



Worker Privacy Notice

Introduction

This notice explains the reasons why we will hold and use your personal data. It outlines your rights under the current data protection law. As your employer we will collect and process personal data relating to you to manage our contract with you. We are committed to being transparent about how we collect and use your data, and to meeting our data protection obligations with you.

This notice does not form part of your contract of employment or engagement with us. It applies to all our employees, workers, apprentices and consultants, regardless of length of service, and may be amended at any time. If any amendments are made in the future, we will notify you.

Ayrshire Housing (the association) is registered as a data controller with the Information Commissioner and our registered number is Z7777398.

Data Protection Officer

We have appointed a Data Protection Officer. This role is undertaken by the Head of Finance (Company Secretary).

Where does your personal information come from?

We may collect this information in several ways which include:

- Recruitment processes including information obtained from agencies.
- Your identification documents you have given us.
- Background checks conditional for your engagement with us.
 - PVG/Disclosure/DVLA checks relating to criminal convictions and offences.
- Former employers or other individuals whom you have given us permission to contact to provide us with a reference.

This data will include:

- your work history with them, including the dates you were with them;
 - the work tasks you did;
 - your level of responsibility;
 - job title;
 - salary on leaving;
 - reason for leaving their workplace;
 - whether they would be happy to have you work for them again.
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- Medical professionals provide us with appropriate health information in order that we can manage any health related situations that may have an impact on your ability to work with us.
 - Professional and training bodies connected with your employment.
 - Web browsing history and email exchanges, but only if we have a reason to monitor this information.

What Information do we collect?

The association controls and processes a range of information about you. In this privacy notice 'your personal information' means your personal data i.e. information about you from which you can be identified. Your 'personal information' does not include data where your identity has been removed (anonymous data). It is really important that your personal information that we hold and process is accurate and up to date. Please keep us informed if your personal information changes during your engagement with us.

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 or engagement with us.
- Details of your qualifications, skills, experience and work history, including start and end dates with previous employers and workplaces.
- Photographs of you for the association's promotional purposes.
- Membership of professional bodies.
- Membership of a trade union where you have consented to provide this information, e.g. through a mandate to pay your union dues from your salary or in furtherance of the recognition agreement.
- Information about your remuneration, including entitlement to benefits such as, pay, pension and holidays.
- 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 any criminal convictions if relevant for your job.
- Details of your work pattern (days of work and working hours) and attendance at work.
- Details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals.
- 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, performance improvement plans and related correspondence.
- Information about medical or health conditions, including if you have a disability for which the organisation needs to make reasonable adjustments.
- Equal opportunities monitoring information about your ethnic origin, sexual orientation and religion or belief.

The data we hold on you will be stored securely in accordance with our Privacy Policy which includes provision for retention periods.

Processing Personal Data

We will process data in accordance with the following legal grounds:

Our Contract with you:

We need to process the data we hold on you in order that we comply with our obligations with you under the contract we have with each other.

These include;

- the need to process your data to provide you with an appropriate contract;
- to pay you in accordance with your employment contract;
- to administer your employment benefits.

Legal Obligations:

We are required;

- to make checks regarding your right to work in the UK;
- to deduct tax, National Insurance, and administer your pension;
- to comply with health and safety laws;
- to enable you to take periods of leave to which you are entitled.

We are also required to process special categories of personal data, such as information about health or medical conditions to carry out our employment law obligations, such as those in relation to any disability you may have or which arises.

Legitimate Interests:

We are also required to process your data in accordance with our legitimate interests which can occur, during and after our employment relationship which will allow us to:

- Run recruitment and promotion processes;
- Maintain accurate and up to date employment records, contact details, emergency contact details, and records of employee contractual and statutory rights;
- Operate and keep a record of disciplinary and grievance processes;
- Plan for career development, succession planning and workforce planning;
- Operate and keep a record for absence management to support workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- Obtain occupational health advice, to ensure that we comply with our duties in relation to individuals with disabilities, meet our obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- Operate and keep a record of other leave you may take 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;
- Ensure effective general human resource and business administration;
- Provide references on request for current or past employees;
- Respond to and to defend legal claims;
- In the event of a business sale or transfer;
- Any regulatory and statutory requirements and checks in relation to your engagement with us.

Processing Special Category Personal Data

Special categories of information means information about your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation, criminal convictions, offences or alleged offences, genetic data or biometric data for the purposes of uniquely identifying you. There are specific legal reasons for processing this special data, details of these conditions are provided in the attached appendix.

We may require to process special category data in connection with:

- Equal opportunities information provided on appointment;
- Entitlement to work in the UK;
- Occupational health and absence management;
- Maintaining payments to a trade union and in connection with the operation of the recognition agreement between EVH and Unite the Union.

Employee Monitoring

We may require to carry out the following monitoring exercises in accordance with our procedures on security and appropriate usage:

- CCTV monitoring;
- Internet browsing and usage;
- Content and use of the work's email;
- Phone records both mobile and landline;
- Phone call recordings.

Access to Data and Security

In order to process your data in accordance with the grounds stated above the following will have access to your data:

Internally:

- Line managers;
- IT staff and consultants;
- HR staff.

Third parties:

- For the purposes of pre-employment checks; past employers, disclosure and PVG;
- For the purposes of processing data on behalf of us, e.g. payroll providers, advisors in relation to your contract of engagement and other associated policies and procedures, pension administrators and IT providers;
- Any other third parties as necessary to comply with your contract of engagement and our legal and statutory obligations with third party organisations.

Your Rights

As a data subject, you have a number of rights:

- To be informed of the personal data we hold on you;
- Access and obtain a copy of all your personal data on request;
- Require the association to change incorrect or incomplete personal data;
- Require the association to delete or stop processing your personal data (e.g. where the data is no longer necessary for the purposes) and object to the processing of your data where the organisation does not require to process it;
- To personal data portability;
- To object to the personal data we hold on you;
- To be informed of automated decisions made in relation to you.

If you would like to exercise any of the above rights, please contact the Data Protection Officer (see above).

Data Retention

We will only retain your personal information for as long as necessary to fulfil the purposes for which we collected it, including to satisfy any legal, accounting or reporting requirements.

We will retain all of your personal information during your engagement in accordance with the retention periods stated in our Privacy Policy after termination. This is to allow us to establish, exercise or defend legal claims, with the exception of the following:

- We will delete out-of-date contact, emergency contact, and bank account details whenever you provide us with updated details;
- We will retain current contact and bank account details during your engagement, and delete these when we have processed the final payment to you following the termination of your engagement;
- We will retain current emergency contact details during your engagement, and delete these when your engagement ends;
- We will retain wage records, salary and benefits details, including pension and bonus details during your engagement and until the later of:
 - 6 years after termination; or
 - 6 years from the financial year-end in which payments were made.
- We will retain a copy of your driving licence, and MoT and driving insurance certificates during your engagement and delete these when your engagement ends.

If you do not wish to provide your personal data

You have obligations under your employment contract to provide the association with the necessary 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 for you 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 so that we can enter into a contract of employment with you. If you do not provide the information, this will hinder our 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.

Acknowledgement of receiving and reading this notice

I _____ [print name] confirm that I have read and understood the contents of this worker privacy notice.

Signed

Date

Appendix 1

Conditions for Processing Special Category Data

The information below is an extract from the ICO guidance and is available directly from their website: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

The conditions below are listed in Article 9(2)

- (a) The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;
- (b) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
- (c) Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- (d) Processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
- (e) Processing relates to personal data which are manifestly made public by the data subject;
- (f) Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- (g) Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
- (h) Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment of the management of health or social care systems and services on the basis of Union or Member State law or

pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

- (i) Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
- (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) based on Union Member State law which shall be proportionate to the aim pursued, respect the essence of the right to the data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Some of these conditions make reference to UK law, and the GDPR also gives member states the scope to add more conditions. The Data Protection Bill includes proposals for additional conditions and safeguards, and the ICO will publish more detailed guidance here once these provisions are finalised.