

## EMPLOYEES PRIVACY NOTICE FOR DATA PROTECTION

**Data controller:** Address: Perthyn, Vivian Court, Llys Felin Newydd, Phoenix Way, Swansea, SA7 9FG  
Email: DataProtection@perthyn.org.uk  
Telephone: 01792 311980

This privacy notice applies to all employees and former employees of Perthyn and it describes how we collect and use personal data about you in accordance with the General Data Protection Regulation (GDPR).

The organisation collects and processes personal data relating to its employees to manage the employment relationship. The organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

### **What is the Purpose of this document?**

Under the GDPR, Perthyn is required to be transparent and this privacy notice informs you what personal data we may hold and why.

Data Protection law requires Perthyn to comply with certain principles when processing data about individuals. The **Data Protection Principles** requires Perthyn to ensure that the personal information 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 way that is incompatible with those purposes
- 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

### **What is Personal data?**

Personal data means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

### **What information does the organisation collect?**

The organisation collects, stores and uses a range of personal information about you. This includes:

- Your name, address and contact details, including email address and telephone number(s), date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the organisation;
- information about your remuneration, including entitlement to benefits such as pensions;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence and the reasons for absence;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including supervisions and annual appraisals, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;
- details of trade union membership; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The organisation collects this information in a variety of ways. For example, data is collected through application forms, CVs, obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment; from correspondence with you; or through interviews, meetings or other assessments.

The organisation collects personal data about you from third parties, such as references supplied by former employers, information from criminal records checks permitted by law, information regarding your right to work in the UK and in some cases information from an Occupational Health Provider. The organisation seeks information from third parties with your consent only.

Data is stored in a range of different places, including in your personnel file, in the organisation's HR management systems and in other IT systems (including the organisation's email system).

### **Why does the organisation process personal data?**

The organisation needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer pension entitlements.

In some cases, the organisation needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. It is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the organisation has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the organisation to:

- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

Where the organisation relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes).

Where the organisation processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring.

#### **Change of purpose**

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, where this is required or permitted by law.

#### **Who has access to data?**

Your information will be shared internally, including with members of the HR team (including Payroll), your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

The organisation shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service.

The organisation also shares your data with third parties that process data on its behalf, in connection with payroll, the provision of benefits and the provision of Occupational Health services.

The organisation will not transfer your data to countries outside the European Economic Area.

#### **How does the organisation protect data?**

The organisation takes the security of your data seriously. The organisation has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. Details of the internal policies and controls are available on request.

Where the organisation engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

#### **For how long does the organisation keep data?**

The organisation will retain your personal data for as long as necessary to fulfil the purposes the organisation collected it for, including for the purposes of satisfying any legal, accounting, reporting or compliance requirements. To determine the appropriate retention of personal data the organisation considers 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 and the applicable legal requirements.

Once you are no longer an employee of the company we will retain and securely destroy your personal data in accordance with applicable record keeping statutory and compliance requirements, applicable laws and regulations.

#### **How we use particularly sensitive personal information**

Special categories of particularly sensitive information require higher levels of protection. The organisation must have further justification for collecting storing and using this type of personal 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 and in line with our data protection policy.
- Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with our data protection policy.
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

### **Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- We will use information about your age, race, colour, national or ethnic origin, religious, philosophical or moral beliefs, or your gender or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use Trade Union membership information to pay Trade Union subscriptions and to comply with employment law obligations.

### **Do we need your consent?**

We do not need your consent if we use special categories of your personal information to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. 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.

### **Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. You must keep the organisation informed if your personal information changes during your working relationship with us.

### **Your rights**

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request (commonly known as 'data subject access request');
- require the organisation to change incorrect or incomplete data;
- require the organisation to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing; and
- ask the organisation to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

If you would like to exercise any of these rights, please email [DataProtection@perthyn.org.uk](mailto:DataProtection@perthyn.org.uk) or telephone Head Office on 01792 311980.

If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner.

#### **What if you do not provide personal data?**

You have some obligations under your employment contract to provide the organisation with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide the organisation with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the organisation to enter a contract of employment with you. If you do not provide other information, this will hinder the organisation's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

#### **Automated Decision-Making**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

#### **Changes to this privacy notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.