Privacy notice for employees at Flair Group A/S

November 2023

flair

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Danmarks nye, men mest erfarne vikar- og rekrutteringspartner
Falkoner Allé 1 · 2000 Frederiksberg · flair@flair.dk · +45 38 88 94 00 · CVR nr. 12932375

1 Responsibility

1.1 At Flair, we handle all personal data securely and confidentially. Flair has internal procedures for, among other things, deletion, data minimization, storage, collection, updating, and disclosure of personal data to ensure the integrity, confidentiality, and security of personal information.

1.2 Flair's processing of your personal data is solely for explicitly specified and legitimate purposes. We do not reprocess your personal data in a manner incompatible with these purposes.

1.3 We conduct and update risk assessments related to Flair's processing of personal data, including personal data in connection with your registration as a user/applicant and application for specific jobs. Flair's initiatives in the field of data protection and compliance with the General Data Protection Regulation (GDPR) are based on these risk assessments. In cases where necessary, we also conduct data protection impact assessments (DPIA) on specific processing activities.

1.4 Therefore, we have adopted this Privacy Notice (hereinafter "Privacy Notice"), which informs you how we process your personal data when you apply to us and are registered in our systems.

1.5 The Privacy Notice has been prepared with reference to the rules of the General Data Protection Regulation (Regulation on the protection of individuals concerning the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (EU) 2016/679 (also known as "GDPR")) and the Danish Data Protection Act (Act no. 502 of 23/05/2018 with any later amendments) ("data protection law").

1.6 You receive this Privacy Notice via email when you apply or create a profile or apply for a position at Flair. The Privacy Notice can also be found on Flair's website www.flair.dk.

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2 Data Controller

2.1 The data controller for the processing of personal data in accordance with this Privacy Notice is:

Flair Group A/S
Company ID: 12932375
Falkoner Allé 1
2000 Frederiksberg

(hereinafter "us," "we," "our")

2.2 If you are in doubt or have questions, you are always welcome to contact us. You can contact us by email: gdpr@flair.dk.

2.3 About us

2.3.1 We have our official office at Falkoner Allé 1, 2000 Frederiksberg. We provide various HR (Human Resources) activities such as workforce solutions, staffing, payroll services, recruitment & selection, testing solutions, career transition, talent development, training & education, posting, and international mobility.

3 Categories of Personal Data and Data Subjects

3.1 We typically process the following categories of personal data:

Ordinary Personal Data

- Name
- Contact information (phone number and email address)
- Qualifications (education, courses, and internships)
- Your profile data (if you log in to your profile via your LinkedIn profile or other social media)
- Portrait Photo
- Relevant feedback about you from our staff or from a third party
- Your feedback (if you provide feedback about others)
- Job Title
- Job Responsibilities
- Working Hours and Other Service Conditions
- Holiday Planning
- Time Registration Data, Turnover, and Performance Information
- Information Regarding the Use of Flair's Email, IT Systems, Cookies, etc.
- Information from Employee Reviews (MUS, PMP, or PJP discussions)

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- Details about Absences Other Than Sick Leave, Pension, and Insurance Information
- Account Information
- Correspondence with Authorities
- Information Regarding Complaints
- Results of Personality and Skill Tests, etc. (excluding special categories of personal information)
- Identity documents and work permits (identity documents are only collected to determine whether documentation for a valid residence or work permit should be obtained. If affirmative, documentation for a valid residence or work permit is also collected.)
- Other information included in your CV or application. You should not include a photo, CPR number, or specify special categories of personal data in your CV (information about race or ethnic origin, political, religious, or philosophical beliefs, or union membership, as well as the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, health information, or information about a natural person's sex life or sexual orientation).
- Job ID
- Sick leave, periods of illness, medical certificates, capability statements

Confidential or Sensitive Personal Data

- Details regarding any disabilities and considerations we need to take into account in the workplace (if you are obligated to inform us about this)
- CPR number, salary, and tax information
- Criminal or child records (to the extent that the job you are applying for or the category of job you have registered for requires criminal or child records)
- Medical certificates (diagnosis)
- Trade union affiliation, etc. Details about any disabilities and considerations we need to take into account for these in the workplace (if you are required to inform us about this).

3.2 We typically process personal data about the following categories of individuals:

- Employees in the administration at Flair
- Employed temps (for a specific job)

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4 Source of Your Personal Data

4.1 We only process personal data about you that we receive directly from you, from our clients, or from public authorities in connection with your recruitment process.

5 Purpose and Legal Basis for Processing

5.1 Purpose of Processing

5.1.1 When we collect and process your personal information, it is done for the following purposes:

- To fulfill our obligations to you as an employee/volunteer and comply with the (employment) contract we have entered into with you.
- To ensure Flair's legal claims or defend against such claims in relation to the employment relationship.
- To fulfill any legal obligations towards authorities such as the tax authorities (SKAT).
- In general, to effectively administer your employment relationship with us.

5.1.2 We process your personal data based on the following legal grounds:

- Processing is necessary for the performance of a contract to which you are a party or for the implementation of pre-contractual measures taken at your request, according to GDPR, Article 6, paragraph 1, letter b.
- Processing is carried out to ensure documentation of a correct recruitment process in accordance with the General Data Protection Regulation (GDPR), Article 6, paragraph 1, letter e, Article 9, paragraph 2, letter f, and the Data Protection Act, Section 11.
- Processing is necessary for the establishment, exercise, or defense of legal claims, according to GDPR, Article 9, paragraph 2, letter f.
- Processing is necessary to comply with a legal obligation incumbent on Flair, according to GDPR, Article 6, paragraph 1, letter c, and GDPR, Article 9, paragraph 2, letter b, according to the Data Protection Act, Section 7.
- Processing is necessary for us or a third party to pursue a legitimate interest unless your interests or fundamental rights and freedoms prevail, according to GDPR, Article 6, paragraph 1, letter f.
- In these situations, the legitimate interests will often be Flair's interest in managing the general administration of the employment relationship and documenting the history of the employment relationship.
- You have given your consent to the processing of your personal data for one or more specific purposes, according to GDPR, Article 6, paragraph 1, letter a, Article 9, paragraph 2, letter a, the Data Protection Act, Section 8, paragraph 3, and Section 11, paragraph 2, no. 2.

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5.2 Other Marketing

5.2.1 In connection with other marketing initiatives, the processing of personal data primarily occurs under the legal basis of Article 6(1)(f) of the GDPR and Section 6(1) of the Data Protection Act. We assess, on a case-by-case basis, whether it is relevant to obtain consent, for example, in the use of visual material on our website, in newsletters, on social media, etc. If the processing of personal data is based on consent, our legal basis is Article 6(1)(a) of the GDPR and Section 6(1) of the Data Protection Act.

6 General Processing Rules and Principles

6.1 Processing Principles

6.1.1 We will process personal data lawfully, fairly, and in a transparent manner in relation to the data subject.

6.1.2 Our processing of personal data is subject to purpose limitation, meaning that personal data must be collected for specified, explicit, and legitimate purposes. They must not be further processed in a manner that is incompatible with those purposes.

6.1.3 We process personal data based on the principle of data minimization, meaning that they must be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.

6.1.4 Personal data must be processed based on the principle of accuracy, meaning that they must be correct and, if necessary, kept up to date.

6.1.5 We process personal data based on the principle of storage limitation, meaning that personal data must be kept in a way that does not allow the identification of data subjects for longer than necessary for the purposes for which the relevant personal data are processed.

6.1.6 Personal data must be processed based on the principle of integrity and confidentiality, meaning that they must be processed in a way that ensures adequate security of personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organizational measures.

6.2 Risk Assessment

6.2.1 In connection with our case processing, we must implement appropriate technical and organizational measures to ensure a level of security appropriate to the risks associated with our processing of personal data.

6.2.2 We have conducted a risk assessment of our processing of personal data, which forms the basis for this Privacy Notice.

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6.3 Data Controller

6.3.1 For personal data about the person categories described in section 3.2, we will, as a predominant principle, work independently. This includes independently assessing whether there is a basis for collecting/processing personal data, which personal data is relevant and necessary, and how long personal data should be retained. In this situation, we will therefore act as the data controller.

6.4 Data Processor Agreements

6.4.1 If we are data controllers and have determined that there is a data processing arrangement with one of our suppliers, a data processor agreement must be drawn up.

6.4.2 The data processor agreement must be entered into between us (the data controller) and the other party (the data processor) and must comply with applicable requirements for data processor agreements, cf. GDPR Article 28(3). This means that a contract or other legal document must be drawn up, which is binding on the data processor. It is also a requirement that the data processor agreement is in writing, including electronically.

6.4.3 GDPR also sets out a number of specific requirements for the content of the data processor agreement. The agreement must include information about the subject matter and duration of the processing, the nature and purpose of the processing, the types of personal data, the categories of data subjects, and our obligations and rights as the data controller, as well as the obligations of the data processor in carrying out the task. The requirements are specifically described in GDPR Article 28(3), points a-h.

6.5 Transfer of Personal Data to Third Countries

6.5.1 Our processing of personal data primarily takes place within the EU.

6.5.2 If it is necessary to transfer personal data to a third country or international organization located outside the EU/EEA, we ensure, before the transfer of personal data to the relevant third country or international organization, that the transfer of personal data takes place in a way that provides sufficient guarantee that personal data is protected, possibly by using the EU Commission's standard contractual clauses on data protection. In this regard, we also assess, before the transfer of personal data, whether the implementation of additional measures is required to ensure that, for the processing of personal data, a level of protection is maintained that is essentially equivalent to the level ensured in the EU, including in the GDPR, compared with the EU Charter of Fundamental Rights.

6.6 Data Processors

6.6.1 In certain cases, we use external companies to perform the technical operation of our IT systems, etc. These companies sometimes act as data processors for us.

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6.6.2 The data processor acts only on our instructions and has taken the necessary technical and organizational security measures to prevent personal data from being accidentally or unlawfully destroyed, lost, or impaired, and to prevent it from becoming known to unauthorized parties, being misused, or otherwise processed in violation of the law on the processing of personal data.

6.6.3 Our data processors sometimes use subprocessors to process personal data for which we are the data controller. Subprocessors may be established within and outside the EU/EEA.

6.7 Other Transmission

6.7.1 Personal data may also be transferred to:

- Our customers (in connection with applications for specific positions, information about a match between you and a potential employer, and recruitment)
- Public authorities (e.g., tax authorities and educational institutions)
- External advisors such as auditors and/or external law firms (subject to legal confidentiality obligations)
- Other suppliers than data processors – we assess on a case-by-case basis whether it is relevant to obtain a confidentiality agreement from the supplier.

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7 Profiling

7.1 We will use automatic systems/processes and automated decisions (such as profiling) to a limited extent to optimize recruitment and application processes. We will not use profiling to create a specific detailed profile. We will not process special categories of personal data (personal data about race or ethnic origin, political, religious, or philosophical beliefs, or trade union membership, as well as the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, health information, or information about a person's sex life or sexual orientation). Profiling is necessary for us to fulfill our agreement with you.

7.2 When we receive an inquiry from one of our customers regarding a vacant position, we will, based on your and other registered personal data, create a ranked list of individuals in our system who match the customer's needs. In the search, we use various criteria, including availability, skills, salary range, and in some cases, feedback we have received from other customers. This means that your ranking may sometimes be higher than at other times, depending on how these factors align with the customer's current needs.

7.3 We regularly test new systems and data models to ensure that profiling is based on a fair, objective, and accurate basis. You can contact us if you want to express your views, request a more detailed explanation of our profiling of you, or dispute the search criteria we use.

7.4 If you do not want us to use profiling, you can always contact us. You will find our contact information above in section 2.2.

8 Security Measures

8.1 We have implemented the necessary technical and organizational security measures to protect your personal data from accidental or unlawful destruction, loss, alteration, and from unauthorized disclosure, misuse, or any other action contrary to applicable law.

8.2 Access to personal data is restricted to individuals with a legitimate need for access to personal data. Employees handling personal data are instructed and trained on what to do with personal data and how to protect it.

8.3 When documents (papers, index cards, etc.) with sensitive personal data are discarded, shredding or another measure preventing unauthorized access to this personal data is used.

8.4 Passwords are used to access computers and other electronic devices with personal data. Only individuals who need access are given a code and only to the systems they need to use. Individuals with a password must not share it with others or leave it where others can see it. Two-factor authentication is used for remote access to computers.

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8.5 If personal data is stored on a USB drive, the personal data must be protected. For example, a USB drive with a password and encryption can be used. Otherwise, the USB drive must be stored in a locked drawer or cabinet. The same applies to the storage of personal data on other portable media.

8.6 Computers connected to the internet have an updated firewall and antivirus software installed.

8.7 If sensitive personal data or CPR numbers are sent via email over the internet, such emails must be encrypted. If you send personal data to us via email, be aware that transmission to us is not secure unless your emails are encrypted. We encourage you not to send confidential or sensitive personal data by email unless this has been specifically agreed upon in advance so that we can ensure the necessary security level.

8.8 In connection with the repair and service of data equipment containing personal data, and when data media is to be sold or disposed of, we take the necessary measures to prevent personal data from coming to the knowledge of unauthorized persons. This may include the use of confidentiality statements.

8.9 When using an external data processor to handle personal data, a written data processing agreement is signed between us and the data processor. This applies, for example, when using an external document archive or when using cloud systems in connection with the processing of personal data.

8.10 Backup

8.10.1 We take backups of databases and files on shared drives.

8.10.2 Backup data and files are regularly overwritten.

9 Retention Periods and Deletion

9.1 Deletion - When?

9.1.1 We do not retain your personal information for longer than necessary to fulfill the purposes for which we collected the personal data or as long as required to comply with our legal obligations to you or to similarly safeguard our rights.

9.1.2 As a general rule, we delete your personal information 5 years after the termination of your employment relationship. This deadline is set based on the rules of the Bookkeeping Act.

9.1.3 In some situations, there may be a reason to keep some personal information for a longer period than 5 years. This can be, for example, in situations where the information is necessary to defend, establish, or assert a legal claim, such as in connection with an employment-related case or a work injury case. In these situations, a specific assessment is made of which personal information is retained.

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9.1.4 If personal information is collected based on your consent, we generally delete the personal information obtained based on the consent immediately after you revoke the consent.

9.2 Deletion - How?

9.2.1 Deletion of personal information, as a rule, means that personal information is irreversibly removed from all storage media on which it has been stored, and that personal information cannot be restored in any way.

9.2.2 Alternatively, personal information can be completely anonymized, with the effect that it can no longer be attributed to a specific person. In this case, regulations regarding personal information no longer apply, and complete anonymization is therefore an alternative to deletion.

10 Your Rights

10.1 You have certain rights regarding the personal information we process about you:

10.2 Right to Access

10.2.1 You have, as a starting point, the right under GDPR Article 15, to confirm whether personal information about you is being processed and to receive a printout or copy of the personal information.

10.2.2 Additionally, you have the right to receive the following information:

- The purposes of the processing and information about the affected categories of personal information, including the source of the personal information if not collected from you.
- The recipients or categories of recipients to whom the personal information has been or will be disclosed, especially recipients in third countries or international organizations.
- If possible, the envisaged period for which the personal information will be stored, or if not possible, the criteria used to determine this period.
- The right to request correction or deletion of your personal information or restriction of processing of your personal information or to object to such processing.
- The right to lodge a complaint with a supervisory authority, including the Data Protection Agency.
- You also have the right to obtain information about necessary safeguards if we have transferred personal information to third countries.

10.2.3 The right to access does not apply if your interest in the information is considered to outweigh crucial private interests, including considerations for your own privacy.

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10.3 Right to Rectification

10.3.1 According to GDPR Article 16, you have the right to have inaccurate personal information about yourself corrected by us without undue delay. Considering the purposes of the processing, you also have the right to have incomplete personal information completed.

10.3.2 This right supplement our basic obligation to continuously ensure that only correct and up-to-date information is processed, as per GDPR Article 5(1)(d).

10.3.3 However, the right to rectification only pertains to objective personal information and not subjective assessments.

10.3.4 We encourage you to use the self-service portal on our website www.flair.dk, if possible, and update your personal information directly from there.

10.4 Right to be Forgotten/Request Data Deletion

10.4.1 According to GDPR Article 17, you have the right, in certain cases, to have personal information about yourself deleted from our records.

10.4.2 You can demand deletion, among other reasons, if personal information is no longer necessary for the purposes for which it was collected, if your legitimate interests in objecting to the processing outweigh our legitimate interests in retaining personal information, or if personal information has been processed unlawfully.

10.4.3 You cannot request deletion, according to GDPR Article 17(3), if processing is necessary to comply with a legal obligation, or for the establishment, exercise, or defense of legal claims.

10.4.4 If we are obliged to delete personal information under GDPR Article 17, which has been transferred to other data controllers or processors, we must inform these data controllers or processors that you have requested the deletion, as per GDPR Article 19.

10.4.5 Please be aware that once your data is deleted, we may no longer be able to provide our services to you. If you wish to register with us again, you will need to enter your data again.

10.5 Right to Object

10.5.1 According to GDPR Articles 21 and 22, you have the right to object at any time to the processing of your personal information when processing is based on GDPR Article 6(1)(e) (performance of tasks carried out in the public interest) or (f) (legitimate interests) or on automated processing, including profiling.

10.5.2 If you object, we may no longer process the relevant personal information unless we can demonstrate compelling legitimate grounds for the processing that override your interests, or if the processing is necessary for the establishment, exercise, or defense of legal claims.

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10.5.3 This right does not apply if the processing is necessary for the performance of a contract between you and us, if the processing is authorized by law, or if the processing is based on your explicit consent.

11 How to Contact Us?

11.1 If you have questions or concerns regarding the Privacy Policy, want further information on how we protect your information, and/or wish to contact our Local Privacy Lead, please contact us by sending an email to gdpr@flair.dk.

12 Changes to the Privacy Notice

12.1 We reserve the right to change this Privacy Policy at any time without notice, and such changes will have effect for the future. In the event of such changes, users will be informed on www.flair.dk. Our updated Privacy Policy will then apply to our processing of personal information.

13 Data Protection Authority (Datatilsynet)

13.1 You have the option to file a complaint with the Danish Data Protection Agency (Datatilsynet) regarding our collection and processing of your personal information:

The Danish Data Protection Agency (Datatilsynet)
Carl Jacobsens Vej 35
2500 Valby

Phone: +45 3319 3200
Email: dt@datatilsynet.dk
Website: www.datatilsynet.dk

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