

SpyCloud – Employee Privacy Notice

SpyCloud UK Limited and each of its global affiliates (collectively “**SpyCloud**” or “**we**”) is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with applicable data protection legislation, such as the General Data Protection Regulation, including as it applies in the UK after Brexit (“**GDPR**”).

SpyCloud UK Limited is a "data controller." This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to all current and former employees, workers, and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using that information and what your rights are under data protection legislation.

If you have any questions about this privacy notice, or the way SpyCloud collects, uses, or otherwise processes your personal data, including the transfer of your personal data to other companies or jurisdictions, please contact us by sending an email to the Legal Department at privacyteam@spycloud.com.

General

The term “personal data” as used in this privacy notice means any information that actually enables, or can enable, us to identify you, directly or indirectly, whether on its own or in combination with other information available to us.

Personal data might be an identifier such as your name, identification number, IP address, or an online identifier or it might be one or more factors specific to you, such as your location data, your opinions, or personal details.

Personal data includes “special categories” of personal data and “pseudonymized” personal data:

“Special categories of personal data” in this privacy notice means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, and data concerning health, sex life, or sexual orientation.

“Pseudonymized” personal data is personal data where we have replaced any identifying information, such as your name, with a pseudonym or random identifier unique to you – we do this for reasons of security

Personal data does not include anonymous data or data that has had the identity of an individual permanently removed.

We “process” personal data whenever we perform “operations” on the data, which broadly includes collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, or destruction.

Categories of personal data spycloud collects

We collect personal data about employees, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment or recruiting agency. To the extent permitted by applicable law, we may sometimes collect additional information from third parties including former employers, credit reference agencies, or other background check providers.

Where relevant and permitted by applicable law, we may collect and process the following categories of data about you:

Personal data normally collected through the application and recruitment process, either directly from candidates or from a third party, such as:

- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Personal contact details such as name, title, addresses, telephone numbers and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Copy of driving licence.
- Bank account details, payroll records and tax status information.
- Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied.

Personal data collected or created in the course of job-related activities throughout the period of you working for us (including from third parties such as pension providers), such as:

- Salary, annual leave, pension and benefits information.
- Start date and, if different, the date of your continuous employment.
- Leaving date and your reason for leaving.
- Location of employment or workplace.
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships).
- Compensation history.
- Performance information.
- Disciplinary and grievance information.
- Information about your use of our information and communications systems.
- Information obtained through electronic means such as IP addresses.
- Photographs.

We may also collect, store and use the following more special categories of personal data:

Information about your race or ethnicity, religious beliefs, sexual orientation, and political opinions.

Trade union membership.

Information about your health, any medical condition, and sickness records including details of any absences (other than holidays) from work including time on statutory parental leave and sick leave.

Genetic information and biometric data.

We may also collect information about criminal convictions and offences (for example in background screening), which is also afforded additional protection under data protection legislation.

How we will use information about you

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

Where we need to perform the contract we have entered into with you (e.g., your employment contract or the contract for services).

Where we need to comply with a legal obligation.

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.

We may also use your personal information in the following situations, which are likely to be rare:

Where we need to protect your interests (or someone else's interests).

Where it is needed in the public interest.

We have included some examples of common situations in which we will process your personal data, and the relevant lawful reason for processing, in the Annex to this privacy notice. Note that some of the lawful grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

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

How we use special category personal data

Special category personal data require higher levels of protection. Under applicable law, we must have further justification for collecting, storing and using this type of information. We may process special categories of personal information in the following circumstances:

In limited circumstances, with your explicit written consent.

Where we need to carry out our legal obligations or exercise rights in connection with employment.

Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.

Where it is necessary to protect you or another person from harm.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We have included some examples of situations in which we may process special category personal data, and the relevant lawful reason for processing, in the Annex to this privacy notice.

Do we need your consent?

We do not need your consent to use personal data (including special categories of personal data) where we have another lawful basis for the processing. It would not be practical (or appropriate) to obtain your consent for all processing that is undertaken in the course of your employment or engagement with us. However, we may sometimes approach you to obtain your consent for certain processing activities (where we think consent is the most appropriate lawful basis to rely on). If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us and you are free to refuse to provide your consent.

Information about criminal convictions

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process and during your employment if so indicated by your role or we may be notified of such information directly by you in the course of you working for us.

Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in certain circumstances. However, we do not envisage that any decisions will be taken about you using automated means. We will notify you in writing if this position changes.

Data sharing

We may share your personal data with third parties, including third-party service providers and other entities in the SpyCloud group, and this may include transferring your personal data outside of the jurisdiction in which you are located. We require third parties to respect the security of your data and to treat it in accordance with the law. Where we transfer your personal data (including internationally), you can expect a similar degree of protection in respect of your personal data.

Why might we share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you, or where we have another legitimate interest in doing so.

Third parties include third-party service providers and other entities within our group. We may share your personal data in relation to the following:

Within the SpyCloud group. We may share personal data with other members of the SpyCloud group for regular reporting activities on company performance, in the context of a business reorganization or group restructuring exercise, for system maintenance support and hosting of data, or where a SpyCloud group member provides services on our behalf (such as combined HR or payroll services).

Third-party service providers. We may share personal data with service providers, suppliers or their subcontractors which perform the following services: payroll, pension administration, benefits provision and administration; contract administration and review; accounting, tax, financial management and corporate governance services; legal and other professional advisors; insurance providers, including employment liability insurance and health insurance; insurance brokers; education training and development services; event organizers; corporate travel services; IT services; photo and video services; printing services; and provision of online and telephone systems.

Business transaction. We may share your personal data with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

Law enforcement and regulatory authorities. We may disclose personal data to the government, to law enforcement, to a regulatory authority, or to other third parties under certain circumstances when legally obligated to do so, or to respond to a court order, request, or other lawful process, or where we believe doing so may aid a law enforcement investigation or prevent a crime. In accordance with applicable law, we reserve the right to release personal data to law enforcement, regulators, or other government officials, as we, in our sole discretion, deem necessary or appropriate.

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

Transferring information outside the UK

Your personal data may be transferred to, stored, and processed in the United States where the SpyCloud group parent company is

located, and our central database is operated.

Where required by applicable laws, we will take appropriate measures to ensure adequate protection of your personal data when transferred internationally. Such measures may include use of data transfer agreements and/or official transfer mechanisms such as data authority approved contractual clauses. We may also consider certifying under any partial adequacy decisions that are in force to protect such transfers.

For more information on the transfer of your personal data outside your jurisdiction of residence, including our use of foreign service providers, please contact the Legal Department at privacy@spycloud.com.

Data security

We have put in place appropriate technical and organisational security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Additionally, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. For details of the measures we have in place, please contact the Legal Department at privacy@spycloud.com.

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

Data retention

We will only retain your personal information for as long as necessary to fulfill the purposes for which we collected it, 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.

The applicable legal requirements.

In some circumstances, we may anonymise your personal information so that it can no longer be associated with you, in which case we may use that information without further notice to you. Once you are no longer an employee, worker, or contractor of the company, we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

Rights of access, correction, erasure and restriction

Under certain circumstances, by law, you have the right to:

Request access to your personal data. You may have the right to request confirmation from us as to whether we process your personal data and to request access to any personal data we hold about you as well as related data, including the purposes for processing the personal data, the recipients or categories of recipients with whom the personal data has been shared, where possible, the period for which the personal data will be stored, the source of the personal data, and the existence of any automated decision making.

Request correction of your personal data. You may have the right to obtain the rectification of any inaccurate personal data we hold about you. To the extent required by applicable laws, any correction requirements will be communicated to each recipient of your personal data.

Request erasure of your personal data. You may have the right to request that personal data held about you is deleted. To the extent required by applicable laws, any erasure requirements will be communicated to each recipient of your personal data.

Request restriction of processing your personal data. You may have the right to prevent or restrict processing of your personal data. To the extent required by applicable laws, any restriction of processing requirements will be communicated to each recipient of your personal data.

Request transfer of your personal data. You may have the right to request transfer of your personal data directly to a third party where this is technically feasible.

Right to object. You may have the right to object to the processing of your personal data when you have legitimate reasons to do so.

Right to withdraw consent. Where processing is based on consent, you may have the right to withdraw such consent.

To exercise the above-mentioned rights, or to raise a question, comment, or complaint, send an email from your work email account (where you still have access to this) or the personal email account you provided to us in the course of your employment to the Legal Department at privacy@spycloud.com. Where necessary, we reserve the right to request the provision of additional information necessary to confirm your identity before responding to the request (including after the termination of your employment).

Please note that the above rights are not absolute and certain restrictions and exclusions may apply.

If you have any complaints about the way SpyCloud collects, uses and/or processes your personal data, or in relation to how we have responded to your request to exercise one of the above rights, you have the right to file a complaint with the data protection authority in the jurisdiction where you reside. If you reside in the UK, this will be the Information Commissioner's Office ("ICO"). Complaints can be submitted via the ICO's website: ico.org.uk.

Annex – example data processing

Examples of personal data processing as referred to in Section 3.3 of this notice.

Purpose of processing	Legal basis
Making decisions about recruitment	Performance of your employment contract Our legitimate interests in ensuring we hire the most appropriate person
Corresponding with you	Performance of your employment contract Our legitimate interests in corresponding with our employees
Checking your legal entitlement to work in your jurisdiction	Compliance with a legal obligation
Determining the terms on which you work for us	Performance of your employment contract Our legitimate interests in negotiating appropriate terms with our employees
Assessing qualifications for a particular job or task	Our legitimate interests in ensuring our employees are appropriately qualified
Making decisions about promotions and making decisions about your continued employment or engagement	Performance of your employment contract Our legitimate interests in promoting/retaining the most suitable people
Conducting performance reviews, managing performance and determining performance requirements	Performance of your employment contract Our legitimate interests in effectively running our business
Gathering evidence for possible grievance or disciplinary hearings	Performance of your employment contract Our legitimate interests in dealing with potential issues Compliance with a legal obligation
Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work	Performance of your employment contract Our legitimate interests in protecting our reputation Compliance with a legal obligation
Managing sickness absence	Our legitimate interests in ensuring our business runs effectively Compliance with a legal obligation
Implementation of occupational health and safety measures	Our legitimate interests in protecting our employees Compliance with a legal obligation
Ascertaining your fitness to work	Performance of your employment contract Compliance with a legal obligation
Education, training and development requirements	Performance of your employment contract Compliance with a legal obligation
General staff administration	Performance of your employment contract
Paying you	Performance of your employment contract Compliance with a legal obligation
Making tax declarations and deducting tax	Compliance with a legal obligation
Tracking staff time spend at work	Performance of your employment contract Our legitimate interests in ensuring our resources are allocated efficiently
Annual leave management	Performance of your employment contract Compliance with a legal obligation
Providing you with staff benefits (e.g. insurances, pensions)	Performance of your employment contract Compliance with a legal obligation
Travelling and relocation of staff	Performance of your employment contract
Corporate event organization	Our legitimate interests in hosting events as we see fit
Creating and circulating internal publications	Our legitimate interests in cultivating workplace culture and sharing appropriate news and information
Making travel arrangements (e.g. booking hotels and flights, arranging visas)	Our legitimate interests in ensuring we have employees in the correct locations/events Performance of your employment contract
Liaising with pension providers and administering the occupational pension scheme	Performance of your employment contract Compliance with a legal obligation

To ensure network and information security, including preventing unauthorized access to our computer and electronic communications systems and preventing malicious software distribution	Performance of your employment contract Our legitimate interests in protecting our information technology systems
Preventing fraud	Performance of your employment contract Our legitimate interests in protecting our reputation
Monitoring your use of our IT systems	Our legitimate interests in ensuring our IT systems and being used appropriately
General management of information technology systems and processes	Performance of your employment contract Our legitimate interests in ensuring the appropriateness of our information technology systems and processes
Management of IT hardware inventory	Performance of your employment contract Our legitimate interests in ensuring resources are allocated appropriately
Providing Information to staff	Our legitimate interests in ensuring our staff are informed Compliance with a legal obligation
Performance review	Our legitimate interests in motivating staff and monitoring performance Compliance with a legal obligation Performance of your employment contract
Control of access to company premises	Our legitimate interests in keeping our premises secure Compliance with a legal obligation
Tracking of health and safety incidents	Compliance with a legal obligation
Conducting equal opportunities monitoring	Compliance with a legal obligation
Business management and planning, including accounting and auditing	Our legitimate interests in running our business efficiently Compliance with a legal obligation
Providing health insurance	Performance of your employment contract Compliance with a legal obligation
Transferring your personal data to third parties in accordance with Section 5 of this Statement	Our legitimate interests in outsourcing certain services to leverage efficiencies Compliance with a legal obligation

Examples of special category personal data processing as referred to in Section 3.93.3 of this notice.

Purpose of processing	Legal basis
Ensure your health and safety in the workplace	Carrying out obligations and exercising specific rights in the field of employment law.
Provide appropriate workplace adjustments	Carrying out obligations and exercising specific rights in the field of employment law.
Monitor and manage sickness absence	Carrying out obligations and exercising specific rights in the field of employment law.
Administer benefits including statutory maternity pay, statutory sick pay, and pensions	Carrying out obligations and exercising specific rights in the field of employment law.
Ensure meaningful equal opportunity, monitoring, and reporting.	Carrying out obligations and exercising specific rights in the field of employment law.
If we reasonably believe you or another person are at risk of harm and the processing is necessary to protect you/them.	Protecting the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.
Where you have made the relevant information public.	Personal data which are manifestly made public by the data subject.

Where the information is relevant to a legal claim.

Establishment, exercise or defence of legal claims.