

Last revised: 23 April 2020

MENZIES LLP- WORKPLACE PRIVACY NOTICE

This privacy notice

Like most businesses, we hold and process a wide range of information, which relates to the individuals who work for us. This Privacy Notice explains the type of information we process, why we are processing it and how that processing may affect you.

The notice focuses on individuals who work for us in Menzies LLP (and applies to all entities owned by Menzies LLP including Menzies Wealth Management) whether employed or not (for instance, employees, partners, workers, self-employed contractors, agency workers etc). It also covers information on those who apply to work for us. It also explains that even after you have ceased working for us, we may need to retain your personal data for a variety of purposes.

This Privacy Notice is set out in this document (the Core Notice) and the Supplementary Information in the annex to this document. In the Supplementary Information, we explain what we mean by “personal data”, “processing”, “sensitive personal data” and other terms used in the notice.

In brief, this notice explains:

- what personal data we hold and why we process it;
- the legal grounds which allow us to process your personal data;
- where the data comes from, who gets to see it and how long we keep it;
- how to access your personal data and other rights; and
- how to contact us.

1. Personal data – what we hold and why we process it

We process personal data while delivering services to our clients, prospective clients and contacts and for internal administration purposes, including management, administrative, employment/engagement and legal purposes. The Supplementary Information provides more specific information on these purposes, on the type of data that may be processed and on the grounds on which we process data. See *Legal grounds for processing personal data* and *Further information on the data we process and our purposes*.

2. Where the data comes from and who gets to see it

Some of the personal data that we process about you comes from you. For example, you tell us your contact and banking details.

Other personal data about you is generated in the course of your work, for example, from your managers, colleagues and partners of the Menzies LLP or others outside Menzies LLP with whom you deal such as clients or service providers.

In addition to your name, contact details and image, which may be shared as you communicate with our contacts for business purposes, some of your personal data will be seen by managers and, in some circumstances, colleagues, partners of Menzies LLP and some external organisations such as HMRC, and our employee benefit providers.

Further information on this is provided in the Supplementary Information. See *Where the data comes from* and *Who gets to see your data?*

3. **How long do we keep your personal data?**

We do not keep your personal data for any specific period but will not keep it for longer than is necessary for our lawful purposes. In general, we will keep your personal data for the duration of your employment/engagement and for a period of up to seven years afterwards.

See *Retaining your personal data – more information* in the Supplementary Information.

4. **Transfers of personal data outside the EEA**

Some of your personal data may be transferred outside the EEA or where data is accessed by your colleagues while travelling, or when you are dealing with clients based overseas.

Further information on these transfers and the measures taken to safeguard your data are set out in the Supplementary Information under *Transfers of personal data outside the EEA – more information*.

5. **Your data rights**

You have a right to make a subject access request to receive information about the personal data that we process about you and you have certain other rights over your personal data. Further information on this is in the Supplementary Information under *Access to your personal data and other rights*. We also explain how to make a complaint about our processing of your data.

6. **Contact details**

In processing your personal data, Menzies LLP acts as a data controller.

If you would like more information about this Privacy Notice or about how we handle your personal data, you should email dataprotection@menzies.co.uk

7. **Status of this notice**

This Privacy Notice does not form part of any relevant contract we have with you. We may amend it at any time.

Please sign and date below to confirm your acceptance.

Employee Name:

Signed by:

Date:

Annex: Supplementary information

What do we mean by “personal data” and “processing”?

1. “Personal data” is information relating to you (or from which you may be identified) which is processed by automatic means or which is (or is intended to be) part of a structured manual filing system. Your name is your personal data, but the concept is much wider; it includes not only facts about you, but also intentions and opinions about you.
2. Data “processed automatically” includes information held on, or relating to use of, a computer, laptop, mobile phone or similar device. It covers data derived from equipment such as access passes within a building, and sound and image data such as photographs.
3. “Processing” means doing anything with the data. For example, it includes collecting it, holding it, disclosing it and deleting it.
4. Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sexual orientation, sex life, and genetic and biometric data are subject to special protection and considered by EU privacy law to be “special category personal data”
5. References in the Privacy Notice to employment, work (and similar expressions) include any arrangement we may have under which an individual provides us with work or services.

By way of example, when we mention an “employment contract”, that includes a contract under which you provide us with services; when we refer to ending your employment, that includes terminating a contract for services. We use the word “you” to refer to anyone within the scope of the notice.

LEGAL GROUNDS FOR PROCESSING PERSONAL DATA

What are the grounds for processing?

6. Under data protection law, there are various grounds on which we can rely when processing your personal data. In some contexts, more than one ground applies. We have summarised these grounds as Contract, Legal obligation, Legitimate Interests and Consent and outline what those terms mean in the following table.

<i>Term</i>	<i>Ground for processing</i>	<i>Explanation</i>
Contract	Processing necessary for performance of a contract with you or to take steps at your request to enter a contract.	This covers carrying out our contractual duties and exercising our contractual rights.
Legal obligation	Processing necessary to comply with our legal obligations.	Ensuring we perform our legal and regulatory obligations. For example, providing a safe place of work and avoiding unlawful discrimination or responding to our regulator.
Legitimate Interests	Processing necessary for our or a third party’s legitimate interests.	We or a third party have legitimate interests in carrying on, managing and administering our respective businesses effectively and

		<p>properly and in connection with those interests processing your data.</p> <p>Your data will not be processed on this basis if our or a third party's interests are overridden by your own interests, rights and freedoms.</p>
Consent	You have given specific consent to processing your data.	<p>In general, processing your data in connection with employment/engagement is not conditional on your consent. But there may be occasions where we do specific things such as provide a reference, deduct union dues or obtain medical reports and rely on your consent to our doing so.</p>

Processing special category personal data

7. If we process special category personal data about you, (for example (but without limitation), storing your health records to assist us in ensuring that we provide you with a healthy and safe work workplace or processing personal data relating to diversity monitoring), as well as ensuring that one of the grounds for processing mentioned above applies, we will make sure that one or more of the grounds for processing sensitive personal data applies. In outline, these include:
- Processing being necessary for the purposes of your or our obligations and rights in relation to employment/engagement in so far as it is authorised by law or collective agreement;
 - Processing relating to data about you that you have made public (e.g. if you tell colleagues that you are ill);
 - Processing being necessary for the purpose of establishing, making or defending legal claims;
 - Processing being necessary for provision of health care or treatment, medical diagnosis, and assessment of your working capacity; and
 - Processing for equality and diversity purposes to the extent permitted by law.

Further information on the data we process and our purposes

8. More specific information on the purposes for which we process your personal data, examples of the data, and the grounds on which we process data are in the table below.
9. The examples in the table cannot, of course, be exhaustive. For example, although the table does not mention data relating to criminal offences, if we were to find out that someone working for us was suspected of committing a criminal offence, we might be obliged to investigate and possibly report the conclusions of that investigation and share the outcome with external agencies. We may

also act on that information by commencing disciplinary proceedings. Those actions would mean that we were processing that information. We may need to do so because we are a regulated business to comply with our legal and regulatory obligations and/or for another legitimate purpose.

<i>Purpose</i>	<i>Examples of personal data that may be processed</i>	<i>Grounds for processing</i>	<i>Explanation of our legitimate interest</i>
Recruitment	Information concerning your application and our assessment of it, your references, any checks we may make to verify information provided or background checks and any information connected with your right to work in the UK. If relevant, we may also process information concerning your health, any disability and in connection with any adjustments to working arrangements.	Contract Legal obligation Legitimate interests	We want to ensure that the roles we offer are filled with the most appropriate candidates
Your employment contract including entering it, performing it and changing it	Information on your terms of employment/engagement from time to time including your pay and benefits, such as your participation in pension arrangements, life and medical insurance; and any bonus schemes where relevant.	Contract Legal obligation	
Psychometric testing for the purpose of talent development and performance improvement	Name, contact details and any answers that you provide as part of any psychometric testing that Menzies LLP organizes	Legitimate interests	To improve performance and assist with talent development
Contacting you or others on your behalf	Your address and phone number, emergency contact information and information on your next of kin.	Contract	
Payroll administration	Information on your bank account, pension contributions and on tax and national insurance. Information on attendance, holiday and other leave and sickness absence.	Contract Legal obligation	
Financial planning and budgeting	Information such as your salary and (if applicable) bonus levels, and chargeable time.	Legitimate interests	To assist with calculations of resources and assets for

			financial planning and budgeting
Supporting and managing your work and performance, conducting disciplinary investigations and processes, grievance investigations and outcomes, and dealing with any health concerns	<p>Information connected with your work, anything you do at work and your performance and conduct at work including documents and emails created by or relating to you and information on your use of our systems, including computers, laptops or other devices.</p> <p>Management information regarding you, including notes of decisions, and appraisal records.</p> <p>Information relating to your compliance with our policies.</p> <p>Information concerning disciplinary allegations, investigations and processes and relating to grievances in which you are or may be directly or indirectly involved.</p> <p>Information concerning your health, including self-certification forms, fit notes and medical and occupational health reports.</p>	<p>Contract</p> <p>Legal obligation</p> <p>Legitimate interests</p>	To monitor your performance at work, provide further workplace support, and comply with our obligations in employment law
Changing or ending your working arrangements	Information connected with anything that may affect your continuing employment or the terms on which you work including any proposal to promote you, to change your pay or benefits, to change your working arrangements or to end your working relationship.	Contract	
Physical and system security	<p>Records of use of swipe and similar entry cards.</p> <p>Records of your use of our systems including computers, phones and other devices and passwords</p> <p>Monitoring and checking the security of our systems.</p>	<p>Legal obligation</p> <p>Legitimate interests</p>	To protect Menzies assets and employees
Providing references in connection with your finding new	Information on your working for us and on your performance.	<p>Consent</p> <p>Legitimate interests</p>	To assist you in gaining employment / engagement

employment/ engagement			
Providing information to third parties in connection with transactions that we contemplate or carry out	Subject to appropriate non-disclosure agreements and data sharing agreements, we may share Information on your contract and other employment data that may be required by a party to a transaction such as a prospective purchaser, seller or outsourcer.	Legitimate interests	To assist with third party due diligence
Monitoring of diversity and equal opportunities	Information on your nationality, racial and ethnic origin, gender, sexual orientation, religion, disability and age.	Legitimate interests Legal obligation	To ensure we meet are equal opportunities obligations
Monitoring system and information use	<p>We expect you to comply with our policies and rules and may monitor our systems and information stored on those systems, including the contents of emails or websites visited, to check compliance (e.g. rules on accessing pornography at work).</p> <p>During and after your employment, we will, where necessary and as set out in this privacy notice, check system and other data to look into any concerns (e.g. log in records, records of usage and the contents of emails and documents).</p> <p>In the event of your absence from the office, we may at times need access to current and past correspondence with clients in order to manage client engagements</p> <p>In appropriate cases, if we have suspicions of serious wrong doing, we may make targeted records (e.g. video or sound) in connection with an investigation.</p>	Legitimate interests Contract	<p>To uphold professional working standards in all Menzies working environments</p> <p>To monitor compliance with our Acceptable Use Policy</p> <p>To uphold the security of Menzies IT infrastructure and protect personal and business sensitive data from accidental or unlawful destruction, loss, or alteration</p> <p>To maintain consistent service delivery</p>
Disputes and legal proceedings	Any information relevant or potentially relevant to a dispute or legal proceeding affecting us.	Legitimate interests	To protect and defend Menzies in and from legal

		Legal obligation	proceedings / disputes
Day to day business operations including marketing and client relations	Information relating to the work you do for us, your role and contact details, including relations with partners, or employees of Menzies LLP and/or current or potential clients of Menzies LLP. This may include a picture, voice recordings, and/or film footage of you for internal or external use.	Legitimate interests	To provide a more personal service offering.
Maintaining appropriate business records during and after your employment/ engagement	Information relating to your work, anything you do at work and your performance relevant to such records.	Contract Legal obligation	
Complying with data subject rights	Processing necessary to comply with rights asserted by you or your colleagues over the personal data that we process	Legal obligation	
regulatory issues	For instance, complying with requirements set out by the Institute of Chartered Accountants in England and Wales	Legal obligation	
Providing you with important or urgent information	Contacting you using the contact details you provide to give you important or urgent information including, but not limited to, adverse weather, health concerns, and unexpected office closures	Contract Legitimate Interests	We share this information because we have a contractual duty of care for all employees of Menzies.

Where the data comes from

10. When you start working with us, the initial data about you that we process is likely to come from you: for example, contact details, bank details and information on your immigration status and whether you can lawfully work.
11. In the course of employment/engagement, you may be required to provide us with information for other purposes such as sick pay (and SSP) and family rights (e.g. maternity and paternity leave and pay). If you do not provide information that you are required by statute or contract to give us, you may lose benefits, or we may decide not to employ you or to end your contract. If you have concerns about this in a particular context, you should speak to HR.

12. In the course of your work, we may receive personal data relating to you from others. Internally, personal data may be derived from your managers and other colleagues or our IT systems; externally, it may be derived from our clients or those with whom you communicate by email or other systems.

WHO GETS TO SEE YOUR DATA?**Internal use**

13. Your personal data may be disclosed to your managers within Menzies LLP for administrative and management purposes as mentioned in this document. For instance, we may disclose your personal data to members of Menzies LLP where they are involved in HR management tasks.

External use

14. We will only disclose your personal data outside of Menzies LLP if disclosure is consistent with a ground for processing on which we rely and doing so is lawful and fair to you.
15. We may disclose your data if it is necessary for our legitimate interests as an organisation or the interests of a third party (but we will not do this if these interests are over-ridden by your interests and rights, in particular, to privacy). We may also disclose your personal data if you consent, where we are required to do so by law, and in connection with criminal or regulatory investigations.
16. Specific circumstances in which your personal data may be disclosed include:
- Disclosure to organisations that process data on our behalf such as our payroll service, our bank and organisations that host or support our IT systems and data; and to recruitment agencies, insurers, urgent SMS system providers and other benefit providers,
 - Disclosure to external recipients of electronic communications (such as emails) which contain your personal data;
 - Disclosure to a member of Menzies LLP involved in an annual pay review or performance management, grievance or disciplinary process, or in other HR administration and management;
 - Disclosure and transfer disclosed to respond to law enforcement agency requests or where required by applicable laws, pursuant to court orders, or arbitral or tribunal orders or rules of procedure, or to government departments or agencies, tax authorities, or to regulatory bodies (including disclosures to the Institute of Chartered Accountants in England and Wales).
 - Disclosure to our advisers for example to our lawyers for the purposes of seeking legal advice or to further Menzies LLP's interests in legal proceedings or to our accountants for auditing purposes; or
 - Disclosure to our insurers.

Retaining your personal data – more information

17. Although there is no specific period for which we will keep your personal data, we will not keep it for longer than is necessary for our lawful purposes. In general, we will keep your personal data for the duration of your employment/engagement and for a period of up to seven years afterwards. In considering how long to keep it, we will take into account its relevance to our business and the

business of members of the Menzies LLP partnership and your employment/engagement with us, either as a record or in the event of a legal claim.

18. If your data is only useful for a short period (for example, record of a holiday request), we may delete it.
19. Personal data relating to job applicants (other than the person who is successful) will normally be deleted after 12 months.

Transfers of personal data outside the EEA –

20. In connection with our business and for employment, administrative, management and legal purposes, we may need to transfer your personal data outside the EEA to members of Menzies LLP working internationally. We will ensure that the transfer is lawful and that there are appropriate security arrangements.
21. If you wish to have further information about these safeguards, please ask HR.

Access to your personal data and other rights

22. We try to be as open as we reasonably can about personal data that we process. If you would like specific information, just ask us.
23. You also have a legal right to make a “subject access request”. If you exercise this right and we hold personal data about you, subject to applicable exemptions, we may be required to provide you with information on it, including:
 - Giving you a description and copy of the personal data; and
 - Telling you why we are processing it.
24. If you make a subject access request and there is any question about who you are (for example, the request comes from an email address that we do not recognise and which does not readily enable us to identify you) we may require you to provide information from which we can satisfy ourselves as to your identity and protect your personal information in case the request is not genuine
25. As well as your subject access right, you may have a legal right to have your personal data rectified or erased, to object to its processing or to have its processing restricted. These rights are subject to certain exemptions. If you have provided us with data about yourself (for example your address or bank details), you have the right to be given the data in machine readable format for transmitting to another data controller. This only applies if the ground for processing is Consent or Contract.
26. If we have relied on consent as a ground for processing, you may withdraw consent at any time – though if you do so that will not affect the lawfulness of what we have done before you withdraw consent. As we have indicated elsewhere, if you have a contract with us in which you give your consent to us processing your personal data generally, we do not now rely on this clause to process your personal data and when consent is needed, we will specifically ask you for it.

Complaints

27. If you have complaints relating to our processing of your personal data, you should raise these with our Data Protection Officer by emailing dataprotection@menzies.co.uk. You may also raise complaints with the Information Commissioner who is the statutory regulator. For contact and other details see: <https://ico.org.uk/ICO>.

Special Categories of Data Processing Policy

28. Menzies meets certain conditions of the Data Protection Act 2018 that require employers to have a Special Category Personal Data Policy in place. Please email the Data Protection Team at dataprotection@menzies.co.uk if you would like a copy of this policy.

Status of this supplementary information

29. This Supplementary Information does not form part of any relevant contract we have with you. We may amend it at any time.