

HR PULSE - PRIVACY POLICY

Welcome to the privacy statement ("Privacy Policy") for HR Pulse.

Evergreen HR and/or if applicable the HR Pulse Vendor (collectively "**we/us/our**"), are committed to safeguarding the privacy of all private individuals ("**you/your**") who are or are associated with entities who are Users or are otherwise getting their Personal Data collected by Users and/or processed by utilisation by Users of HR Pulse.

Evergreen HR is licensor of HR Pulse and provides HR Pulse to the Users either directly or via HR Pulse Vendor(s).

When Evergreen HR provides HR Pulse directly to Users we serve as Data Processor. When Evergreen HR provides HR Pulse indirectly to Users via HR Pulse Vendors we serve as sub-processor to the HR Pulse Vendor which serves as Data Processor.

We may from time to time also serve as Data Controllers for Personal Data; however, the Privacy Policy regulates only situations where we are serving as Data Processors or sub-processors as detailed above.

1. WHAT DOES THIS POLICY COVER?

This Privacy Policy sets out the ways we receive and process Personal Data and our sharing practices for such information. The Privacy Policy relates only to Personal Data collected and/or processed by HR Pulse and not to our collection and/or processing of Personal Data in other ways or by other means including but not limited to via our websites as applicable. Such collection and/or processing may be regulated by other legal policies relating to privacy issues.

Further notices highlighting certain uses we wish to make of your Personal Data together with the ability to opt in or out of selected uses may also be provided when we receive Personal Data.

Please read this Privacy Policy carefully and ensure that you understand it.

2. HOW DO I CONTACT YOU?

You may contact Evergreen HR as follows:

Postal address: Gibson House, Hurricane Court, Hurricane Close, Stafford, ST16 1GZ, England.

Email address: sue@evergreenhr.co.uk.

Telephone: 07951 356700

We are registered with the Data Commissioner's Office under number ZA138140.

The identification and contact information for the relevant HR Pulse Vendor can be disclosed by contacting Evergreen HR.

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). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

3. WHAT DOES IT MEAN?

“Cookies”	means small text files placed on a computer or device by a website when one visits certain parts of such a website and/or when one use certain features of a website;
“Data Protection Legislation”	means Data Protection Legislation refers to all applicable legislation in force from time to time in the United Kingdom applicable to data protection and privacy including, but not limited to, the UK GDPR; the Data Protection Act 2018 (and regulations made thereunder); and the Privacy and Electronic Communications Regulations 2003 as amended;
“Data Controllers”	means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of Personal Data;
“Data Processors”	means a natural or legal person, public authority, agency or other body which processes Personal Data on behalf of the Controller;
“DSAR”	means a data subject access request;
“Evergreen HR”	means Evergreen HR Limited a private company limited by shares incorporated in England and Wales with company registration number 09731260 and with its registered address at Gibson House, Hurricane Court, Hurricane Close, Stafford, ST16 1GZ, England;
“HR Pulse”	means a cloud-based HR software system which is used by Users in managing their workforce while complying with human resource matters and UK employment law;
“HR Pulse Vendor(s)”	means independent resellers of HR Pulse;
“Personal Data”	means any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. Personal Data is, in simpler terms, any information about you that enables you to be identified. Personal Data covers obvious information such as your name and contact details, but it also covers less obvious information such as identification numbers, electronic location data, and other online identifiers;
“UK GDPR”	means Regulation (EU) 2016/679 General Data Protection Regulation as it forms part of the law of England and Wales, Scotland, and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018 and amended by the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2019.
“User(s)”	means natural or legal persons, public authorities, agencies or other bodies utilising HR Pulse.

4. WHAT ARE MY RIGHTS?

Under the Data Protection Legislation, you have the following rights, which we will always work to uphold:

- The right to be informed about our collection and/or use of your Personal Data.
- The right to access the Personal Data we hold about you.
- The right to have your Personal Data rectified if any of your Personal Data held by us is inaccurate or incomplete.
- The right to be forgotten, i.e., the right to ask us to delete or otherwise dispose of any of your Personal Data that we hold.
- The right to restrict (i.e., prevent) the processing of your Personal Data.
- The right to object to us using your Personal Data for a particular purpose or purposes.
- The right to withdraw consent. This means that, if we are relying on your consent as the legal basis for using your Personal Data, you are free to withdraw that consent at any time.
- The right to data portability. This means that, if you have provided Personal Data to us directly, we are using it with your consent or for the performance of a contract, and that data is processed using automated means, you can ask us for a copy of that Personal Data to re-use with another service or business in many cases.
- Rights relating to automated decision-making and profiling. We do not use your Personal Data in this way.

Your exercise of these rights is subject to certain exemptions to safeguard the public interest (e.g., the prevention or detection of crime) and our interests (e.g., the maintenance of legal privilege, regulation relating to book keeping, etc.). Your exercise of these rights can also lead to us not being able to continue providing services to you and/or to the User. If you exercise any of these rights, we will check your entitlement and respond as soon as possible and in most cases within a month.

Please note that we may not always be able to honour all such rights as herein provided due to the fact that most or all of the data loaded on HP Pulse by Users is in encrypted format, which we cannot decode, or we may not have access to the data due to security measures including but not limited to password protection utilised by the Users.

This means that we may not be able to comply with DSAR received from Data Subjects.

For more information about our use of your Personal Data or exercising your rights as outlined above, please contact us using the details provided in clause 2.

Further information about your rights can also be obtained from the Information Commissioner's Office or your local Citizens Advice Bureau.

If you have any cause for complaint about our use of your Personal Data, you have the right to lodge a complaint with the Information Commissioner's Office. We would welcome the opportunity to resolve your concerns ourselves, however, so if possible, please contact us first, using the details in clause 2.

5. WHAT DATA DO YOU PROCESS AND HOW?

We operate HR Pulse to process the Personal Data loaded onto HR Pulse by Users strictly as is necessary to make the Personal Data accessible to the Users through secure protocols.

Most or all of the data loaded on HP Pulse by Users is in encrypted format, which we cannot decode, and we may not have access to the data due to security measures including but not limited to password protection utilised by the Users.

We may from time to time be able to access the data files of the Users for system maintenance purposes; however, the Personal Data will normally be in encrypted format.

Consequently, we normally do not ourselves collect Personal Data, but we may hold and/or process some or all of the Personal Data set out below, using the methods also set out below.

Information Users upload on HR Pulse	Personal Data is in encrypted format so we do not have access to this or knowledge of the specific data types held
Information from third parties imported by Users to HR Pulse	Personal Data is in encrypted format so we do not have access to this or knowledge of the specific data types held

6. HOW DO YOU USE MY PERSONAL DATA?

Under the Data Protection Legislation, there must always be a lawful basis for using Personal Data. In the following, we will describe how we may use your Personal Data, and our lawful bases for doing so:

As part of contract performance	We process personal information in encrypted format uploaded to HR Pulse by Users to facilitate administrative purposes of such Users.
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Use justification: contract performance (to assist Users managing their workforce while complying with human resource matters and UK employment law)

In connection with legal or regulatory obligations	We may in seldom cases where we gain access to unencrypted personal information uploaded to HR Pulse by Users process personal information to comply with our regulatory requirements or as part of dialogue with our regulators as applicable which may include disclosing your personal information to third parties, the court service, regulators and/or law enforcement agencies in connection with enquiries, proceedings or investigations by such parties anywhere in the world or where compelled to do so. Where permitted, we will direct any such request to you or notify you before responding unless to do so would prejudice the prevention or detection of a crime.
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Use justification: legal obligations, legal claims, legitimate interests (to cooperate with law enforcement and regulatory authorities)

These are the principal legal grounds that justify our use of Personal Data:

<i>Contract performance</i>	<i>Where personal information is necessary to enter into or perform a contract.</i>
<i>Legitimate interests</i>	<i>Where we use personal information to achieve a legitimate interest and our reasons for using it outweigh any prejudice to Data Subjects' data protection rights.</i>

<i>Legal obligation</i>	<i>Where we need to use personal information to comply with our legal obligations.</i>
<i>Legal claims</i>	<i>Where personal information is necessary for us to defend, prosecute or make a claim.</i>

We will only use your Personal Data for the purpose(s) for which it was originally collected and/or in accordance with the instructions of the Data Controller unless we reasonably believe that another purpose is compatible with that or those original purpose(s) and need to use your Personal Data for that purpose. If we do use your Personal Data in this way and you wish us to explain how the new purpose is compatible with the original, please contact us using the details in clause 2.

If we need to use your Personal Data for a purpose that is unrelated to, or incompatible with, the purpose(s) for which it was originally collected, we will inform you and explain the legal basis which allows us to do so.

In some circumstances, we may process your Personal Data without your knowledge or consent. This will only be done within the bounds of the Data Protection Legislation and your legal rights.

7. HOW LONG WILL MY PERSONAL DATA BE KEPT?

It is normally the Data Controller that determines the retention times for Personal Data in HR Pulse.

We have contractually agreed with the Data Controller that the Data Controller will not keep Personal Data for any longer than is necessary considering the reason(s) for which it was first collected.

8. HOW AND WHERE DO YOU STORE OR TRANSFER MY PERSONAL DATA?

We may store some or all of your Personal Data in countries outside of the UK. These are known as “third countries”. We will take additional steps in order to ensure that your Personal Data is treated just as safely and securely as it would be within the UK and under the Data Protection Legislation as follows:

We ensure that your Personal Data is protected under binding corporate rules. Binding corporate rules are a set of common rules which all our group companies are required to follow when processing Personal Data.

We may store or transfer Personal Data in or to countries that are deemed to provide an adequate level of protection for Personal Data under UK adequacy decisions and adequacy regulations.

We may use specific approved contracts which ensure the same levels of Personal Data protection that apply under the Data Protection Legislation.

The security of your Personal Data is essential to us, and to protect your data, we take a number of important measures, including the following:

- Keeping Personal Data in encrypted format only to be accessed by the Users;
- limiting access to your Personal Data to those employees, agents, contractors, and other third parties with a legitimate need to know and ensuring that they are subject to duties of confidentiality; and
- procedures for dealing with data breaches (the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, your Personal Data) including notifying you and/or the Information Commissioner’s Office where we are legally required to do so.

9. DO YOU SHARE MY PERSONAL DATA?

We will not share any of your Personal Data with any third parties for any purposes, subject to the following exceptions.

If we sell, transfer, or merge parts of our business or assets, your Personal Data may be transferred to a third party. Any new owner of our business may continue to use your Personal Data in the same way(s) that we have used it, as specified in this Privacy Policy.

In some limited circumstances, we may be legally required to share certain Personal Data, which might include yours, if we are involved in legal proceedings or complying with legal obligations, a court order, or the instructions of a government authority.

We may sometimes contract with third parties to supply certain products or services for us. If any of your Personal Data is shared with a third party, we will take steps to ensure that your Personal Data is handled safely, securely, and in accordance with your rights, our obligations, and the third party's obligations under the Data Protection Legislation.

10. HOW CAN I CONTROL MY PERSONAL DATA?

In addition to your rights under the Data Protection Legislation, when you yourself submit Personal Data to HR Pulse, you may be given options to restrict our use of your Personal Data.

You may be able to access certain areas of HR Pulse and/or receive certain services from us without providing any Personal Data at all. However, to use all features and functions available on HR Pulse and/or interact with us or receive services from us you may be required to submit or allow for the collection of certain Personal Data.

11. HOW CAN I ACCESS MY PERSONAL DATA?

If you want to know what Personal Data we have about you, you can ask us for details of that Personal Data and for a copy of it (where any such Personal Data is held) by sending us a DSAR.

THE DSAR SHOULD NORMALLY BE SENT TO THE USER OR TO THE HR PULSE VENDOR, IF THE USER HAS SUBSCRIBED TO HR PULSE VIA A HR PULSE VENDOR.

PLEASE NOTE THAT DUE TO THE ENCRYPTED NATURE OF DATA LOADED TO HR PULSE WE WILL NORMALLY NOT BE ABLE TO ACCESS THE PERSONAL DATA PROCESSED BY US.

All DSAR to Evergreen HR should be made in writing and sent to the postal address shown in clause 2. To make this as easy as possible for you, a Subject Access Request Form is available for you to use. You do not have to use this form, but it is the easiest way to tell us everything we need to know to respond to your request as quickly as possible. Please note that for security reasons normally only the relevant Data Subject, i.e., yourself can submit such subject access requests regarding your own Personal Data. The one requesting data access must be able to identify him-/herself within the reasonable standard set by us.

There is not normally any charge for a DSAR. If your request is 'manifestly unfounded or excessive' (for example, if you make repetitive requests) a fee may be charged to cover our administrative costs in responding.

We will respond to your subject access request within one month of receiving it. Normally, we aim to provide a complete response, including a copy of your Personal Data within that time. In some cases,

however, particularly if your request is more complex, more time may be required up to a maximum of three months from the date we receive your request. You will be kept fully informed of our progress.

12. DO YOU USE COOKIES?

The user interface of HR Pulse does not place Cookies on your computer or device.

13. CHANGES TO THIS PRIVACY POLICY

We may change this Privacy Policy from time to time. This may be necessary, for example, if the law changes, or if we change our business in a way that affects Personal Data protection.

This Privacy Policy was last updated on March 2024.