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# Bewbush Community Nursery CIC

# Employee Privacy Notice

August 2019

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## Introduction

Bewbush Community Nursery CIC (the Company) is committed to processing your personal data securely and transparently. This privacy notice sets out, in line with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018, the types of data that we hold on you as an employee or prospective employee of the Company. It also sets out how we use that information, on what lawful basis we process it, how long

This notice applies to current and former employees, workers and contractors.

## Data controller details

The Company is a data controller, meaning that it determines the purposes that your data is used for. Our contact details are as follows: Bewbush Community Nursery CIC, Dorsten Place, Bewbush, Crawley, West Sussex, RH11 8XW

## Data protection principles

In relation to your personal data, we will:

* process it fairly, lawfully and in a clear, transparent way
* collect your data only for reasons that we find proper for the course of your employment in ways that have been explained to you
* only use it in the way that we have told you about
* ensure it is correct and up to date
* keep your data for only as long as we need it
* process it in a way that ensures it will not be used for anything that you are not aware of or have consented to (as appropriate), lost or destroyed

## The data we process

|  |  |  |  |
| --- | --- | --- | --- |
| **Purpose** | **Data Category** | **Data Type** | **Basis** |
| Engaging you in employment | Contact Details | Name | Contract |
| Engaging you in employment | Contact Details | Address | Contract |
| Engaging you in employment | Contact Details | Date of Birth | Contract |
| Engaging you in employment | Identity Details | Gender | Contract |
| Engaging you in employment | Contact Details | Phone number | Contract |
| Engaging you in employment | Contact Details | Email Address | Contract |
| Engaging you in employment | Professional details | CV | Contract |
| Engaging you in employment | Professional details | Covering letter | Contract |
| Legal Obligation | Professional details | Passport (or other right to work ID) | Contract |
| Engaging you in employment | Professional details | Appraisals | Contract |
| Legal Obligation | Professional details | DBS Certificate | Legal Obligation |
| Engaging you in employment | Professional details | Annual Leave | Contract |
| Engaging you in employment | Professional details | Bank account | Contract |
| Engaging you in employment | Professional details | Disciplinary | Contract |
| Statutory Reporting | Professional details | Tax (UTR)/ N.I. No. | Contract |
| Statutory Reporting | Professional details | Pension details | Contract |
| Engaging you in employment | Employment Details | Signature | Contract |
| Engaging you in employment | Employment Details | Photograph | Contract |
| Exercise duty of care | Identity Details | Name Emergency Contact | Legitimate Interest |
| Exercise duty of care | Identity Details | Address Emergency Contact | Legitimate Interest |
| Exercise duty of care | Identity Details | Phone number Emergency Contact | Legitimate Interest |
| Exercise duty of care | Identity Details | Relationship Emergency Contact | Legitimate Interest |

## How we collect your data

We collect data about you in a variety of ways and this will usually start when we undertake a recruitment exercise where we will collect the data from you directly or through a third party recruiter. This includes the information you would normally include in a CV or a recruitment cover letter, or notes made by our recruiting officers during a recruitment interview. Further information will be collected directly from you when you complete forms on or before you start of your employment, for example, your bank and next of kin details. Other details may be collected directly from you in the form of official documentation such as your driving licence, passport or other right to work evidence.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references. Personal data is kept in personnel files or within the Company’s HR and IT systems.

## Why we process your data (Lawful Basis)

The law on data protection allows us to process your data for certain reasons, specifically in the case of the Company:

* in order to perform the employment contract that we are party to
* in order to carry out legally required duties
* in order for us to carry out our legitimate interests
* to protect your vital interests.

All of the processing carried out by us falls into one of the above permitted reasons. For example, we need to collect your personal data in order to:

* carry out the employment contract that we are entering into or have entered into with you and
* ensure you are paid.

We also need to collect your data to ensure we are complying with legal requirements such as:

* ensuring tax and National Insurance is paid
* carrying out checks in relation to your right to work in the UK and
* making reasonable adjustments for disabled employees.

We also collect data so that we can carry out activities which are in the legitimate interests of the Company. We have set these out below:

* making decisions about who to offer initial employment to, and subsequent internal appointments, promotions etc.
* making decisions about salary and other benefits
* providing contractual benefits to you
* maintaining comprehensive up to date personnel records about you to ensure, amongst other things, effective correspondence can be achieved and appropriate contact points in the event of an emergency are maintained
* effectively monitoring both your conduct and your performance and to undertake procedures with regard to both of these if the need arises
* offering a method of recourse for you against decisions made about you via a grievance procedure
* assessing training needs
* implementing an effective sickness absence management system including monitoring the amount of leave and subsequent actions to be taken including the making of reasonable adjustments
* gaining expert medical opinion when making decisions about your fitness for work
* managing statutory leave and pay systems such as maternity leave and pay etc.
* business planning and restructuring exercises
* dealing with legal claims made against us
* preventing fraud
* ensuring our administrative and IT systems are secure and robust against unauthorised access
* providing a safe and secure working environment for employees and visitors alike

We may also process your personal data if it is in your vital interests to do so.

## Special categories of data

Special categories of data include:

* race/ ethnic origin
* political affiliation/ opinion
* religious or political beliefs
* trade union membership
* genetic/ biometric data (for the purpose of uniquely identifying a person)
* health
* sex life/ sexual orientation

We must process special categories of data in accordance with more stringent guidelines. Under the GDPR and Data Protection Act 2018, we are permitted to process your health data to discharge our responsibilities in relation to employment. We process the following special category data:

|  |  |  |  |
| --- | --- | --- | --- |
| Engaging you in employment | Employment Details | Medical history/allergies (Sickness Absence records) | Contract |

We will use your special category data:

* in our sickness absence management procedures
* to determine reasonable adjustments

## Sharing your data

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, the HR department for maintaining personnel records and the payroll department for administering payment under your contract of employment.

We share your data with third parties in order to obtain references as part of the recruitment process, check and update your industry credentials, appraise you, pay you, contact your emergency contacts. The third parties we use which will also process your data on our behalf are:

* Certax Accounting (Payroll)
* West Sussex County Council (Training records)
* 1 and 1 Ionis (email system)
* Parenta nursery management platform
* Hive HR (HR issues)
* Compliance and Privacy Solutions (Data Protection)
* Breath HR (Cloud Platform for HR management)

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.

Were data is shared or transferred outside of the European Economic Area, we ensure the appropriate controls are in place to protect the privacy of your data.

## Protecting your data

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented technical and organisational measures to guard against such. Further details can be found in our Data Protection Policy.

Where we share your data with third parties, we provide written instructions to them to ensure that your data is held securely and in line with GDPR requirements. Third parties must implement appropriate technical and organisational measures of their own to ensure the security of your data.

## How long do we keep your data?

In line with data protection principles, we only keep your data for as long as we need it for, which will be at least for the duration of your employment with us though in some cases we will keep your data for a period after your employment has ended. Retention periods can vary depending on why we need your data, as set out below:

* Data collected from an unsuccessful candidate during a recruitment exercise will be retained for 6 months
* All employment data will be kept on file for the duration of your employment with us
* All employment data will be kept on file for 6 years after employment has terminated
* Your bank details will be kept on file until you leave the company and will be removed only once all financial payments have completed. This could be 7 years.

The company reviews the retention periods to ensure personal data is only processed for as long as it is needed.

## Who has access to data?

Your information will be shared internally with supervisors and managers if access to the data is necessary for performance of their roles.

The company shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers. The organisation may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

The Company also shares your data with third parties that process data on its behalf, in connection with the provision of benefits and the provision of occupational health services.

## 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

No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

## Your rights in relation to your data

The law on data protection gives you certain rights in relation to the data we hold on you. These are:

* the right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice
* the right of access. You have the right to access the data that we hold on you. To do so, you should make a subject access request.
* the right for any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it
* the right to have information deleted. If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it
* the right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct
* the right to portability. You may transfer the data that we hold on you for your own purposes
* the right to object to the inclusion of any information. You have the right to object to the way we use your data where we are using it for our legitimate interests
* You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

If you wish to exercise any of the rights explained above, please contact the Business Manager, [mandy@bewbushcommunitynursery.co.uk](mailto:mandy@bewbushcommunitynursery.co.uk) or call 01293 522030

## Making a complaint

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO.