

# COSMIC PEOPLE LIMITED PRIVACY NOTICE

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Company Name:	Cosmic People Limited
Company Contact details:	<p>Mandy Bant Data Protection Officer</p> <p>Cosmic People Ltd Cosmic House Main Street Walton on Trent Swadlincote, Derbyshire DE12 8LZ</p> <p>Email: <a href="mailto:mandy@cosmic.co.uk">mandy@cosmic.co.uk</a></p> <p><b>Please also find a copy of this Privacy and Data Protection Notice on our website</b></p> <p>Website: <a href="http://www.cosmic-people.co.uk">www.cosmic-people.co.uk</a></p> <p><b>If you require a copy of this document in any other accessible format, please email or phone the data protection office.</b></p>
Document DP5A	Privacy Notice (when personal data is obtained directly from the data subject)
Topic:	Data protection
Date:	28/05/2018
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The Company is a recruitment business and DSA a registered Non-Medical Helper (NMH) agency which provides support staff to students and work-finding services to its support staff.

The Company must process personal data (including sensitive personal data) so that it can provide these services – in doing so, the Company acts as a data controller.

## Support Worker

You may give your personal details to the Company directly, such as on an application or registration form or via our website, or we may collect them from another source such as a jobs board. The Company must have a legal basis for processing your personal data such as for the purposes of providing you with work-finding services and/or information relating to roles relevant to you we will only use your personal data in accordance with the terms of the following statement.

## Students

The Company is a DSA registered provider of Non-Medical Helper support and processes your data for the purpose of providing you with support including the recruitment, training and monitoring of support staff and invoicing and management of your non-medical helper support. In order to do this, we will require some personal details from you including your DSA2 award letter and Needs Assessment Report. In order to provide your NMH support we will on occasion need to discuss your support with the relevant professional bodies involved such as your assigned support worker, Cosmic People internal office staff, DSA Team, SFE (Student Finance England) and the university.

T: 01283 716 333 E: [enquiries@cosmic.co.uk](mailto:enquiries@cosmic.co.uk) W: [www.cosmic-people.co.uk](http://www.cosmic-people.co.uk)

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The Company processes your data to fulfil its obligation to DSA and the Department for Education and Student Loans Company's requirement of auditing students in receipt of support.

## 1. COLLECTION AND USE OF PERSONAL DATA

### a. Purpose of processing and legal basis

The Company will collect your personal data (which may include sensitive personal data) and will process your personal data for the purposes of providing you with work or arranging your NMH support.

In some cases, we may be required to use your data for the purpose of investigating, reporting and detecting crime and also to comply with laws that apply to us. We may also use your information during the course of internal audits to demonstrate our compliance with certain industry standards.

The legal bases we rely upon to offer these services to you are:

- Your consent
- Where we have a legitimate interest
- To comply with a legal obligation that we have
- To fulfil a contractual obligation that we have with you
- For the purpose of providing, including monitoring and invoicing your non-medical help support.
- For the purpose of recruitment and to match you with students
- Monitoring support and providing associated services such as payroll

To liaise with you about the support of student(s) that you hold as a higher education provider or who have attended the assessment centre or funding body you work for and your job role.

- The data we collect and how we collect it
- Your name and date of birth
- Your address, email address and telephone number(s)
- DSA funding letter and Needs Assessment report (students)
- Personal data for recruitment and payroll purposes (support worker)

It is usual that you provide the information required above to instruct our services to either provide your Non-Medical Helper support or to register with ourselves as a support worker. Methods of collection of data are directly from you, from your CV as advertised on a jobs board or in response to an advert, from an assessor or university.

### b. Legitimate interest

This is where the Company has a legitimate reason to process your data provided it is reasonable and does not go against what you would reasonably expect from us. Where the Company has relied on a legitimate interest to process your personal data our legitimate interests is/are as follows:

- To provide you with non-medical help support as requested (student)
- For the purposes of recruitment to match you with a student (support worker)

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## c. Recipients of data

The Company will process your personal data and/or sensitive personal data with the following recipients:

Students:

- We will share some of your personal data with your funding body
- We will share some of your personal data with your higher education provider
- We will share some of your personal data with the support workers you are assigned to
- We will share your support records with your higher education provider if you consent
- We will share some of your personal data with the DSA to discuss arranging and the on-going managing of your support including hours, course end dates, payroll queries and eligibility.
- We will share some of your personal data with the SFE to discuss arranging and the on-going managing of your support including hours, course end dates, payroll queries and eligibility.
- We can discuss your support arrangements with a family member or similar third-party if you consent.

## Support workers:

We will share your name and contact details with the students whom you are assigned to support, the higher education provider and the funding body of the student you work with; DSA, the Department for Education and Student Loans Company – the sector auditing body and Her Majesty’s Revenue and Customs and Nest – the pensions provider.

## Higher education institutes:

We may share your name and contact details with the students whom we support.

## d. Statutory/contractual requirement

Your personal data is required by law and/or a contractual requirement (e.g. our client may require this personal data), and/or a requirement necessary to enter into a contract. You are obliged to provide the personal data and if you do not the consequences of failure to provide the data are:

We require personal data to provide our services to you. Without this data we will not be able to do this.

## 2. OVERSEAS TRANSFERS

The Company will not transfer the information you provide to us to countries outside the European Economic Area ('EEA') for the purposes of providing you with work-finding services. The EEA comprises the EU member states plus Norway, Iceland and Liechtenstein.

## Data security

The personal data we hold on you is subject to appropriate security measures to prevent your information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

## Students

In addition, any third- party professional body, (such as DSA, SFE, HEP, SLC, DoE, your assigned support worker) has a duty of confidentiality and will only be contacted with the information required on a business need to know basis.

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## 3. Data retention

The Company will retain your personal data only for as long as is necessary for the purpose we collect it. Different laws may also require us to keep different data for different periods of time.

The Conduct of Employment Agencies and Employment Businesses Regulations 2003, require us to keep work-seeker records for at least one year from (a) the date of their creation or (b) after the date on which we last provide you with work-finding services.

We must also keep your payroll records, holiday pay, sick pay and pensions auto-enrolment records for as long as is legally required by HMRC and associated national minimum wage, social security and tax legislation.

Where the Company has obtained your consent to process your personal and sensitive personal data including: (Students) your contact details, (phone number, address and email) name and any communication preference you have, your date of birth, Your student ID number, funding body name and customer reference number, information about your course, your support hours and type, our online systems, and any additional information you provide to assist us with matching you to a suitable support worker.

We always request your explicit consent to process information about your disability and it is only used for specific purposes (i.e. so we can do our best to meet your support needs). If you or your support worker raise any well-being concerns and you have provided explicit consent, we will share these with your higher education provider. We are required to provide reasons for missed sessions to your funding body and this may entail processing health related information if the session was missed due to illness or a reason related to your disability, we will do so in line with our retention policy. Upon expiry of that period the Company will seek further consent from you. Where consent is not granted the Company will cease to process your personal data and sensitive personal data.

Where the Company has obtained your consent to process your personal and sensitive personal data including: (Support workers), the personal data we process includes your name, contact details (address, phone number and email), right to work details, relevant qualifications, employment, training, your NI number and bank account details, photo ID, proof of address, CV, your gender, date of birth, references, register of interest, payroll information, terms and conditions, code of conduct, ISA Barred list, emergency contact details, professional body membership and information about the support work you have delivered.

The specialist category personal data we may process information about a disability and health. We always request your explicit consent to process information about a disability and it is only used for specific purposes (i.e. for the purposes of workplace reasonable adjustments). If you are unable to attend assignments due to ill-health, we may process this information because we are required by law to process sickness absence data to facilitate the payment of statutory sick pay. We may process personal data about any criminal convictions you may have where required for safeguarding purposes or higher education provider required checks, we will do so in line with our retention policy. Upon expiry of that period the Company will seek further consent from you. Where consent is not granted the Company will cease to process your personal data and sensitive personal data.

We will retain personal data no longer than is necessary for the purpose it was obtained for including for the purposes of satisfying any legal, accounting, reporting requirements. Some personal data will need to be retained for longer than others.

The type of data determines the retention period. Retention period; all criteria is used to determine the retention period.

At the end of the retention period the data will be reviewed and deleted.

## Your rights

Please be aware that you have the following data protection rights:

- The right to be informed about the personal data the Company processes on you;
- The right of access to the personal data the Company processes on you;
- The right to rectification of your personal data;
- The right to erasure of your personal data in certain circumstances;
- The right to restrict processing of your personal data;
- The right to data portability in certain circumstances;
- The right to object to the processing of your personal data that was based on a public or legitimate interest;
- The right not to be subjected to automated decision making and profiling; and
- The right to withdraw consent at any time.

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Where you have consented to the Company processing your personal data and sensitive personal data you have the right to withdraw that consent at any time by contacting Mandy Bant, Data Controller, Cosmic People Limited or John Bant of Cosmic People Limited, Data Protection Officer.

There may be circumstances where the Company will still need to process your data for legal or official reasons. We will inform you if this is the case. Where this is the case, we will restrict the data to only what is necessary for the purpose of meeting those specific reasons.

If you believe that any of your data that the Company processes is incorrect or incomplete, please contact us using the details above and we will take reasonable steps to check its accuracy and correct it where necessary.

You can also contact us using the above details if you want us to restrict the type or amount of data we process for you, access your personal data or exercise any of the other rights listed above.

## 4. Automated decision-making

Cosmic People Limited do not rely on any automated decision making.

## 5. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact:

Mandy Bant, Data Protection Officer, Cosmic People Ltd, Cosmic House, Main Street, Walton on Trent, Swadlincote, Derbyshire DE12 8LZ

Email: [mandy@cosmic.co.uk](mailto:mandy@cosmic.co.uk)

You also have the right to raise concerns with Information Commissioner's Office on 0303 123 1113 or at <https://ico.org.uk/concerns/>, or any other relevant supervisory authority should your personal data be processed outside of the UK, if you believe that your data protection rights have not been adhered to.

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