

**ROTHERHAM UNITED COMMUNITY TRUST**

POLICY / PROCEDURE

NAME: PRIVACY NOTICE

VERSION: V1

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GDPR Privacy notice for employees, workers and contractors (UK)

1. What is the purpose of this document?

Rotherham United Community Sports Trust is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR), the Data Protection Act2018 and is committed to being transparent about how it handles your personal information, to protecting the privacy and security of your personal information. This personal information may be held by the Company on paper or in electronic format.

It applies to all employees, workers and contractors.

Rotherham United Community Sports Trust is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers and contractors. This notice does not form part of any contract of employment casual worker agreement, consultancy agreement or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

1. Data protection principles

We will comply with data protection law. This says 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 where necessary kept up to date.
* Kept only as long as necessary for the purposes we have told you about.
* Kept securely. Change to- Processed in a way that ensures appropriate security of the data

The Company is responsible for, and must be able to demonstrate compliance with, these principles. This is called accountability.

1. The kind of information we hold about you

Personal data, or personal information, 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).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

* Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
* Date of birth.
* Gender.
* Marital status and dependants.
* Next of kin and emergency contact information.
* National Insurance number, proof of work eligibility and other ID cards.
* Bank account details, payroll records and tax status information and student loan information.
* Salary, annual leave, pension, insurance enrolment information, expenses and benefits information.
* Start date and end dates of your employment or engagement and any termination of employment or engagement documentation, including resignation letters, dismissal letters, redundancy letters, minutes of meetings, settlement agreements and related correspondence.
* Location of employment or workplace.
* Copy of driving licence, vehicle registrations and number and endorsements
* Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process or voluntarily provided).
* Employment records (including job titles, work history, working hours, training records and professional memberships, qualifications and medical certifications).
* recruitment records, personal information included in the terms and conditions of your employment or engagement (including your job title and working hours), as set out in a job offer letter, employment contract, written statement of employment particulars, casual worker agreement, consultancy agreement, pay review and bonus letters, statements of changes, variations to employment or engagement terms and related correspondence
* information about your use of our IT systems, including usage of telephones, e-mail and the Internet
* details of your skills, education and training, qualifications, experience and work history, both with previous employers and with the Company
* your professional memberships
* Compensation history.
* Performance information and training records.
* Disciplinary and grievance information and capability records, including investigation reports, collated evidence, minutes of hearings and appeal hearings, warning letters, performance improvement plans and related correspondence .
* CCTV footage and other information obtained through electronic means such as swipecard records.
* Information about your use of our information and communications systems.
* Photographs.
* Volunteers, work experience and placements or intern’s data - Personal contact details: name, title, address, phone numbers, personal and work email addresses, date of birth, gender, marital status and dependants, next of kin and emergency contact details information and expenses.
* We may also collect, store and use the following "special categories" of more sensitive personal information:
* Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
* Trade union membership.
* Information about your health, including any medical condition, health and sickness records.
* Genetic information and biometric data.
* Information about criminal convictions and offences and DBS records.

1. How is your personal information collected?

We collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies including information from credit reference agencies and criminal record checks from the Disclosure and Barring Service (DBS)

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

1. How we will use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

* Where we need to perform the contract we have entered into with you.
* Where we need to comply with a legal obligation.
* Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
* We may also use your personal information in the following situations, which are likely to be rare:
* Where we need to protect your interests or someone else's interests.
* Where it is needed in the public interest or for official purposes.

1. Situations in which we will use your personal information

We need all the categories of information in the list above (see The kind of information we hold about you) primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests.

Our legitimate interests include: performing or exercising our obligations or rights under the direct relationship that exists between the Company and you as its employee, worker or contractor; pursuing our business by employing (and rewarding) employees, workers and contractors; performing effective internal administration and ensuring the smooth running of the business; ensuring the security and effective operation of our systems and network; protecting our confidential information; and conducting due diligence on employees, workers and contractors. We believe that you have a reasonable expectation, as our employee, worker or contractor, that we will process your personal information.

The situations in which we will process your personal information are listed below.

* Making a decision about your recruitment or appointment.
* Enable us to maintain accurate and up to date employee, worker and contractor records and contact details (including details of whom to contact in the event of an emergency)
* Enable effective workforce management
* Complying with a duty to make reasonable adjustments for disabled employees and workers and with other disability discrimination obligations.
* Determining the terms on which you work for us, accurate record of your employment or engagement terms and ensuring compliance with your statutory and contractual rights.
* Checking you are legally entitled to work in the UK.
* Paying you and, if you are an employee, deducting tax and National Insurance contributions and liaising with any external benefits or pensions providers or insurers
* Operate and maintain a record of annual leave processes
* Ensuring compliance with income tax requirements
* Operate and maintain a record of maternity leave, paternity leave, adoption leave, shared parental leave, parental leave and any other type of paid or unpaid leave or time off work
* Ensure payment of SSP and contractual sick pay and ensure payment of other statutory or contractual pay entitlements, i.e. SMP, SPP, SAP and ShPP.
* Administering the contract we have entered into with you ensuring effective HR, personnel management, work planning and business administration, including accounting and auditing.
* Conducting performance reviews, managing performance and determining performance requirements and maintaining performance records.
* Making decisions about salary reviews and compensation.
* Assessing qualifications for a particular job or task, including decisions about promotions.
* Gathering evidence for possible grievance, disciplinary or capability hearings.
* Ensure adherence to Company rules, policies and procedures
* Making decisions about your continued employment or engagement.
* Making arrangements for the termination of our working relationship and operate and maintain records of the dismissal procedures
* To provide references on request for current or former employees, workers or contractors.
* Education, training and development requirements and plan for career development and succession.
* Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
* Ascertaining your fitness to work.
* Managing sickness absence.
* Complying with health and safety obligations.
* To prevent fraud.
* To monitor your use of our information and communication systems to ensure compliance with our IT policies.
* To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
* To conduct data analytics studies to review and better understand employee retention and attrition rates and key performance indicators.
* Equal opportunities monitoring.

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

1. If you fail to provide personal information

If you fail to provide certain information when requested, 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).

1. 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. We may also issue a new privacy notice to you from time to time.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

1. How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We will only collect and use your sensitive personal information, which includes special categories of personal information and information about criminal convictions and offences, when the law allows us to.

Some special categories of personal information, i.e. information about your health or medical conditions and trade union membership, and information about criminal convictions and offences, is processed so that we can perform or exercise our obligations or rights under employment law or social security law and in line with our data protection policy.

Information about health or medical conditions may also be processed for the purposes of assessing the working capacity of an employee or medical diagnosis, provided this is done under the responsibility of a medical professional subject to the obligation of professional secrecy, e.g. a doctor or occupational health assessment, and again in line with our data protection policy.

We may also process these special categories of personal information, and information about any criminal convictions and offences (i.e. information from credit reference agencies and criminal record checks from the Disclosure and Barring Service (DBS)). In this case, we will first provide you with full details of the personal information we would like and the reason we need it, so that you can properly consider whether you wish to consent or not. It is entirely your choice whether to consent. Your consent can be withdrawn at any time.

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.
* Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about employees or former employees in the course of legitimate business activities with the appropriate safeguards
* assess your suitability for employment, engagement or promotion
* comply with statutory and/or regulatory requirements and obligations, e.g. carrying out criminal record checks
* comply with the duty to make reasonable adjustments for disabled employees and workers and with other disability discrimination obligations
* administer the contract we have entered into with you
* ensure compliance with your statutory and contractual rights
* operate and maintain a record of sickness absence procedures
* ascertain your fitness to work
* manage, plan and organise work
* enable effective workforce management
* ensure payment of SSP or contractual sick pay
* meet our obligations under health and safety laws
* make decisions about continued employment or engagement
* operate and maintain a record of dismissal procedures
* ensure effective HR, personnel management and business administration
* ensure adherence to Company rules, policies and procedures\*
* monitor equal opportunities
* pay trade union premiums

Where the Company processes other special categories of personal information, i.e. information about your racial or ethnic origin, religious or philosophical beliefs and sexual orientation, this is done only for the purpose of equal opportunities monitoring and in line with our data protection policy. Personal information that the Company uses for these purposes is either anonymised or is collected with your explicit written consent, which can be withdrawn at any time. It is entirely your choice whether to provide such personal information.

We may also occasionally use your special categories of personal information, and information about any criminal convictions and offences, where it is needed for the establishment, exercise or defence of legal claims.

1. Our obligations as an employer

Some examples of how we will use you’re particularly sensitive personal information is shown below, (this list is not exhaustive):

* 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 race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

1. Do we need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our written policy 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. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us unless this is an essential role requirement.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We may also process such information about employees or former employees in the course of legitimate business activities with the appropriate safeguards.

We envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process and/or we may be notified of such information directly by you in the course of you working for us.

We will use information about criminal convictions and offences in the following ways i.e. to enable us to conduct criminal record checks from the Disclosure and Barring Service (DBS)

We are allowed to use your personal information in this way to carry out our obligations, for example in terms of safeguarding children and vulnerable adults (role specific).

1. Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. Whilst 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. We are allowed to use automated decision-making in the following circumstances:

* Where we have notified you of the decision and given you 21 days to request reconsideration.
* Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
* In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

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

1. Data sharing

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU.

If we do, you can expect a similar degree of protection in respect of your personal information.

* 1. Why might you share my personal information with third parties?

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

13.2. Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group.

The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, IT services.

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. 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.

13.3. When might you share my personal information with other entities in the group?

We will share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.

13.4. What about other third parties?

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

1. Transferring information outside the EU

If required we will transfer the personal information we collect about you worldwide, outside the EU in order to perform our contract with you. There is an adequacy decision by the European Commission in respect of those countries. This means that the countries to which we transfer your data are deemed to provide an adequate level of protection for your personal information.

However, to ensure that your personal information does receive an adequate level of protection we have put in place appropriate measures within contracts, agreement and service level agreements to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection:

1. Data security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We may share your personal information with third parties where it is necessary to administer the contract we have entered into with you, where we need to comply with a legal obligation, or where it is necessary for our legitimate interests (or those of a third party).

Your personal information may be shared internally within the Company, including with members of the HR department, payroll staff, your line manager, other managers in the department in which you work and IT staff if access to your personal information is necessary for the performance of their roles.

The Company may also share your personal information with third-party service providers (and their designated agents), including:

* external organisations for the purposes of conducting pre-employment reference and employment background checks
* payroll providers
* benefits providers and benefits administration, including insurers
* pension scheme provider and pension administration
* occupational health providers and doctors
* external IT services
* external auditors
* professional advisers, such as lawyers and accountants

The Company may also share your personal information with other third parties in the context of a potential sale or restructuring of some or all of its business. In those circumstances, your personal information will be subject to confidentiality undertakings.

We may also need to share your personal information with a regulator or to otherwise comply with the law.

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.

1. Data retention

16.1. How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from Human Resources.

To determine the appropriate retention period for personal data, we consider 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.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy and applicable laws and regulations.

1. Rights of access, correction, erasure, and restriction

17.1. Your duty to inform us of changes

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

17.2. Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

* Request access to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
* Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
* Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
* Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
* Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
* Request the transfer of your personal information to another party.
* If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact Human Resources in writing.

18.3. No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other 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.

18.4. What we may need from you

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

18.5. 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. To withdraw your consent, please contact Human Resources. 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.

1. Data protection manager

We have appointed a data protection manager to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact Human Resources. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

1. 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.

If you have any questions about this privacy notice, please contact Human Resources.

Please keep this document for your records and complete the declaration and return to Human Resources

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (employee/worker/contractor name), acknowledge that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date), I received a copy of s Privacy Notice for employees, workers and contractors and that I have read and understood it.

Signature

………………………………………………

Name

…………………………………………………