

Stoke on Trent and District Gingerbread Centre Ltd



3.17 - Privacy Statement – Employee Data

1. About this data privacy statement

- 1.1 In accordance with the General Data Protection Regulation, and when enacted, the Data Protection Act 2018 (together referred to as the 'GDPR') this statement explains how we process the personal data of its employees, agency workers, volunteers, and Trustees (referred to as 'you', 'your') how we intend to use the information you provide and whether we will share this with anyone else.
- 1.2 We are The Stoke on Trent and District Gingerbread Centre Ltd, (referred to as 'Gingerbread', 'we', 'us', 'our') our address is The Gingerbread Centre, Rothesay Court, Furnace Road, Longton, ST3 4LY We are a Registered Charity, number 1088344, and a Limited Company, number 2229357
- 1.3 As a 'data controller' we are responsible for deciding how we process personal data about you. We take your privacy seriously and we are fully committed to protecting your personal data at all times. We only process your personal data in accordance with applicable data protection law, adhering to the principals (as applicable) contained in the GDPR.
- 1.4 This statement does not form part of your contract of employment and we may amend it at any time to reflect any changes in the way in which we process your personal data. We will provide you with a new privacy notice when we make any substantial updated and we may also notify you in other ways from time to time about the processing of your personal data

2. Our data protection officer

- 2.1 Our Data Protection Champion is the Chief Executive, Wendy Hocking, e: wendy.hocking@gingerbreadcentre.co.uk. The Chief Executive is responsible for overseeing what we do with your information and monitoring our compliance with data protection laws.
- 2.2 If you have any concerns or questions about our use of your personal data, you can contact our Data Protection Champion by writing to The Chief Executive, The Gingerbread Centre, Rothesay Court, Furnace Road, Longton, ST3 4LY or emailing wendy.hocking@gingerbreadcentre.co.uk.

3. What information we hold about you.

- 3.1 'Personal data' is any information about a living individual from which they can be identified such as name, ID number, location data, any online identifier, or any factor specific to the physical, physiological, genetic, mental, economic or social identify of

that person. It does not include data where any potential identifiers have been removed (anonymous data) or data held in an unstructured file.

- 3.2 Under the Data Protection Act certain personal information is classified as “sensitive”. Sensitive data is information relating to physical or mental health, sex life, religious or philosophical beliefs, political opinions, membership of a Trade Union, allegations of criminal offences and criminal convictions and offences. Sensitive data is more private in nature and requires a higher level of protection.
- 3.3 When we refer to ‘processing’ this means anything from collecting, using, storing, transferring, disclosing, altering or destroying personal data.

4. Receiving your personal data

- 4.1 We may obtain personal data and/or sensitive personal data about you from third party sources, such as recruitment agencies, job boards, occupational health professionals and background check providers. Where we receive such information from these third parties, we will only use it in accordance with this notice and in line with our Data Protection Policy. In some cases, they will be acting as a controller of your personal data and therefore we advise you to read their privacy notice and/or data protection policy.

5 How we use your personal data

- 5.1 We process your personal data for various reasons, relying on a variety of different bases for lawful processing under data protection law, as set out below;

5.1.1 To comply with our legal obligations. This may include;

- Eligibility to work in the UK checks are required by immigration laws, such as a passport and visa documentation;
- Payroll records, social security, child maintenance, marital status, student loan, and national insurance information, to comply with social security and HMRC (tax) requirements.
- Information in relation to legal claims made by you or against you, in order to comply with court processes and court orders;
- Information relation to the occurrence, investigation or prevention of fraud, such as through a whistleblowing complaint;
- Disclosure and barring Service (DBS) checks as required for our legal duty in regards to working with vulnerable children and adults; and
- Medical and health details to ensure we are complying with the Health and safety at work Act 1974
- Pension benefits to comply with pension legislation.

5.1.2 To prepare for and to perform the contract of employment you have entered into with us; This may include:

- Formal identification documentation relating to you, such as a passport or driving licence, to verify your identity (including your date of birth)

- Your contact details such as your name, address, telephone number and personal email address which will be used to communicate with you on employment matters during your employment.
- Details of your next of kin, their name, address, telephone number and email address in order to contact them in an emergency.
- Your bank details which are used to send /receive funds to/from you, such as payment of your salary, and any other salary related payments.
- Information relating to the enrolment or renewal of your employment benefits including pension, health scheme; and
- Details of the terms and conditions of your employment.

5.1.3 To pursue our (or a third party's) legitimate interests as a business. This may include;

- Training records, appraisals, supervisions and 1:1 meeting notes about you in order to assist/ assess your career development and training needs and/or to ensure that you are properly managed and supervised;
- Information in relation to the performance of your employment duties, such as probation period records, and disciplinary records, as this is relevant to your ability to carry out your job and for us to assess and identify areas in which we may need to help you improve.
- Information relating to the performance of your duties may also be used to conduct an investigation if circumstances warrant it and to take appropriate action either for conduct or capability reasons in accordance with our Disciplinary Procedure;
- Information relation to any grievance process involving you, in order that an investigation may be conducted and appropriate taken, (If any) in accordance with our Grievance Policy and Disciplinary Procedures;
- Management reports (including statistical and audit information) to ensure workplace efficiencies are maximised;
- Health safety and environmental information, including records to ensure that we are complying with relevant policies and procedures. This allows us to implement and training where applicable;
- Work related contact details on our intranet and/or internal systems to facilitate efficient communication within the business;
- Voicemails, emails, correspondence and other work-related communications created, stored or transmitted by you using our computer or communications equipment for the purposes of efficient management of the business in accordance with our Electronic Information and Communications Policy;
- Non-medical absence records and details including holiday records appointments, jury service, maternity, paternity, adoption and parental leave in order to monitor attendance levels to comply with our policies;
- CCTV and door monitoring access records to ensure business efficiencies, for security reasons, for the protection of our property and for health and safety reasons: and
- Network and information security data in order for us to take steps to protect your information against loss, theft or unauthorised access.

5.1.4 Where you have consented to specific processing. This may include;

- Information disclosed to a third-party agency relating to your pay details for the purposes of providing tenancy references;

- Information disclosed to a mortgage provider relating to your employment history and pay details for the purposes of a mortgage application; and
- Information disclosed to a prospective future employer relating to your employment details for the purposes of providing a reference.

5.1.5 **Where it is in your vital interests.** This may include;

- Information about your allergies or any medical condition so as to prevent any unnecessary accidents and advise medical professionals in the event of an emergency.

5.2 Where you have consented to specific processing of your personal or special categories data, you have the unequivocal right to withdraw your consent at any time by indicating your withdrawal in a written format to the Chief Executive.

5.3 Some of the grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

5.4 We will only use your personal data for the purpose 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 data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

6. **How we use your Special Category Personal Data**

6.1 We also collect, store and use your special category personal data for a range of reasons, relying on a variety of different basis for lawful processing under the GDPR.

6.1.1 **To enable us to perform our legal obligations in respect of employment, social security, and social protection law**, in line with our Data Protection Policy. This may include;

- Information relating to leaves of absence 3h1h may include sickness absence or family related leaves, to comply with employment and other laws;
- Information gathered as part of a whistleblowing investigation;
- Information relating to you involving allegations of unlawful discrimination in order that an investigation may be conducted an appropriate action taken (if any) under our Disciplinary procedure or Grievance Procedure; and
- Health information to assess and/or to comply with our obligations under employment, equal opportunities and health and safety legislation (for example a requirement to make reasonable adjustments to your working conditions).

6.1.2 **For occupational health reasons or where we are assessing your working capability**, subject to appropriate confidentiality safeguards. This may include:

- Information about your physical or mental health or disability status, to ensure our 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;

- Sickness absence records, such as a statement of fitness to work, reasons for absence and self-certification forms; and
- Records of return to work interviews/meetings.

6.1.3 **Where it is needed for statistical purposes in the public interest**, such as for equal opportunities monitoring, in line with our Data Protection Policy. To ensure meaningful equal opportunities monitoring and reporting, we will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs and your sexual life and orientation. This information will be anonymised to the effect that you will not be identifiable.

6.1.4 To establish, or defend or exercise legal claims in an employment tribunal or any other court of law.

7. Information About Criminal Convictions

7.1 We envisage that we may hold information about criminal convictions if you disclose them to us.

7.2 We collect this information where the law allows us to do so, and is necessary to carry out our obligations provided we do so in line with our Data Protection Policy. We may collect it as part of the recruitment process and following a DBS check.

7.3 Where we process criminal convictions information about you, we will retain it in accordance with our Data Retention Policy.

8 Data Sharing

8.1 We may share your personal data and special category personal data internally. In particular, it may be shared with employees carrying out HR duties involved in the recruitment process, employee relations and/or administration of your employment, line managers; consultants; advisers; or other appropriate persons who we shall make you aware of from time to time.

8.2 We may also share your personal data and special category personal data with third parties, agents, subcontractors and other organisations i.e. occupational health providers where it is necessary to administer the working relationship with you or where we have a legitimate interest.

8.2.1 As part of the support and maintenance of our IT systems, our IT provider has access to your personal information, in order for the hardware and software infrastructure to operate/be accessible online and as part of the full IT system back up.

8.3 We only disclose to third parties any personal data that is necessary for them to carry out their service, they are required to keep your personal data secure and not to use it for their own purposes or for any other purpose.

8.4 We will share your personal data and special category personal data with third parties for various reasons for us to comply with our legal obligations, such as if another provider wins the service contract and TUPE is invoked; this may include;

- HMRC for tax purposes;
- Payroll and Pension providers;
- Occupational Health providers;
- Healthcare benefits providers;
- Legal and other professional providers;
- Home Office for immigration purposes; and
- Student loan agencies.

8.5 We may share your personal data with third parties such as mortgage providers, property rental providers or prospective future employers with your consent.

9. Transferring Information Outside the EEA

9.1 We do not envisage that we will transfer your personal data and special category personal data outside of the European Economic Area, however we will notify you in writing if this position changes.

10. Data Storage and Security

10.1 Your personal data and special category personal data is stored in a variety of locations; including electronically on our secure servers and hard copy form in access-restricted locked filing cabinets.

10.2 We take appropriate technical and organisational security measures and have rules and procedures in place to guard against unauthorised access.

10.3 Only relevant members of staff who have a business need to access your personal data have access to it, for our business purposes and are subject to a duty of confidentiality.

10.4 We have procedures to deal with any suspected or actual data security breach and will notify you and the Information Commissioners Office ('ICO') of a suspected breach where we are legally required to do so.

11. Data Retention

11.1 We will hold your information securely for as long as is necessary to fulfil the purposes we collected it for, including the purposes of satisfying any legal, accounting or reporting requirements, and in line with our data Retention Policy.

11.2 Once the relevant set period set out in our retention schedule has come to an end, unless there is another identifiable reason for which it necessary to hold on to your information, we will delete your information.

12. Your Duties

12.1 Please ensure your personal dates we hold about you is accurate and up to date by keeping us informed of any changes to your personal data, via the Emergency and Contact Details form held on the intranet.

12.2 Please keep yourself up to date and familiar with our Data Protection Policy.

13. Your Rights

- 13.1 In relation to the information which we hold about you, you are entitled to:
- ask us for access to the information, (a Subject Access Request)
 - ask us to rectify the information where it is inaccurate or is incomplete
 - ask us to erase the information that is used on the basis of your consent and take steps to ask others who we have shared your information with to also erase it
 - ask us to limit what we do with your information
 - object to our use of your information and ask us to stop that use
 - instruct us to provide you with the information we hold about you in a structured and commonly used format or transmit that information directly to another organisation (for example, if you want the information to be sent to another housing provider or support provider).

13.1.1 Subject Access Requests must be made in writing and we must respond within one month. We are permitted to extend the one month time period for responding by an additional 2 months where in our view your request is complex or numerous in nature. We may also charge a reasonable fee based on administrative costs where in our view your request is manifestly unfounded, excessive or a request for further copies. Alternatively we may refuse to comply with the request in such circumstances.

13.1.2 We may need to request specific information from you to help us to confirm your identity and ensure your right to access the information (or exercise any of your other rights). This is an appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

- 13.2 Our obligations to comply with the above rights are subject to certain exemptions:
- 13.3 Where we are using your information because you have provided your consent to that use, you are entitled to withdraw your consent at any time. The lawfulness of our use of your information before consent was withdrawn is not affected.
- 13.4 To exercise any of the rights referred to above, you should contact our Data Protection Officer by writing to Data Protection Officer by writing to The Chief Executive, The Gingerbread Centre, Rothesay Court, Furnace Road, Longton, ST3 4LY or emailing admin@gingerbreadcentre.co.uk
- 13.5 You also have the right to complain to the Information Commissioner's Office (the "ICO") if you are not satisfied with the way we use your information. You can contact the ICO – www.ico.org.uk by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
- 13.6 Although you have a right to complain to the ICO, we encourage you to contact us first with a view to letting us help in resolving any queries or questions.

14. Questions

- 14.1 If you have any questions about any matter relating to data protection or the personal data and/or special category personal data that we process about you, please contact the Chief Executive, the Data Protection Champion.