

TWELVE ARCHITECTS – DATA PROTECTION POLICY

DATA PROTECTION

Twelve Architects takes the security and privacy of your data seriously. We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the Data Protection Act 2018 (the '2018 Act') and the retained EU law version of the General Data Protection Regulation ('UK GDPR') in respect of data privacy and security. We have a duty to notify you of the information contained in this policy.

This policy applies to current and former employees, workers, volunteers, apprentices and consultants. If you fall into one of these categories, then you are a 'data subject' for the purposes of this policy.

We also have measures in place to protect the security of your data and the provisions for holding your data. This is in accordance with our data retention periods and Information Security policies.

The Company is a 'data controller' for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data.

This policy explains how the Company will hold and process your information. It explains your rights as a data subject. It also explains your obligations when obtaining, handling, processing or storing personal data in the course of working for, or on behalf of, the Company.

DATA PROTECTION PRINCIPLES

Personal data must be processed in accordance with six 'Data Protection Principles.' It must:

- be processed fairly, lawfully and transparently;
- be collected and processed only for specified, explicit and legitimate purposes;
- be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay;
- not be kept for longer than is necessary for the purposes for which it is processed; and
- be processed securely.

We are accountable for these principles and must be able to show that we are compliant.

HOW WE DEFINE PERSONAL DATA

'Personal data' means information which relates to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

This personal data might be provided to us by you, or someone else such as a former employer, your doctor, or a credit reference agency, or it could be created by us. It could be provided or created during the recruitment process or during the course of the contract of employment (or services) or after its termination. It could be created by your manager or other colleagues.

We will normally collect and use the following types of personal data about you:

- recruitment information such as your application form and CV, references, qualifications and membership of any professional bodies and details of any pre-employment assessments;
- your contact details and date of birth;
- the contact details for your emergency contacts;
- your gender;
- your marital status and family details;
- information about your contract of employment (or services) including start and end dates of employment, role and location, working hours, details of promotion, salary (including details of previous remuneration), pension, benefits and holiday entitlement;
- your bank details and information in relation to your tax status including your national insurance number;
- your identification documents such as passport and driving licence and information in relation to your immigration status and right to work for us;
- information relating to disciplinary or grievance investigations and proceedings involving you (whether or not you were the main subject of those proceedings);
- information relating to your performance and behaviour at work;
- training records;
- electronic information in relation to your use of IT systems/swipe cards/telephone systems;
- your images (whether captured on CCTV, by photograph or video); and
- any other category of personal data which we may notify you of from time to time.

HOW WE DEFINE 'SPECIAL CATEGORIES' OF PERSONAL DATA

'Special categories of personal data' are types of personal data consisting of information as to:

- your racial or ethnic origin;
- your political opinions;
- your religious or philosophical beliefs;
- your trade union membership;
- your genetic or biometric data;
- your health;
- your sex life and sexual orientation; and
- any criminal convictions and offences.

We may hold and use any of these '*special categories*' of your personal data but only in accordance with the law.

HOW WE DEFINE PROCESSING

'Processing' means any operation which is performed on personal data such as:

- collection, recording, organisation, structuring or storage;
- adaption or alteration;
- retrieval, consultation or use;
- disclosure by transmission, dissemination or otherwise making available;
- alignment or combination; and
- restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system and any automated processing.

HOW WILL WE PROCESS YOUR PERSONAL DATA?

The Company will process your personal data (including 'special categories' of personal data) in accordance with our obligations under the 2018 Act. We will use your personal data for:

- performing the contract of employment (or services) between us;
- complying with any legal obligation; or
- if it is necessary for our legitimate interests.

We can process your personal data for these purposes without your knowledge or consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

If you choose not to provide us with certain personal data, you should be aware that we may not be able to carry out certain parts of the contract between us. For example, if you do not provide us with your bank account details we may not be able to pay you. It might also stop us from complying with certain legal obligations and duties which we have such as to pay the right amount of tax to HMRC or to make reasonable adjustments in relation to any disability you may suffer from.

EXAMPLES OF WHEN WE MIGHT PROCESS YOUR PERSONAL DATA

We have to process your personal data in various situations during your recruitment, employment or engagement and even following termination of your employment or engagement. These incidences are necessary in the performance of the contract of employment or services between us, or for complying with a legal obligation; or are part of our legitimate interests in managing you/your services and/or administrating the employment/service relationship.

For example, and where relevant:

- to decide whether to employ (or engage) you;
- to decide how much to pay you, and the other terms of your contract with us;
- to correspond with you about matters and benefits related to your employment;
- to check you have the legal right to work for us;
- to carry out the contract between us including where relevant, its termination;
- training you and reviewing your performance;
- to decide whether to promote you;
- to decide whether and how to manage your performance, absence or conduct;
- to carry out a disciplinary or grievance investigation or procedure in relation to you or someone else;
- to determine whether we need to make reasonable adjustments to your workplace or role because of your disability;
- to monitor diversity and equal opportunities;
- to monitor and protect the security (including network security) of the Company, of you, our other staff, customers and others;
- to monitor and protect the health and safety of you, our other staff, customers and third parties;
- to pay you and provide pension and other benefits in accordance with the contract between us;

- paying tax and national insurance;
- to provide a reference upon request from another employer;
- to pay trade union subscriptions;
- monitoring compliance by you, us and others with our policies and our contractual obligations;
- to comply with employment law, immigration law, health and safety law, tax law and other laws which affect us;
- to answer questions from insurers in respect of any insurance policies which relate to you;
- running our business and planning for the future;
- the prevention and detection of fraud or other criminal offences;
- to defend the Company in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure; and
- for any other reason which we may notify you of from time to time.

We will only process 'special categories' of your personal data in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we asked for your consent to process a special category of personal data, then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose.

We do not need your consent to process 'special categories' of your personal data when we are processing it for the following purposes, which we may do:

- where it is necessary for carrying out rights and obligations under employment law;
- where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- where you have made the data public;
- where processing is necessary for the establishment, exercise or defence of legal claims; and
- where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.

We might process 'special categories' of your personal data and use information in relation to:

- your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities;
- your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work, to pay you benefits, to comply with our legal obligations under employment law including to make reasonable adjustments and to look after your health and safety; and
- your trade union membership to pay any subscriptions and to comply with our legal obligations in respect of trade union members.

We do not take automated decisions about you using your personal data or use profiling in relation to you.

SHARING YOUR PERSONAL DATA

Sometimes we might share your personal data with group companies or our contractors and agents to carry out our obligations under our contract with you or as part of our legitimate interests in managing you/your services and/or administrating the employment/service relationship.

We require those companies to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions.

We do not send your personal data outside the UK. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

HOW SHOULD YOU PROCESS PERSONAL DATA FOR THE COMPANY?

Everyone who works for, or on behalf of, the Company has some responsibility for ensuring data is collected, stored and handled appropriately, in line with this policy, the Company's Data Retention policy and Information Security policies. You must familiarise yourself with the Company's policies which may include provisions for the processing of certain data.

The Company's Data Protection Manager, Bethany Hearne, is responsible for reviewing this policy and updating the Directors on the Company's data protection responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this policy or data protection to this person.

You should only access personal data covered by this policy if you need it for the work you do for, or on behalf of the Company and only if you are authorised to do so. You should only use the data for the specified lawful purpose for which it was obtained.

You should not share personal data informally. You should keep personal data secure and not share it with unauthorised people.

You should regularly review and update personal data which you have to deal with for work. This includes telling us if your own contact details change.

You should not make unnecessary copies of personal data and should keep and dispose of any copies securely.

You should use strong passwords and comply with the requirements of the IT policies. Computer screens must be locked when you are not at your desk.

You may be required to encrypt personal data before it is transferred electronically to authorised external contacts. Please seek guidance from a Director or your manager.

Consider anonymising data or using separate keys/codes so that the data subject cannot be identified.

Do not save personal data to your own personal computers or other devices.

You should lock drawers and filing cabinets. Do not leave paper with personal data lying about.

You should not take personal data away from Company's premises without authorisation from your line manager.

Personal data should be shredded and disposed of securely when you have finished with it.

You should ask for help from our Data Protection Manager if you are unsure about data protection or if you notice any areas of data protection or security we can improve upon.

Any deliberate or negligent breach of this policy by you may result in disciplinary action being taken against you in accordance with our disciplinary procedure.

It is a criminal offence to conceal or destroy personal data which is part of a subject access request (see below). This conduct would also amount to gross misconduct under our disciplinary procedure, which could result in your dismissal.

HOW TO DEAL WITH DATA BREACHES

We have robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur (whether in respect of you or someone else) then we must take notes

and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals, then we must also notify the Information Commissioner's Office within 72 hours.

If you are aware of a data breach you must contact the Data Protection Manager immediately and keep any evidence, you have in relation to the breach.

SUBJECT ACCESS REQUESTS

Data subjects can make a 'subject access request' ('SAR') to find out the information we hold about them. This request must be made in writing. If you receive such a request, you should forward it immediately to the Data Protection Manager who will coordinate a response.

If you would like to make a SAR in relation to your own personal data, you should make this in writing to a Director. We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.

There is no fee for making a SAR. However, if your request is manifestly unfounded or excessive we may charge a reasonable administrative fee or refuse to respond to your request.

YOUR DATA SUBJECT RIGHTS

You have the right to information about what personal data we process, how and on what basis as set out in this policy.

You have the right to access your own personal data by way of a subject access request.

You can correct any inaccuracies in your personal data. To do so, you should contact your manager.

You have the right to request that we erase your personal data, however this would only be where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so, you should contact a Director. During the course of your employment or engagement we will normally collect data for legitimate interests for the purposes of managing you/your services and/or administrating the employment/service relationship or complying with a legal obligation. Once you have left our employment or engagement, such data will be retained in accordance with our retention periods for the same reasons.

You have the right to object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop.

You have the right to object if we process your personal data for the purposes of direct marketing.

You have the right to receive a copy of your personal data and to transfer your personal data to another data controller. We will not charge for this and will in most cases aim to do this within one month.

With some exceptions, you have the right not to be subjected to automated decision-making.

In most situations you have the right to be notified of a significant data security breach concerning your personal data.

In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact a Director.

You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found

on the Information Commissioner’s Office website (www.ico.org.uk). This website has further information on your rights and our obligations.

DEMONSTRATING COMPLIANCE

Twelve Architects demonstrates compliance with the principles of Data Protection by:

- Following recognised best practices in the processing of all personal data.
- Meeting the legal conditions for fair and lawful processing.
- Providing clear and accessible privacy notices explaining why we process personal data and with whom it may be shared.
- Relying on consent only when it is freely given, specific, informed and unambiguous, and keeping accurate records of such consent.
- Embedding “**privacy by design and by default**” into systems and processes, ensuring only the minimum necessary personal data is processed.
- Ensuring all staff complete mandatory data protection training on induction and at regular intervals thereafter.
- Keeping the **Records of Processing Activities (ROPA)** up to date and reviewing them at least annually.
- Maintaining a robust personal data breach detection, investigation and reporting procedure.
- Ensuring that any transfer of personal data outside the UK or EU is underpinned by a valid adequacy decision or appropriate safeguards.
- Retaining personal data only for as long as necessary for the stated purpose and securely deleting it when no longer required.

DATA RETENTION PERIOD

Type of Employment Record	Retention Period
Job applications and interview records of unsuccessful candidates	12 months after notifying unsuccessful candidates (or longer, if there is a clearly communicated policy to keep candidates CVs for future reference). Application forms should give applicants the opportunity to object to their details being retained.
Personnel and training records	While employment continues and up to six years after employment ceases.
Contracts of employment and changes to terms and conditions	While employment continues and up to six years after employment ceases.
Working time opt-out forms	Two years from the date on which they were entered into.
Records to show compliance with the Working Time Regulations 1998	Two years after the relevant period.
Annual leave records	Six years or possibly longer if leave can be carried over from year to year.
Payroll and wage records for unincorporated businesses	Five years after 31 January following the year of assessment.

Payroll and wage records for companies	Six years from the financial year-end in which payments were made.
PAYE records	Not less than three years after the end of the tax year to which they relate. However, it may be sensible to keep them for six years as they may fall within the definition of payroll and wage records (see above).
Collective workforce agreements and past agreements that could affect present employees	Permanently
Works Council minutes	Permanently
Maternity records	Three years after the end of the tax year in which the maternity pay period ends.
Current bank details	No longer than necessary
Record of advances for season tickets and loans to employees	While employment continues and up to six years after repayment.
Death Benefit Nomination and Revocation Forms	While employment continues or up to six years after payment of benefit.
Any reportable accident, death or injury in connection with work	For at least three years from the date the report was made.
Records in relation to hours worked and payments made to workers	Three years beginning with the day upon which the pay reference period immediately following that to which they relate ends.
Consents for the processing of personal and sensitive data	For as long as the data is being processed and up to 6 years afterwards.
Disclosure and Barring Service (DBS), formerly Criminal Records Bureau (CRB), checks and disclosures of criminal records forms	Should be deleted following recruitment process unless assessed as relevant to ongoing employment relationship. Once the conviction is spent, should be deleted unless it is an excluded profession.
Immigration checks	Two years after the termination of employment.



Matt Cartwright
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