

## **GDPR Privacy notice for applicants, employees, workers, volunteers and contractors (UK)**

General Data Protection Regulations (GDPR) legislation became effective from 25 May 2018. This legislation is an extension to the Data Protection law and means that all personal data must be protected and kept confidential, secure or saved securely electronically and not shared with others without explicit consent.

### **PURPOSE**

Grantham College is committed to protecting the privacy and security of your personal information and to be transparent about how it collects and uses the data held.

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).

It applies to all applicants, employees, workers, volunteers and contractors.

- Grantham College, Stonebridge Road, Grantham, NG31 9AP is a “data controller”. This means 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 applicants, current and former employees, workers, volunteers and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.
- It is important 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.

### **DATA PROTECTION PRINCIPLES**

Grantham College comply with data protection law, this states 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.

### **THE TYPE OF INFORMATION WE HOLD ABOUT YOU**

Personal data, or personal information, means a range of 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.

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

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

- Personal contact details such as name, title, address, telephone numbers, contact details and personal email addresses
- Date of birth
- Gender
- Marital status and dependants
- Next of kin and emergency contact information
- National Insurance number
- Disclosure Barring Service application, information for the update service and certificates
- Bank account details, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Start date
- Location of employment or workplace
- Copy of driving licence
- Information about your nationality and entitlement to work in the UK
- Recruitment information (including copies of right to work documentation, references and other information included as part of the application process).
- Details of your qualifications, skills and experience
- Employment records (including job titles, including start and end dates with previous employers, work history, working hours, training records and professional memberships). The terms and conditions of your employment
- Compensation history and information about your remuneration, including entitlement to benefits
- Employee benefit scheme
- Performance information, including performance reviews, training you have participated in, performance improvement plans and related correspondence
- Disciplinary and grievance information
- CCTV footage and other information obtained through electronic means such as swipecard records
- Information about your use of our information and communications systems
- Photographs
- Details of your schedule (days of work and working hours) and attendance and periods of leave taken, including holiday, sickness absence and the reasons for the leave
- Information about your race or ethnicity, religious beliefs, sexual orientation, disabilities and political opinions. Equal opportunities monitoring information
- Trade union membership
- Information about your health, including any medical condition, health and sickness records
- Information about criminal convictions and offences.

## **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

We collect personal information about applicants, employees, workers, volunteers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider (Disclosure and Barring Service). We may sometimes collect additional information from third parties including former employers or education establishments. We will collect additional personal information in the course of job-related activities throughout the period of you working for us. Grantham College collects personal data from third parties, which includes references supplied by previous employers and information from criminal records checks permitted by law.

## **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].

## **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. The situations in which we will process your personal information are listed below. We have indicated by [asterisks] the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved.

- 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 and are not barred from working with children or adults
- Paying you and, if you are an employee, deducting tax and National Insurance contributions
- Providing the following benefits to you: GC benefits, Childcare vouchers, Ride to Work Scheme, Payroll Giving, Eye Test Vouchers
- Liaising with your pension provider
- Administering the contract we have entered into with you
- Business management and planning, including accounting and auditing

- Conducting performance reviews, managing performance and determining performance requirements
- Making decisions about salary reviews and compensation
- Assessing qualifications for a particular job or task, including decisions about promotions
- Gathering evidence for possible grievance or disciplinary hearings
- Making decisions about your continued employment or engagement
- Making arrangements for the termination of our working relationship
- Education, training and development requirements
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work
- Ascertaining your fitness to work
- Managing sickness absence and absence management procedures including maternity, paternity, adoption, parental and shared parental leave.
- 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
- Equal opportunities monitoring
- Ensure effective general HR & business administration
- Provide references on request for current or former employees

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

### **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).

### **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, in compliance with the above rules, where this is required or permitted by law.

## **HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

“Special categories” of particularly sensitive personal information require higher levels of protection. This includes:

- Information about your race or ethnicity, religious beliefs, sexual orientation, disabilities and political opinions
- Trade union membership
- Information about your health, including any medical condition, health and sickness records
- Information about criminal convictions and offences.

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 relating to disabilities and those for health and safety purposes). Information about trade union membership is processed to allow us to operate checks for union subscriptions.

We need to 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 GDPR 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 GDPR 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 members or former members in the course of legitimate business activities with the appropriate safeguards.

## **JOB APPLICANT INFORMATION**

The organisation may also need to process applicant data to respond or defend legal claims. Where the organisation processes other special categories of data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is for equal opportunities monitoring purposes.

We are obliged to seek information about criminal convictions and offences in accordance with guidance from Keeping Children Safe in Education. Where this information is sought it is because it is necessary to carry out our obligations.

If your application for employment is unsuccessful, we will hold your information on file for 6 months after the end of the recruitment process. If your application for employment is successful, personal data gathered will form your personnel file and will be retained.

## **Our obligations as an employer**

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

- We will use information relating to leave of absence, which may include sickness absence or family related leave, 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
- We will use trade union membership information to pay trade union premiums and to comply with employment law obligations
- We will use information stated on your Disclosure and Barring Service certificate to make a decision on your appointment or continued employment.

## **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 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 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 GDPR 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 members or former members in the course of legitimate business activities with the appropriate safeguards.

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 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:

- Making a decision about your recruitment or appointment
- Making decisions about your continued employment or engagement.

We are allowed to use your personal information in this way [to carry out our obligations to Safeguard Children, Young Adults and Vulnerable people.

### **AUTOMATED DECISION-MAKING**

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

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.

### **DATA SHARING**

We may have to share your data with third parties, including third-party service providers. 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.

### **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.

### **Which third-party service providers process my personal information?**

“Third parties” includes third-party service providers (including contractors and designated agents). The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, IT services, Staff Development, Background checking, Funding Organisations, Project Grant Holders.

### **How secure is my information with third-party service providers?**

All our third-party service providers 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.

## **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.

## **DATA SECURITY**

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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. Details of these measures are available upon request.

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.

We have internal policies and controls in place to try to ensure that data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

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.

## **DATA RETENTION**

### **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 GDPR policy which is available from the intranet. 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, volunteer or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.



The organisation will hold your personal data for various durations. The periods for which your data is held after the end of employment are set out in the Data Protection Policy.

## **RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

### **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.

### **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 the Data Protection Officer in writing.

### **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.

### **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.

## **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 The Human Resources Department. 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.

## **NOT PROVIDING PERSONAL DATA**

Individuals have obligations under the contract of employment to provide Grantham College with data. This includes reporting absences from work, information about disciplinary or other matters, data to exercise your statutory rights, which include statutory leave entitlements. Not providing this data may mean individuals are unable to exercise statutory rights.

Key information, such as contact details, right to work in the UK and pay details have to be provided to enable the contract of employment to become effective. If you do not provide this information, it will result in the administration process being incomplete.

## **DATA PROTECTION OFFICER**

We have a data protection officer (DPO) 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 the DPO. 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.

## **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 the Human Resources Department.**

Please read the Privacy Notice and return the signed acknowledgement sheet and return to the HR department.

I acknowledge that I have received a copy of Grantham College's Privacy Notice for applicants, employees, workers, volunteers and contractors and that I have read and understood it.

**Signature**

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**Name**

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**Date**

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