



Employee – Privacy Notice

This privacy notice explains how we collect and use personal data about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR). This privacy notice applies to employees of Wigan Athletic AFC Ltd, Wigan Athletic Community Trust and Wigan Football Company Limited (the Group).

Each company within the Group is a “data controller” for the purposes of this privacy notice in relation to the decisions made separately or jointly as to how we hold and use personal data about you. Your employer, Wigan Football Company Ltd has the main responsibility in this regard but other group companies may also have responsibility from time to time. We are required under data protection legislation to notify you of the information contained in this privacy notice. Wigan Athletic AFC Ltd will have primary responsibility for complying with data controller responsibilities under the GDPR. For the purposes of this privacy notice, the Group and each company within the Group and are referred to collectively as “we” and “us”.

Louise Kerrigan, Head of HR and Safeguarding is the Data Protection Officer for the Group and can be contacted on 01942 774000.

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

What information does the Group collect?

The Group and/or your employing company within the Group collect and process a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number, 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 or insurance cover;
- 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, sabbaticals, and the reasons for the leave;
- 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 appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- your reason for leaving our employment;

- recruitment information (including copies of references, CVs, cover letters or job applications, interview notes and assessment forms);
- professional memberships information;
- CCTV footage and other information obtained through electronic means such as swipe card records;
- information about your use of our information and communication systems
- photographs of you.

We may also collect, store and use the following more sensitive types of personal data also known as 'special category data':

- information about medical or health conditions, sickness absence records, family leave absences and whether or not you have a disability for which there is a need to make reasonable adjustments;
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief;
- trade union membership;
- information about criminal convictions and offences;

How is your personal data collected?

The Group and/or your employing company within the Group collect this information in a variety of ways. For example, data is collected through application forms, CVs or resumes; 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 (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the Group collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies, information from employment agencies and information from criminal records checks permitted by law.

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

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

For what reasons does the Group process personal data?

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

- Where we need to process your personal data to perform the employment contract we have entered into with you. For example, we need to process your personal data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefit and pension entitlements.
- To ensure that we are complying with our 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, to enable employees to take periods of leave to which they are entitled, and to consult with employee representatives if redundancies are proposed or a business transfer is to take place. For certain positions, it is necessary to carry out

criminal records checks to ensure that individuals are permitted to undertake the role in question.

- Where there is a legitimate interest which requires processing of your personal data.
- We may also use your personal data 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.

Situations in which we will use your personal data

We need to use your personal data as listed above under 'What information does the Group collect' 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 data to pursue legitimate interests, provided your interests and fundamental rights do not override those interests.

The situations in which we will process your personal data are listed below. Making a decision about your recruitment or appointment;

- Determining the terms on which you work for us;
- Checking you are legally entitled to work in the UK;
- Paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs);
- Providing benefits to you;
- Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties;
- Liaising with the trustees or managers of a pension arrangement operated by your pension provider and any other provider of employee benefits;
- Administering the contract we have entered into with you;
- Business management and planning, including accounting and auditing.
- Making decisions about salary reviews and compensation;
- Assessing qualifications for a particular job or task, including decisions about promotions;
- Making decisions about your continued employment or engagement;
- Making arrangements for the termination of our working relationship;
- Education, training and development requirements;
- 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;
- Running recruitment, promotion and selection processes;
- Maintaining accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency),
- Conducting disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- To operate employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- Maintaining records 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;
- Ensuring effective HR practices and business administration;
- Conducting employee engagement surveys;
- Providing references on request for current or former employees; and
- Responding to and defending against legal claims.

How we use special category personal data

Some “special categories” of particularly sensitive personal data, such as information about your health or medical conditions, racial or ethnic origin, sexual orientation or trade union membership requires higher levels of protection. We may process special categories of personal data in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations, our group internal reporting obligations or exercise rights in connection with employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.

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.

The situations in which we are likely to process your special category data are listed below.

- 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 including statutory maternity pay, statutory sick pay, pensions and permanent health insurance. We need to process this information to exercise rights and perform obligations in connection with your employment.
- If you apply for an ill-health pension under a pension arrangement operated by a group company, we will use information about your physical or mental health in reaching a decision about your entitlement.
- 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. Data that we use for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.
- If we process trade union membership information, this is to pay trade union premiums, register the status of a protected employee 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 data in accordance with our written policy to carry out our legal obligations or our group internal

reporting obligation 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.

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 or we may be notified of such information directly by you in the course of you working for us.

Who has access to data?

Your data will be shared internally, including with members of the HR and Safeguarding team and Payroll team, 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.

Your data will be shared externally with the Group's parent company, International Entertainment Corporation for the purposes of payroll checking and verification.

International Entertainment Corporation has appointed a company, McQueen & Pitt Consultants, to complete a payroll checking function. Your data will be shared with this company for these purposes. This applies to all staff employed by Wigan Athletic AFC Ltd and Wigan Football Company Ltd.

Your data will also be shared with the Group's appointed auditors for the purposes of auditing the activities of the Group. BDO conducts audits for Wigan Athletic AFC Ltd and Wigan Football Company Ltd. Fairhurst Chartered Accountants conduct audits for Wigan Athletic Community Trust.

Your data may also be shared with employee representatives in the context of collective consultation on a redundancy or business sale. This would be limited to the information needed for the purposes of consultation, such as your name, job title and length of service.

We share your data with third parties where required by law, where it is necessary to administer the employment relationship with you, or where we have other legitimate interests in doing so. "Third parties" include third-party service providers. Your personal data is also shared with other entities within the Group.

We share your information with third parties in order to obtain pre-employment references from other employers, to obtain employment background checks, to provide you with pay, benefits and pension administration, in relation to the provision of occupational health services and IT services, for tax and regulatory purposes, and to obtain necessary criminal records checks from the Disclosure and Barring Service. We may also share your data with third parties in the context of a sale of some or all of our business. In those circumstances your personal information will be subject to confidentiality arrangements and anonymised where practicable.

Transferring information outside the EU

We may transfer the personal information we collect about you to the countries outside the EU from time to time in order to perform our contract with you. Where there is not an adequacy decision by the European Commission in respect of those country or countries that we transfer to, this means that the country or countries to which we transfer your data are not deemed to provide an adequate level of protection for your personal information, we have ensured that your personal information does receive an adequate level of protection as we have put in place the following appropriate measure 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: model contract containing standard clauses adopted by the European Commission for data protection purposes.

How do we protect your personal data?

We take the security of your personal data seriously. We have internal policies and controls in place to prevent your personal data from being lost, accidentally destroyed, misused or disclosed, or accessed in an unauthorised way. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and are subject to contractual restrictions.

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. Please see our Data Protection Policy for more details.

Where we engage 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 do we keep your personal data?

We will hold your personal data 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. This will often be for the duration of your employment. The periods for which your personal data is held are set out in the data retention guidelines, which are available from the Data Protection Officer.

Your rights

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

- access and obtain a copy of your personal data on request (commonly known as a 'data subject access request');
- require us to correct incorrect or inaccurate data;
- require us to delete or remove your personal data when there is no good reason for us to continue to process it, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your personal data where we are relying on our legitimate interests as the legal ground for processing and there is something about your particular situation which makes you want to object to the processing on this ground; and
- ask the organisation to suspend the processing of your personal data for a period of time, for example if you think your personal data is inaccurate and you want us to establish its accuracy or the reasons for processing it, or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

- Request transfer of your personal information to another party.

If you would like to exercise any of these rights, please contact Louise Kerrigan, Head of HR and Safeguarding on 01942 774000. You can make a subject access request by completing the organisation's form for making a subject access request.

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. 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.

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 Louise Kerrigan. 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.

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 us with personal 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 us 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

Employment decisions are not based solely on automated decision-making.

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 Louise Kerrigan.

I, HELEN WILSON-LINNETT (employee name), acknowledge that on 9-3-2020 (date), I received a copy of this privacy notice for employees and that I have read and understood it.

Signature



Name

HELEN WILSON-LINNETT

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