without additional information. The information must be kept separately and is subject to technical and organisational measures to ensure the individual cannot be identified)
- Anonymisation (using separate keys/codes so that individuals cannot be identified)
- Cyber security
- Data Minimisation

Examples of when we might process your personal data

We must process your personal data in various situations during your recruitment, employment or engagement and even following termination of your employment or engagement.

For example:

- to decide whether to employ or engage you

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- to decide how much to pay you, and the other terms of your contract with us
 - to check you have the legal right to work in the UK
 - to carry out the contract between us including where relevant, its termination
 - training you and reviewing your performance
 - to decide whether to promote you
 - to decide whether and how to manage your performance, absence or conduct
 - to carry out a disciplinary or grievance investigation or complaints and disputes procedure in relation to you or someone else
 - to determine whether we need to make reasonable adjustments to your workplace or role because of your disability
 - to monitor diversity and equal opportunities
 - to monitor and protect the security (including network security) of Parker Jones Group and any other Umbrella Companies, of you, our other staff, customers and others
 - to monitor and protect the health and safety of you, our other staff, customers and third parties
 - to pay you and provide pension and other benefits in accordance with the contract between us
 - paying tax and national insurance
 - to provide a reference upon request from another employer;
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- to pay trade union subscriptions
 - monitoring compliance by you, us and others with our policies and our contractual obligations
 - to comply with employment law, immigration law, health and safety law, tax law and other laws which affect us
 - to answer questions from insurers in respect of any insurance policies which relate to you
 - running our business and planning for the future
 - the prevention and detection of fraud or other criminal offences
 - to defend Parker Jones Group and any other Umbrella Companies in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure
 - and for any other reason which we may notify you of from time to time.

We will only process special categories of your personal data (see above) in certain situations in accordance with the law. For example, we can do so if we have your explicit consent.

If we asked for your consent to process a special category of personal data, then we would explain the reasons for our request.

You do not need to consent and can withdraw consent later if you choose by contacting Andy Harvey, Director, in writing to Parker Jones Group, Tapnag Farm, Titchfield Lane, PO17 5PQ.

We do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do:

- where it is necessary for carrying out rights and obligations under employment law;
- where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- where you have made the data public;
- where processing is necessary for the establishment, exercise or defence of legal claims; and
- where processing is necessary for the purposes of occupational medicine or for the assessment of your



working capacity.

We might process special categories of your personal data for the purposes detailed above which have an asterisk beside them. We will use information in relation to:

- your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities;
- your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work, to pay you benefits, to comply with our legal obligations under employment law including to make reasonable adjustments and to look after your health and safety; and
- your trade union membership to pay any subscriptions and to comply with our legal obligations in respect of trade union members.

We do not take automated decisions about you, using your personal data or use profiling in relation to you, except where the automated/profiling decision:

- Is necessary for the entering into or performance of a contract between Parker Jones Group and any other Umbrella Companies and you
- Is authorised by law; or
- You have given your explicit consent

Privacy Notices

Where Parker Jones Group and any other Umbrella Companies collects *personal data* from the individual, Parker Jones Group and any other Umbrella Companies will give the individual a privacy notice at the time when it first obtains the *personal data*.

Where Parker Jones Group and any other Umbrella Companies collects *personal data* other than from the individual directly, it will give the individual a privacy notice within a reasonable period after obtaining the *personal data*, or at the time it contacts the individual, but at the latest within one month. If Parker Jones Group and any other Umbrella Companies intends to disclose the *personal data* to a third party, then the privacy notice will be issued when the *personal data* are first disclosed (if not issued sooner).

Where Parker Jones Group and any other Umbrella Companies intends to further process the *personal data* for a purpose other than that for which the data was initially collected, Parker Jones Group and any other Umbrella Companies will give the individual information on that other purpose and any relevant further information before it does the further *processing*.

Sharing your personal data

Sometimes we might share your personal data with group companies or our contractors and agents to carry out our obligations under our contract with you or for our legitimate interests.

We require those companies to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions, such as payroll

We do not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

Subject access requests

Parker Jones Group and any other Umbrella Companies Ltd

www.parkerjonesgroup.com

Registered in England: 11731665

Registered office: Suite 2, Victoria House, South Street, Farnham, Surrey, England, GU9 7QU

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Data subjects can make a 'subject access request' ('SAR') to find out the information we hold about them. This request must be made in writing. If you receive such a request, you should forward it immediately to the Data Protection Officer/Data Protection Manager who will coordinate a response.

If you would like to make a SAR in relation to your own personal data, you should make this in writing to Andy Harvey, Parker Jones Group and any other Umbrella Companies, Tapnag Farm, PO17 5PQ.

We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.

There is no fee for making a SAR. However, if your request is manifestly unfounded or excessive, we may charge a reasonable administrative fee or refuse to respond to your request.

Data subjects' rights

You have the right to:

- Information about what personal data we process, how and on what basis as set out in this policy.
- Access to your own personal data by way of a subject access request (see above).
- Correct any inaccuracies in your personal data.
- To do you should contact Andy Harvey, Director, Parker Jones Group, Tapnag Farm, Titchfield Lane, Wickham, PO17 5PQ
- Request that we erase your personal data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected.
- While you are requesting that your personal data is corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. • Object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop.
- Object if we process your personal data for the purposes of direct marketing.
- Receive a copy of your personal data and to transfer your personal data to another data controller. We will not charge for this and will in most cases aim to do this within one month.
- With some exceptions, not to be subjected to automated decision-making.
- Notified of a data security breach concerning your personal data.
- In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact In most situations we will not rely on your consent as a lawful ground to process your data.
- Data portability which allows you to obtain and reuse your personal data for your own purposes across different services. It allows you to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.
- Complain to the Information Commissioner directly.
- Further information on your rights, our obligations, exceptions to the above, and a helpline number can be found on the Information Commissioner's Office website (www.ico.org.uk).

Rectification

The individual or another data controller at the individual's request, has the right to ask Parker Jones Group and

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any other Umbrella Companies to rectify any inaccurate or incomplete personal data concerning an individual. If Parker Jones Group and any other Umbrella Companies has given the personal data to any third party, it will tell those third parties that it has received a request to rectify the personal data unless this proves impossible or involves disproportionate effort. If asked to, Parker Jones Group and any other Umbrella Companies must also inform the individual about these recipients. Those third parties should also rectify the personal data they hold - however Parker Jones Group and any other Umbrella Companies will not be in a position to audit those third parties to ensure that the rectification has occurred.

Erasure

The individual or another data controller at the individual's request, has the right to ask Parker Jones Group and any other Umbrella Companies to erase an individual's personal data.

If Parker Jones Group and any other Umbrella Companies receives a request to erase it will ask the individual if s/he wants his personal data to be

removed entirely or whether s/he is happy for his or her details to be kept on a list of individuals who do not want to be contacted in the future (for a specified period or otherwise). Parker Jones Group and any other Umbrella Companies cannot keep a record of individuals whose data it has erased so the individual may be contacted again by Parker Jones Group and any other Umbrella Companies should Parker Jones Group and any other Umbrella Companies come into possession of the individual's personal data at a later date.

If Parker Jones Group and any other Umbrella Companies has made the data public, it shall take reasonable steps to inform other data controllers and data processors processing the personal data to erase the personal data, taking into account available technology and the cost of implementation.

If Parker Jones Group and any other Umbrella Companies has given the personal data to any third parties it will tell those third parties that it has received a request to erase the personal data, unless this proves impossible or involves disproportionate effort. If asked to, Parker Jones Group and any other Umbrella Companies must also inform the individual about these recipients. Those third parties should also rectify the personal data they hold - however Parker Jones Group and any other Umbrella Companies will not be in a position to audit those third parties to ensure that the rectification has occurred. [NOTE 10]

Restriction of processing

The individual or a data controller at the individual's request, has the right to ask Parker Jones Group and any other Umbrella Companies to restrict its processing of his or her personal data where:

- The individual challenges the accuracy of the personal data;
- The processing is unlawful and the individual opposes its erasure but requests restriction instead;
- Parker Jones Group and any other Umbrella Companies no longer needs the personal data for the purposes of the processing, but the individual needs Parker Jones Group and any other Umbrella Companies to keep the personal data in order to establish, exercise or defend a legal claim; or
- The individual has objected to processing (on the grounds of a public interest or legitimate interest) pending the verification whether the legitimate grounds of Parker Jones Group and any other Umbrella Companies override those of the individual.

If Parker Jones Group and any other Umbrella Companies has given the personal data to any third parties, it will tell those third parties that it has received a request to restrict the personal data unless this proves impossible or involves disproportionate effort. If asked to, Parker Jones Group and any other Umbrella Companies must also inform the individual about these recipients. Those third parties should also rectify the personal data they hold - however Parker Jones Group and any other Umbrella Companies will not be in a position to audit those third parties to ensure that the rectification has occurred.

Data portability

The individual shall have the right to receive personal data concerning him or her, which he or she has provided to Parker Jones Group and any other Umbrella Companies, in a structured, commonly used and machine-readable format and have the right to transmit those data to another data controller in circumstances where:

- The processing is based on the individual's consent or a contract; and
- The processing is carried out by automated means (i.e. excluding paper files).

Where feasible, Parker Jones Group and any other Umbrella Companies will send the personal data to a named third party on the individual's request.

Object to processing

The individual has the right to object to their personal data being processed based on a public interest, the exercise of official authority vested in you, or a legitimate interest (or those of a third party).

Parker Jones Group and any other Umbrella Companies shall cease processing unless it has compelling legitimate grounds to continue to process the personal data which override the individual's interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

The individual has the absolute right to object to the processing of their personal data for direct marketing. Please refer to Parker Jones Group and any other Umbrella Companies's Marketing Policy for further information.

Enforcement of rights

All requests regarding individual rights should be sent to the person whose details are listed in page 12.

Parker Jones Group and any other Umbrella Companies shall act upon any subject access request, or any request relating to rectification, erasure, restriction, data portability or objection or automated decision-making processes or profiling within one month of receipt of the request. Parker Jones Group and any other Umbrella Companies may extend this period for two further months where necessary, taking into account the complexity and the number of requests. Parker Jones Group and any other Umbrella Companies will let the individual know within one month of receiving his or her request and explain why the extension is necessary.

Where Parker Jones Group and any other Umbrella Companies considers that a request under this section is manifestly unfounded or excessive due to the request's repetitive nature Parker Jones Group and any other Umbrella Companies may either refuse to act on the request or may charge a reasonable fee taking into account the administrative costs involved. [NOTE 14]

Automated decision making

Parker Jones Group and any other Umbrella Companies will not subject individuals to decisions based on automated processing that produce a legal effect or a similarly significant effect on the individual, except where the automated decision:

- Is necessary for the entering into or performance of a contract between the data controller and the individual;
- Is authorised by law; or
- The individual has given their explicit consent.

Parker Jones Group and any other Umbrella Companies will not carry out any automated decision-making or profiling using the personal data of a child.

Reporting personal data breaches

Where Parker Jones Group and any other Umbrella Companies establishes that a personal data breach has taken place, Parker Jones Group and any other Umbrella Companies will take steps to contain and recover the breach. Where a personal data breach is likely to result in a risk to the rights and freedoms of any individual Parker Jones Group and any other Umbrella Companies will notify the ICO, and where necessary, the individual/s concerned.

Where the personal data breach happens outside the UK, Parker Jones Group and any other Umbrella Companies shall alert the relevant authority for data breaches in the effected jurisdiction.

Personal data breaches where Parker Jones Group and any other Umbrella Companies is the data processor:

Parker Jones Group and any other Umbrella Companies will alert the relevant data controller as to the personal data breach as soon as they are aware of the breach.

Communicating personal data breaches to individuals

Where Parker Jones Group and any other Umbrella Companies has identified a personal data breach resulting in a high risk to the rights and freedoms of any individual, Parker Jones Group and any other Umbrella Companies shall tell all affected individuals without undue delay.

All individuals have the following rights under the Human Rights Act 1998 (HRA) and in dealing with personal data these should be respected at all times:

- Right to respect for private and family life.
- Freedom of thought, belief and religion.
- Freedom of expression.
- Freedom of assembly and association.
- Protection from discrimination in respect of rights and freedoms under the HRA.

If you have a complaint or suggestion about Parker Jones Group and any other Umbrella Companies's handling of personal data then please contact the person whose details are listed in the Appendix to this policy.

Alternatively you can contact the ICO directly on 0303 123 1113 or at <https://ico.org.uk/global/contact-us/email/>

a) The lawfulness of *processing* conditions for *personal data* are:

1. **Consent:** *the individual has given clear consent for you to process their personal data for a specific purpose.*
2. **Contract:** *the processing is necessary for the performance of a contract with the data subject or in order to take specific steps before entering into a contract.*
3. **Legal obligation:** *the processing is necessary for compliance with a legal obligation to which the data controller/data processor is subject to.*
4. **Vital interests:** *the processing is necessary to protect someone's life.*
5. **Public task:** *the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official functions, and the task or function has a clear basis in law.*
6. **Legitimate interests:** *the processing is necessary for the legitimate interests pursued by the data controller or a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.*

b) The lawfulness of *processing* conditions for *special categories of personal data* are:

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1. The *data subject* has given explicit consent to the *processing* of the *special categories of personal data* for one or more specified purposes, except where the *data subject* is not permitted or able to give *consent*.
2. *Processing* is necessary for carrying out obligations and exercising specific rights of the *data controller* or of the *data subject* under employment, social security or social protection law, in so far as it is authorised by UK law or a collective agreement, provided for appropriate safeguards for the fundamental rights and interests of the *data subject*.
3. *Processing* is necessary to protect the vital interests of the *data subject* or another person where the *data subject* is physically or legally incapable of giving *consent*.
4. *Processing* is carried out in the course of its legitimate activities 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 solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the *personal data* are not disclosed outside that body without the consent of the *data subject(s)*.
5. *Processing* relates to *personal data* which manifestly made public by the *data subject*.
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 UK law which is proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject domestic law.
8. *Processing* is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee [NOTE 21], medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of UK law or a contract with a health professional and subject to relevant 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 health care and of medicinal products or medical devices on the basis of UK law.
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 the fundamental rights and interests of the *data subject*.

Updated February 2025.