

# Privacy Notice

## 1. Background

This HR Privacy Notice contains all the information you need to know about how and why we collect, use, store, transfer and keep secure personal data about you which relates to your work with us as an employee, worker or self-employed consultant ('Data'). It also explains your rights and obligations in relation to your Data.

We are committed to protecting the privacy and security of your Data in accordance with the General Data Protection Regulation (GDPR) and relevant UK law.

This HR Privacy Notice should be read in conjunction with our Data Protection Policy and Data Retention Policy.

IT IS IN YOUR INTERESTS TO READ THIS HR PRIVACY NOTICE AS IT CONTAINS IMPORTANT INFORMATION ON HOW AND WHY WE ARE USING YOUR DATA AND WHAT WE WILL DO WITH IT EVEN AFTER YOU HAVE STOPPED WORKING FOR US.

This HR Privacy Notice does not form part of your employment contract and may be updated by us at any time.

## 2. GDPR Data Protection Principles

We comply with UK data protection law and GDPR. This says that any Data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any other way.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

These principles apply to Data about you, from which you can be identified. It does not include data where your identity has been removed (anonymous data).

## 3. The different types of Data we hold and why we hold them

These are the types of data we may hold about you:

Type of personal data	Details of personal data
Recruitment documents	<ul style="list-style-type: none"> <li>• Speculative job enquiries</li> <li>• CVs of rejected applicants</li> <li>• CVs of applicants offered jobs but not accepted</li> <li>• References provided by third parties for job offers whether accepted or not</li> <li>• Any written test/ assessment related to the recruitment activity</li> <li>• Psychometric testing (where appropriate)</li> </ul>



Contact/Personal Data	<ul style="list-style-type: none"><li>• Personal home and work contact details</li><li>• Emergency Contact details of next of kin</li><li>• Photographs</li></ul>
General Employment Contract documents	<ul style="list-style-type: none"><li>• CVs of current employees</li><li>• Application forms of current employees</li><li>• Employment Contracts</li><li>• Probation records</li><li>• Contract data including details of role, reporting structure, job location, holiday entitlement, notice period, working hours, and amendment to contract letters</li><li>• Overtime and TOIL data</li><li>• Lateness data</li><li>• Annual leave data</li><li>• Family leave data</li><li>• Privacy notices and data processing consent records</li><li>• Working time data</li></ul>
Immigration checks	<ul style="list-style-type: none"><li>• Identification records</li><li>• Details of right to work in UK including any work permit</li></ul>
Performance and training records	<ul style="list-style-type: none"><li>• Disciplinary records</li><li>• Grievance records</li><li>• Capability / Poor Performance records</li><li>• Probation records</li><li>• Absence records</li><li>• Attendance Management records</li><li>• Family Leave records</li><li>• Training records and agreements</li><li>• Qualification and skills documents, including professional certificates and driving licence copies</li><li>• Redundancy consultations</li><li>• Appraisal records</li></ul>
Pay and Benefits records	<ul style="list-style-type: none"><li>• Payroll and tax data</li><li>• Date of Birth</li><li>• Gender</li><li>• Nationality</li><li>• National Insurance number</li><li>• HMRC records</li><li>• Loan agreements</li><li>• Court Order records</li><li>• Statutory Pay records</li><li>• Bank Account details</li><li>• Expenses records</li><li>• Pension records</li><li>• Benefit schemes records</li></ul>
Leavers records	<ul style="list-style-type: none"><li>• Exit interviews</li><li>• Redundancy records</li><li>• Resignation or termination letters</li></ul>
Health and Safety records	<ul style="list-style-type: none"><li>• Records of any reportable accident, death or injury in connection with work</li></ul>



Criminal convictions records	<ul style="list-style-type: none"> <li>• Disclosure and Barring Service (DBS) checks pre-recruitment</li> <li>• Disclosures of criminal records during employment</li> <li>• DBS periodic updates</li> </ul>
File Notes	<ul style="list-style-type: none"> <li>• Any Data included in File Notes</li> </ul>

We have good reason for wanting to hold all this Data.

Type of employee personal data	Purpose for processing
Recruitment data and documents	To enable us to make recruitment decisions
Contact / Personal data	To enable us to contact you and in emergencies, your next of kin and for PAYE and pension purposes
General Employment Contract data and documents	To enable us to manage effectively your employment contract and to enable us to make accurate payments to you
Performance and Training data and records	To enable us to manage your performance under your employment contract, to investigate and deal with grievances, complaints or legal disputes, to assess your qualifications and skills to do particular work, to assess any training needs and to recognise good work, and to monitor use of email and communications systems to ensure compliance with relevant employment policies
Pay and Benefits data and records	To enable us to make accurate payments to you, and to calculate statutory and contractual leave
Leavers data and records (not covered above)	To keep accurate information in case of any dispute or claim over work or pay
Health and Safety data and records	To comply with health and safety obligations
Immigration checks	To check that you have the right to work in the UK
Criminal convictions records	To assess suitability as part of a recruitment process where the role involves dealing with large amounts of sensitive data, and to check that we can lawfully employ you and continue to employ you to work in certain roles
File Notes	To make general notes about situations related to your employment, and explain documents being stored

Under the GDPR, we need to have a legal basis for processing your Data.

There are 6 acceptable reasons why we are allowed to hold your Data.

Mostly we rely on 3 of these:

- Where we need it to perform your employment contract (such as Data about your working hours or holiday entitlement),
- Where we need it to comply with a legal obligation (such as tax Data),
- Where it is necessary for our legitimate interests (or those of a third party), and where your interests and fundamental rights do not override those interests.

Occasionally we may need to rely on 2 further reasons:

- Where we need it to protect your vital interests or someone else's (such as when there are serious Health and Safety issues),
- Where it is needed in the public interest.

And if none of these reasons apply, we will ask for your consent to hold Data. (see below)



And here's how these reasons relate to the Data we may hold about you:

Type of employee personal data	Legal basis for processing
Recruitment data and documents	Legitimate interests of an employer
Contact / Personal data	Performance of your employment contract, compliance with legal obligations, legitimate interests of an employer, and in relation to the holding of an Employee Photo only, we do this with your consent (see section 3.7 below)
General Employment Contract data and documents	Performance of your employment contract and compliance with legal obligations
Performance and Training data and records	Performance of your employment contract, compliance with legal obligations and legitimate interests of an employer
Pay and Benefits data and records	Performance of your employment contract and compliance with legal obligations
Leavers data and records (not covered above)	Performance of your employment contract and compliance with legal obligations
Health and Safety data and records	Compliance with legal obligations and to protect your vital interests
Immigration checks	Compliance with legal obligations
Criminal convictions records	Compliance with legal obligations and legitimate interests of an employer
CCTV	Legitimate interests of employer
File Notes	Performance of your employment contract, compliance with legal obligations and legitimate interests of an employer

#### Special Category Data

A small amount of the data we may collect from you can be classified as 'Special Category Data'. Understandably, we must be especially careful with this data, and we have to be satisfied that there are additional lawful reasons for holding it. This is data that reveals:

- Racial or ethnic origin,
- Religious and philosophical beliefs,
- Trade union membership,
- Genetic data,
- Biometric data,
- Health data, or
- Sex life and sexual orientation.

Within the categories of information we have listed above, we may collect the following Special Category Data, and have outlined the lawful reasons for processing it:

- Sickness absence records and family leave records in order to comply with employment and other laws
- Other information about your physical, mental health or disability status, to ensure your health and safety in the workplace, to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence, and to administer any benefits.
- If we need to hold any other Special Category Data, we will ask for your explicit consent to hold it. (see below)

#### Criminal Convictions Data

We may hold Data about any criminal convictions you may have. We will only collect this Data if it is appropriate given the nature of your role and where we are legally able to do so.



We may collect Criminal Convictions Data in the following ways:

- In our recruitment process
- As part of a DBS Checking process
- Where you have notified us directly during your employment

We are permitted to hold this data for one of the following reasons:

- You have voluntarily supplied it to us
- You have consented to carrying out a DBS check (see section 3.7 below)
- It is necessary to carry out employment rights and obligations, including, for example, where the employee is dealing with large amounts of sensitive data or is working with vulnerable individuals
- You have made the data public, or
- It is necessary for us to establish or defend a legal claim

### Consent

Here's what you need to know about the limited circumstances in which we may need your explicit, written consent to process specific elements of your data:

- Employee Photo

The use of your personal photo on our Website which identifies you as an employee of the company is entirely optional, and we will only use a photo of you if you consent.

- Special Category Data and Criminal Convictions Data

In the limited circumstances where we are relying on your consent to provide us with either additional health or other Special Category Data, or to provide us with additional Criminal Convictions Data not covered by the reasons explained in sections 3.5 and 3.6 above, we will provide you with full details of the information we wish to collect and the reason we need it so that you can carefully consider whether you wish to consent. It is not a condition of your employment contract with us that you will agree to such a request.

You have the right to withdraw your consent in relation to processing under (a) or (b) above at any time. To withdraw your consent, please contact your Manager. Once we have received your withdrawal of consent, we will no longer process your information for the purposes you originally agreed to, unless we have another legal basis for doing so which we will advise you of at the time.

## 4. Data Sharing

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

Your data will be shared with colleagues within the Company where it is necessary for them to undertake their duties. This includes, for example, your line manager for their management of you, our HR Consultants for providing HR advice and our Payroll/Accountancy Company for administering payment under your contract of employment.

We may also share your data with third parties as part of a Company sale or restructure, or for other reasons to comply with a legal obligation upon us.

We do not share your data with bodies outside of the European Economic Area.



Third parties will only process your Data on our instructions and where they have agreed to treat the Data confidentially and to keep it secure. 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.

A list of third-party service providers can be found by contacting your Manager.

## **5. Data Security**

We have put in place measures to limit access to your Data through training our staff, ensuring any third party providers are operating to GDPR requirements and crucially investing in a robust IT support service that should reduce the risk of our data being hacked. In addition, we limit access to your Data to those employees, agents, contractors and other third parties who have a business need to know.

We have put in place appropriate security measures to prevent your Data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

All our third-party service providers are required to take appropriate security measures to protect your Data in line with our policies. For further information please review the third-party service providers' Privacy Policies which can be found on their websites or by contacting your Manager.

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.

## **6. Data Retention**

We also don't want to keep your data for any longer than is necessary. We do have legal obligations to keep your Data even after you have left, for example, under legal requirements from HMRC. We have created a HR Data Retention Policy, using the same categories of Data that are used in this HR Privacy Notice, and defined a retention period for each category. In situations where we are able to anonymise your Data, we may continue to process the anonymised data without reference to the HR Data Retention Policy.

Please refer to the HR Data Retention Policy for full details of our retention periods and how Data will be deleted at the end of that time.

## **7. Your rights in relation to your Data**

It is important that you know what rights you have in relation to your Data.

- **Right to Request Access**  
You have the right to request – through a Subject Access Request – that we provide you with a copy of the Data we hold about you and to check that we are lawfully processing it.
- **Right to Request Correction**  
You have the right to request that inaccurate or incomplete Data be corrected. Please contact your line manager to rectify any inaccurate or incomplete data, we rely on you to ensure that you provide us with details of any changes in your personal circumstances.
- **Right to Object to Processing**  
Where we are processing Data only on the basis that it is necessary for our legitimate interests (or those of a third party) (see above), you have the right to object to that processing and it is then for us to establish whether your interests and fundamental rights override those interests.
- **Right of Erasure (the 'right to be forgotten')**  
You have the right to request that we delete your Data where there is no good reason for us continuing to process it. You will appreciate that much of your Data is essential for you and us to be able to work effectively. For instance, 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). This right mainly applies when you have objected to processing (see above) or you are withdrawing your consent.

- Right to Restrict Processing

You have the right to ask us to suspend processing your Data whilst its accuracy or reason for processing is established. However, there may be certain circumstances where we cannot suspend processing if it prevents us complying with a legal obligation, or without impacting our ability to continue to employ you. If this situation occurs, we will advise you at the time the reason why we cannot suspend processing.

- Right of Data Portability

You have the right to request that we transfer your Data to another organisation when you leave our employment.

To exercise any of these rights, please put a request in writing to your Manager. You will not have to pay a fee to access your Data or to exercise any of these rights. However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

#### Automated Processing (including Profiling) and Automated Decision-Making

We can confirm that your Data is not subject to any automated processing including profiling, or any automated decision making.

We need to check that you have read and understood this HR Privacy Notice

We realise this is a lot to take in in one go! If you have any questions on this HR Privacy Notice, please direct them firstly to your Manager. We also have a Privacy Officer, who has overall responsibility for data protection and your Manager will be able to provide their contact details

One of the reasons for processing your data is to allow us to carry out our duties in line with your contract of employment. If you do not provide us with the data needed to do this, we will be unable to perform those duties eg ensuring you are paid correctly. We may also be prevented from confirming, or continuing with, your employment with us in relation to our legal obligations if you do not provide us with this information eg confirming your right to work in the UK or, where appropriate, confirming your legal status for carrying out your work via a criminal records check.

We may disclose your personal information to third parties without obtaining further consent from you including:

- to our business partners, suppliers and subcontractors for the performance of ensuring we adhere to our legal duties e.g. we speak to our accountants to take advice regarding tax obligations, financial reporting or employment legislation and we may pass information to our HR partners who will advise us in accordance with employment legislation
- where we outsource any of our business functions under which we collect or store your data, in which case we will ensure that any such service provider adheres to at least the same obligations of security with regard to your data as undertaken by us
- where we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets
- if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or to protect our rights, property, or safety of our employees, our customers, or others.