

## Agents should legally protect contractor data - including CVs

What happens when you send your [CV](#) into an agency? Shouldn't the agency ensure that it remains private? Contractors have real rights in this area, and non-respect of those rights can cost contractors money.

Well, many agencies don't, enough to make the UK data protection watchdog-- the Information Commissioner--- to take some action. The [Information Commissioner's Office](#) is trying to crack down on agencies and recruitment agencies which don't follow the rules set out by the [Data Protection Act of 1998](#). This includes the agency's sending your CV out when you haven't given permission to do so, along with a slew of other reasonable regulations. The Office [announced its crackdown](#) on June 25th 2007, and its chief operating officer Simon Entwistle threatened imminent further action against non-compliant agencies.

### Double and Triple Dealing

When an agency sends out your CV without asking you, double and triple dealing often occurs. This means that several agencies send your stuff to the same client. They then bargain like crazy to get the business. You could wind up the loser as your fee and perquisites get kicked around.

But that's not all. Your CV could circulate from agency to client to who knows where, and with who knows what comments scrawled in the margins.

### Handling Data Properly

Fighting this is a worthy cause, but the Information Commissioner doesn't have the powers needed to enforce the law. The Office has no right to inspect organisations that it has reason to suspect of not handling data properly. Nonetheless, the Office can intervene when it has evidence of non-compliance, and it did succeed in successfully prosecuting an agency this year. The Office counts on reports of abuse to engage in enforcement.

The Information Commissioner is extremely concerned about recruitment agencies because more than 50% of them do not even register with the Office as data controllers. Under the terms of the UK law, anyone-- any person or any company-- who handles personal data from others must notify the Office, and the Office keeps a public record of data controllers. (Registration only costs £35 so most of the agencies we know can't plead poverty). If you believe that an agency you work with is mishandling your data-- included sending it out without your permission-- you have the right to complain to the Office.

**“ We will imminently take action against non compliant agencies ”**

Simon Entwistle-ICO

### Your Rights

The Office publishes a 90-page guidance document on how recruiters and agencies should behave, so there is little doubt left on the subject. Contractors should perhaps know that:

- o Job ads should always identify the name of the agency responsible for your CV
- o When your CV goes out, you should know to whom it is being sent
- o If the client wishes to remain anonymous, then the CV should be anonymous too
- o If you fill out an application form, make sure you know what will be done with the data
- o Make sure that questions on forms relate to the job at hand and nothing else

Contractors should also be aware that there is a difference between verifying the information they have provided and vetting your CV, which means calling around and asking about you well beyond what is required to make sure you are telling the truth. Vetting is only permitted in special cases as in workers who deal with children, so if you find you are being vetted, you should complain.

Agents should ensure that, once CVs are received, they are saved in a directory or drive which has access limited to those involved in the recruitment process. Agencies are also responsible for storage of data on paper. If applications are processed by clients, the agency is responsible for making sure that clients maintain safeguards and don't swap with colleagues, etc.

**“ If your data is not handled properly you should let us know ”**

Simon Entwistle-ICO

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- [ICO Press Release - Agency Crackdown](#)
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