

TERMS OF BUSINESS – HR

1. **Our service to you.** Our HR Consultancy offers HR Services and advice which is compliant with relevant legislation and supports best employment practices, our services include:

- Provision of company handbook and template data subject contracts
- HR advice line for use by the company
- Letter templates
- HR compliance and guidance
- HR Policies
- HR legislation and policy updates

Our HR service may include the collection and storage of personal data on our systems:

- For use on our Absence Management Platform
- Mediation
- Performance management
- Sickness and absence management
- Recruitment
- Discipline and Grievance issues with data subjects
- Change Management including TUPE and restructures
- In order to advise on specific employee relation issues

To provide our HR services we require full and accurate information concerning your company and employees and so cannot not be held responsible or bear any liability as a result of any incorrect information presented to us.

2. **Personal Data.** The personal data we hold about your employees includes their names, dates of birth, gender and home addresses. We may also handle special categories of data including criminal or medical data.
3. **Data Processor.** advo HR is a Data Processor and you are the Data Controller because you determine how and why the personal data is processed and we act on your behalf. We may also be a data controller where we determine the purpose for which and the manner in which any personal data is processed for example when using our online platform. We are a registered data controller with the ICO under registration reference Z7559664.
4. **Legal Basis.** As an HR Consultancy our lawful basis for processing your employee's data is that it is necessary for the performance of the contract we have with you to deliver HR services. We rely on the performance of the contract and our legitimate interest, as the basis for processing your employee's personal data.
5. **Authentication.** As part of our compliance with GDPR we will ask three data protection questions before discussing any personal information about your employees with you.
6. **Who handles your employee's data?** Your employee's personal and sensitive personal data is handled by dedicated HR Consultants.

Who handles your employee's data? *continued.* There may be occasions when your HR Consultant is unavailable. In these instances, we will assign another HR Consultant to cover from within the team. This is to make sure that there is no disruption to service levels. Access to your employee's data is restricted and the HR Consultant who is covering must go through a verification process in order to gain access. This is monitored by Managers on a monthly basis and any unauthorised access will be highlighted and investigated.

7. **Storage.** Data is stored locally on advo systems and authentication solutions are required for access. All sensitive data is encrypted in traffic and at rest using Transparent Data Encryption (TDE) technology.
8. **Safeguards.** All staff and contractors must sign confidentiality agreements and undergo criminal background checks prior to joining or providing services to advo HR. There is mandatory training on privacy and security awareness Included in the induction process for all staff. Staff are given their own customers and are identified on the system. There is also inbuilt security on the system which gives staff different levels of access to data so that staff only have access to their own customer's policies.
9. **Information Security.** All data stored on staff computers requires strong passwords to access data. If laptops are lost or stolen, data confidentiality and integrity are not at risk, data can be wiped ensuring confidentiality and integrity are maintained.

Security threat and risk assessments (TRAs) are conducted and risk mitigation activities established and assigned to responsible individuals. Data is backed up regularly.

We have procedures in place to detect, report and investigate data breaches. The company and its employees would be notified of any data breach as well as the Information Commissioner within 72 hours of us becoming aware of the breach.

A disaster Recover and business continuity plan have been developed and are tested and updated regularly.

We hold the ISO 27001 certificate for Information Security our certificate number is IS 711949 effective date 23rd March 2020. If you would like a copy of our certificate please contact the Operations Team.

10. **Hardcopy Documents Security.** We work electronically however there are occasions when data is in paper form. Any documents which give details of a company and its employees are disposed of using a confidential shredding service. All staff are trained to adhere to document usage procedures and must make sure that all paper documents which give details which would identify a company or a person are disposed of using the confidential shredding service. Staff are expressly prohibited from disposing of paper into waste paper bins or to take documents out of the office unless express permission is provided for example when visiting a company for a renewal meeting.

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11. **E-mailing Personal Data.** There may be instances when we have to e-mail a document which holds personal data to a third party as part of our duties as HR Consultants. In these instances we will encrypt the data being sent and use Transport Layer Security (TLS) where possible with third parties.
12. **Third Parties.** We will not disclose personal or sensitive personal information to any third parties unless specifically requested to do so by the data subject.
13. **advo on line and advo on line Plus.** In some circumstances we will supply you and your employees with passwords to access our on line portal. This will give you and your employees the ability to view personal data, and also provides access to our Absence Management Portal.
14. **Charges.** We charge either a monthly or annual fee, payable via direct debit for the provision of HR services. The amount of charges will be dependent on the scope of services we provide. The amount of fees charged will be outlined in a separate client agreement.
15. **Data Retention.** We have an obligation to retain records for HMRC and works and Pensions.

It is our policy to only keep employees personal and sensitive data for as long as they are needed and no longer, in accordance with Data Protection laws.

However in accordance with current laws we are obliged to retain records for a certain length of time:

Medical Records – statutory retention period 40 years – The Control of Lead at Work Regulations 1998 (SI 1998/543) amended by Control at Work Regulations 2002 (SI 2002/2676).

Personnel Files and Training records this includes disciplinary records – 6 years after employment ceases.

Redundancy details including calculation of payments – 6 years from the date of redundancy.

Statutory sick pay records – Calculations – 3 months after the end of sick leave.

Recruitment – CV's, details of Assessment Centres, pre-employment questionnaires – 3 months

16. **Data Portability.** If requested we can provide individual client files in an excel spreadsheet format. This information will only include the information which was provided to us.

17. **Complaint handling.** It is our intention to provide you with a high level of customer service at all times. If there are occasions when we do not meet your standards please contact Mrs Gill Mateo either verbally or in writing, who will take details of your concerns. We will acknowledge in writing advising you of who is dealing with your concerns and attempt to address your concerns within five working days. If our investigations take longer we will provide a full response within twenty working days or explain our position and provide timescales for a full response.
18. **Law.** These terms of business are subject to the laws of England and Wales. Any dispute shall be subject to the exclusive jurisdiction of the English and Welsh Courts. If a court rules that any provision of these terms is invalid or unenforceable this will not affect the validity of the rest of the terms which will remain in force.
19. advo group follows data protection law.



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