Data Privacy Notice – Kellan Group Ltd

Issue Number	**4**
Issue date	**04/2026**
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Kellan Group Ltd Kellan includes Berkeley Scott and Xpress Recruitment brands.

Kellan is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to (i) **candidates** for employment or engagement with our clients and (ii) **contacts** within our clients' businesses. Under some circumstances, we may deal with you in both capacities.

Kellan is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers and subcontractors. This notice does not form part of any contract and we may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data Protection Principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.

2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.

3. Relevant to the purposes we have told you about and limited only to those purposes.

4. Accurate and kept up to date.

5. Kept only as long as necessary for the purposes we have told you about.

6. Kept securely.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

If you are a **candidate,** we will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Copy of driving licence, qualifications, certifications, identification and right to work documents
- Recruitment information (including copies of right to work documentation, references, work history and other information included in a CV or cover letter or as part of the application process).
- Any background information about your career history, remuneration, career aspirations and personal circumstances which you provide to us during the course of your dealings with us.
- Details of any interviews which you have attended and our clients' feedback on those interviews.
- Placement records (including job titles, work history, working hours, training records and professional memberships).
- Details of any payments which we have made to you.
- Information about the services which you have performed for our clients, including any client feedback.

If you are a **candidate,** we may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about your health, including any medical condition, health and sickness records.
- Information about criminal convictions and offences.

If you are a **contact**, we will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and email addresses.
- Your job title
- Any background information relating to your personal circumstances, your work history and the role which you perform within the client organisation which you may provide to us during the course of your dealings with us.

How is your personal information collected?

We collect personal information about **candidates** through the application and recruitment process, either directly, from referrals, from third party networking sites such as LinkedIn and from job boards. Where applicable, we will also collect additional information from third parties including former employers, clients and any intermediary business which they may use to manage the recruitment process, umbrella companies or other intermediary companies and other background checking services such as the Disclosure and Barring Service.

If you are a **contact**, we will collect personal information directly from you or our client. In some cases, we may be provided with personal information about you from your colleagues within the client organisation.

How we will use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you.

2. Where we need to comply with a legal obligation.

3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).

2. Where it is needed in the public interest.

Situations in which we will use your personal information

If you are a **candidate,** we need all the categories of information in the list above primarily to provide work-finding services to you and to enable us to comply with legal obligations. In some cases, we may use your personal information

to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

The relevant legitimate interests which we are relying upon are:

- Making a decision about your application for employment or engagement with a client organisation.
- Informing you of opportunities to match the criteria you have outlined to us.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are a PAYE worker or where we are otherwise required to do so, deducting tax and National Insurance contributions.
- Making pension contributions, if applicable.
- Administering the contract we have entered into with you.
- Compiling information about the services which you have performed for our clients.
- Business management and planning, including accounting and auditing.
- Making decisions about your continued engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you and our clients or other candidates.
- Ascertaining your fitness to work and managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud or any other crime.
- Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you are a **contact,** we need all the categories of information in the list above primarily to develop and manage our relationship with our client and to enable us to comply with legal obligations. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests.

The relevant legitimate interests which we are relying upon are:

The situations in which we will process your personal information are listed below:

- Maintaining regular contact to ascertain our client's hiring needs.
- Administering and managing any ongoing recruitment services which we are providing to our client.
- Obtaining health and safety information about any temporary assignments.
- Obtaining interview feedback and references on candidates.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to provide work-finding services effectively, perform the contract we have entered into with our client, or comply with our legal obligations (such as to ensure the health and safety of our workers).

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information (Candidates Only)

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In some circumstances, with your explicit written consent.

2. Where we need to carry out our legal obligations or exercise rights in relation to your engagement with us and in line with our data protection policy.

3. Where it is needed in the public interest, such as for equal opportunities monitoring, and in line with our data protection policy.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Our obligations

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to any absence, which may include sickness absence or family related leaves, to comply with our legal obligations.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to arrange appropriate workplace adjustments, and to monitor and manage any absence.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to comply with any employment law obligations and in conjunction which any legal claims which may arise.

Do we need your consent?

Where applicable, we will approach you for your written consent to allow us to process certain sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

Information about criminal convictions (Candidates Only)

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We envisage that we will hold information about criminal convictions. Upon registration as a candidate, we will ask you to provide information about any unspent convictions.

We will only collect information about spent criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. In some cases, we will apply to the Disclosure and Barring Service for a disclosure, but this will only be done with your express consent and co-operation.

We may use information about criminal convictions and offences to determine your suitability to work for our clients but will do so in a fair and proportionate manner.

Automated decision-making (Candidates Only)

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.

2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.

3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

Data sharing

If you are a **candidate**, we may have to share your data with third parties, including third-party service providers and other companies which are connected with us. For these purposes, our connected companies include any holding, subsidiary or associated company of Kellan. If we are providing work-finding services to you as a candidate, we will necessarily share your data with that client for legitimate purposes relating to the recruitment process.

We will not usually share any personal data relating to our **contacts**, save where we need to do so for technical reasons.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

We will not share your information with any third parties for marketing purposes.

Why might you share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to provide work-finding services or other services to you or where we have another legitimate interest in doing so or where you provide us with express consent to do so. The types of third party with which we might share your personal data for legitimate purposes include clients, any Managed Service Provider or Recruitment Outsourcing Provider engaged by our clients, and any umbrella or intermediary company through which you are contracting or proposing to contract.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. The following activities are carried out by third-party service providers such as: Information Technology and hosting services, pension administration, payroll.

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

When might you share my personal information with other entities in the group?

We will share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.

What about other third parties?

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

Will you share or sell my data for marketing purposes?

We will not pass your data to any third party for marketing purposes. Our data processors are not permitted to use your personal data for this purpose or to pass your personal data to any third party for marketing purposes.

Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Data Protection Officer.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Our standard data retention periods for **candidates** are:

- Seven years from performance of any work-finding services in respect of any information which we are required to keep (i) for auditing or HMRC compliance purposes or (ii) to comply with our contractual obligations to third parties insofar as your personal data is relevant to such contracts; and
- Two years from performance of any work-finding services (i) for any information which does not fall into the above category or (ii) if you never perform any services for Kellan or its clients

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Taking matters further

If you are unhappy with the manner in which we process your personal data or otherwise observe your data privacy rights, you have the right to complain to the Information Commissioners Office, which the supervisory authority in the United Kingdom. For further information, please refer to *https://ico.org.uk/*

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact us on 0207 268 6200 or *dataprotection@kellangroup.co.uk*. You can also write to us at Kellan Group Ltd, 4th floor, 27 Old Jewry, EC2R 8DQ.