



## **PRIVACY POLICY**

Welcome to the Fortel Rail Construction Ltd T/A SkyBlue ('SkyBlue') privacy notice.

SkyBlue respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data when you visit our website (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

This privacy notice is provided in a bullet point format so you can refer to the specific areas set out below. Please also use the Glossary to understand the meaning of some of the terms used in this privacy notice

### **1. IMPORTANT INFORMATION AND WHO WE ARE**

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### **1. IMPORTANT INFORMATION AND WHO WE ARE**

#### **PURPOSE OF THIS PRIVACY NOTICE**

This privacy notice aims to give you information on how SkyBlue collects and processes your personal data through your use of this website, including any data you may provide through this website when you submit your curriculum vitae ('CV') to apply for a permanent, temporary or contract position with or through SkyBlue, when you express an interest in working for or through us or when you sign up to our newsletter or when you purchase services from us.

This website is not intended for children and we do not knowingly collect data relating to children.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

#### **CONTROLLER**

Fortel Rail Construction Ltd T/A SkyBlue is the controller and responsible for your personal data (collectively referred to as ('Company'), "we", "us" or "our" in this privacy notice).

We have appointed a data protection officer (DPO) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

## CONTACT DETAILS

Our full details are below for your reference.

**Full name of legal entity:** SkyBlue

**Title of DPO:** Commercial & Compliance Director

**Email address:** ask@skybluesolutions.com

**Postal address:** FAO the Data Privacy Officer, SkyBlue, The Forge Old Perry Street, Northfleet, Gravesend, DA11 8BT

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

## CHANGES TO THE PRIVACY NOTICE AND YOUR DUTY TO INFORM US OF CHANGES

This version was last updated on 24<sup>th</sup> May 2018 and historic versions can be obtained by contacting us.

The data protection law in the UK will change on 25 May 2018. Although this privacy notice sets out most of your rights under the new laws, we may not yet be able to respond to some of your requests as we maybe still working towards getting our systems ready for some of these changes.

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

## THIRD-PARTY LINKS

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

## 2. THE DATA WE COLLECT 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).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, right to work information, referees, electronic signature and gender.
- **Contact Data** includes billing address, home address, email address and telephone numbers.
- **Financial Data** includes bank account and where required payment card details.
- **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Profile Data** includes your username and password, work history, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our website, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a

specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

For the purposes of monitoring equality and inclusion we may collect, where you have disclosed as such, Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). We may also collect information about criminal convictions and offences which are unspent or where relevant to the role (such as working with vulnerable adults or children) previous criminal offences that are required, by law, to be disclosed to us.

### IF YOU FAIL TO PROVIDE PERSONAL DATA

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with work finding services).

### 3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
  - apply for position with or through us;
  - create an account on our website;
  - subscribe to our service or publications;
  - request marketing to be sent to you;
  - enter a competition, promotion or survey; or
  - give us some feedback.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, and other similar technologies.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties as set out below:
  - Technical Data from the following parties:

(a) analytics providers such as Google; and

(b) advertising networks such as Job boards, the Job Centre or other 3<sup>rd</sup> parties where you have registered your CV for work finding services.

### 4. HOW WE USE YOUR PERSONAL DATA

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

- Where we need to perform the contract we are about to enter into or have entered into with you.
- 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.
- Where we need to comply with a legal or regulatory obligation.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

## PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please [Contact us](#) if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a candidate	(a) Identity (b) Contact	Performance of a contract with you or the provision of work finding services on your behalf
To ensure a smooth recruitment process to you:  (a) Manage payments, fees and deductions for tax  (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you  (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include:  (a) Notifying you about changes to our terms or privacy policy  (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you  (b) Necessary to comply with a legal obligation  (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
To enable you to partake in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you  (b) Necessary for our legitimate interests (to study how customers and candidates use our products/services, to develop them and grow our business)
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)

		(b) Necessary to comply with a legal obligation
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about services or career opportunities that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)

## MARKETING

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising:

### WORK FINDING SERVICES FROM US

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may be of interest to you. This is how we decide which services and career opportunities may be relevant for you.

You will receive communications from us if you have requested information from us.

### THIRD-PARTY MARKETING

We will get your express opt-in consent before we share your personal data with any company outside the SkyBlue group of companies for marketing purposes.

## **OPTING OUT**

You can ask us or third parties to stop sending you marketing messages at any time by logging into your account and checking or unchecking relevant boxes to adjust your marketing preferences or by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of work finding services or when you have a current assignment through us.

## **COOKIES**

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

## **CHANGE OF PURPOSE**

We will only use your personal data 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 you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data 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 data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **5. DISCLOSURES OF YOUR PERSONAL DATA**

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal Third Parties as set out in the [*Glossary*].
- External Third Parties as set out in the [*Glossary*].
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **6. INTERNATIONAL TRANSFERS**

We do not transfer your personal data outside the European Economic Area (**EEA**).

## **7. DATA SECURITY**

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

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

## 8. DATA RETENTION

### HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

We will only retain your personal data 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.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by contacting us.

## 9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data, they are:

### **The right to object:**

This right enables you to object to us processing your personal data where we do so for one of the following 4 reasons:

- 1) Because it is within our legitimate interests;
- 2) To enable us to perform a task in the public interest or exercise official authority;
- 3) To send you direct marketing materials; and
- 4) For historic, research or statistical purposes

The legitimate interests category above is the one most likely to apply in relation to our services to you and our recruitment processes, and/if your objection relates to us processing your personal data because we deem it necessary for our legitimate interests, we must act on your objection by ceasing the activity in question unless:

- 1) We can demonstrate that we have compelling legitimate grounds for processing which overrides your interests; or
- 2) We are processing your data for the establishment, exercise or defence of a legal claim

### **The right to withdraw consent:**

Where we have obtained your consent to process your personal data for certain activities you may withdraw this consent at any time and we will cease to carry out that particular activity that you previously consented to unless we consider that there is an alternative legal basis to justify our continued processing of your data for this purpose, in which case we will inform you of this.

### **The right to submit a data subject access request (DSAR):**

You may ask us to confirm what information we hold about you at any time and request us to modify, update or to delete such information. We may ask you for more information about your request. If we provide you with access to the information we hold about you, we will not charge you for this unless your request is 'manifestly unfounded or excessive'. If you request further copies of this information from us we may charge you a reasonable administrative fee where we are legally permitted to do so. Where we are legally allowed to refuse your request we will tell you the reasons for doing so.

### **Right to erasure:**

You have the right to request that we erase your personal data in certain circumstances. Normally such a request to erase information must meet one of the following criteria:

- 1) The data is no longer necessary for the purpose for which we originally collected and/ or processed it;
- 2) Where previously given you have withdrawn your consent to us for processing your data and there is no other valid reason for us to continue to process it;
- 3) The data we hold on you has been processed unlawfully (for example not in compliance with the General Data Privacy Regulations);
- 4) It is necessary for the data to be erased in order for us to comply with our obligations as a data controller under EU law or UK law (as applicable at the time); or
- 5) In processing your data because we believe it necessary to do so for our legitimate interests you object to the processing and we are unable to demonstrate an overriding legitimate ground for our continued processing.

We are able to refuse your request to erasure for one of the following reasons:

- 1) To exercise the right of freedom of expression and information;
- 2) To comply with a legal obligation or for the performance of a public interest task or exercise of official authority;
- 3) For public health reasons in the public interest;
- 4) For archival research or statistical purpose; or
- 5) To exercise or defend a legal claim.

### **Right to restrict processing:**

You have the right to request that we restrict our processing of your data in certain circumstances. This means that we can only continue to store your data and will not be able to carry out any further processing activities with it until either:

- 1) One of the circumstances listed below is resolved;
- 2) You consent; or
- 3) Further processing is necessary for either the establishment, exercise or defence of legal claims, the protection of the rights of another individual or reasons of important EU or UK (as appropriate) public interest.

The circumstances in which you are entitled to request that we restrict the processing of your data are:

- 1) Where you dispute the accuracy of the data that we are processing about you. In which case our processing of your data will be restricted for the period during which the accuracy of the data is verified;
- 2) Where you object to our processing of your personal data for our legitimate interests. In which case you can request that the data be restricted while we verify our grounds for processing your data;
- 3) Where our processing of your data is unlawful but you would prefer us to restrict our processing of it rather than erasing it; and
- 4) Where we have no further need to process your data to establish, exercise or defend legal claims.

If we have shared your data with third parties we will notify them about the restricted processing unless this is impossible or involves disproportional effort. We will notify you before lifting any restriction on processing of your data.

### **Right to rectification:**

You have the right to request that we rectify any inaccurate or incomplete data that we hold about you including by means of providing a supplementary statement. If we have shared this data with third parties we will notify them about the rectification unless this is impossible or involves disproportionate effort. You may also request details of the third parties that we have disclosed the inaccurate or incomplete data to. Where we believe it is reasonable for us not to comply with your request we will explain our reasons for this.

### **Right of data portability:**

If you wish you have the right to transfer your data between data controllers. This means you are able to transfer the details that we hold on you to another potential employer or a third party. To allow you to do so we will provide you with your data in a commonly used machine readable format so that you can transfer the data, alternatively we may directly transfer the data for you. This right applies only to:

- 1) Personal data that we process automatically (i.e. without human intervention);
- 2) Personal data provided by you; and
- 3) Personal data that we have processed based on your consent or in order to fulfil a contractual obligation.

Right to lodge a complaint with a supervisory authority:

You have the right to lodge a complaint with your local supervisory authority. Details of local supervisory authorities are provided below:

UK – The Information Commissioners Office – Phone 03031231113 or email [casework@ico.org.uk](mailto:casework@ico.org.uk);

**If you wish to exercise any of the rights set out above, please contact us.**

## **10. GLOSSARY**

### **LAWFUL BASIS**

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.



## **THIRD PARTIES**

### **INTERNAL THIRD PARTIES**

Other companies within the SkyBlue Group acting as joint controllers or processors and who are based within the EEA and provide IT and system administration services and undertake leadership reporting.

### **EXTERNAL THIRD PARTIES**

- Service providers acting as processors based within the EEA who provide IT and system administration services or payrolling services.
- Professional advisers acting as processors or joint controllers including lawyers, auditors and insurers based in the EEA who provide consultancy, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.

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