

Practice

1 January 2022

Employee Privacy Notice

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RC/kdm

The Practice is aware of its obligations under the General Data Protection Regulation (GDPR) and is committed to processing your data securely and transparently. This Privacy Notice sets out, in line with the GDPR, the types of data that we hold on you as an employee of the Practice. It also sets out how we use that information, how long we keep it for and other relevant information about your data.

This notice applies to current and former employees.

Data Controller Details

The Practice is a Data Controller, meaning that it determines the processes to be used when using your personal data. Our contact details are as follows:

Data Protection Principles

In relation to your personal data, we will:

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

Types Of Data We Process

We hold many types of data about you, including:

- your personal details including your name, address, date of birth, email address, phone numbers;
- your photograph;
- gender;
- marital status;
- dependants ages;
- next of kin contact details;
- information included on your CV including references, education history and employment history;
- documentation evidencing your right to work in the UK;
- driving licence;
- bank details;
- tax codes and National Insurance number;
- current and previous job titles, job descriptions, pay grades, pension entitlement, hours of work and other terms and conditions relating to your employment with us;
- letters of concern, formal warnings and other documentation with regard to any disciplinary proceedings;

- internal performance information including appraisal forms;
- training records.

How We Collect Your Data

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

In some cases, we will collect data about from third parties, such as employment agencies, former employers when obtaining references.

Personal data is kept in personnel files or within the Practice's HR and IT systems.

Why We Process Your Data

The law on data protection allows us to process your data for certain reasons only:

- in order to perform the employment contract that we are party to;
- in order to carry out legally required duties;
- in order for us to carry out our legitimate interests;
- to protect your interests; and
- where something is done in the public interest.

All of the processing carried out by us falls into one of the permitted reasons. Generally, we will rely on the first three reasons set out above to process your data. For example, we need to collect your personal data in order to:

- carry out the employment contract that we have entered into with you; and
- ensure you are paid.

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

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

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

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

Special Categories of Data

Special categories of data are data relating to your health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, trade union membership and generic and biometric data.

Currently the Practice only process special category data related to your:

- health (medical records/assessments – this does not include Fit to Work Notes and Sickness Self Certification).

We must process special categories in accordance with more stringent guidelines. Most commonly, we will process special categories of data when the following applies:

- you have given explicit consent to the processing;
- we must process the data in order to carry out our legal obligation;
- we must process data for reasons of substantial public interest;
- you have already made the data public.

We will use your special category data:

- to determine reasonable adjustments;
- in our sickness absence management procedures.

We do not need your consent if we use special categories of personal data in order to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain particularly sensitive data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

Criminal Conviction Data

We will only collect criminal conviction data in order to do DBS checks where they are required for certain projects. For example, on projects where there are children or vulnerable adults, like schools and day care centres.

If You Do Not Provide Your Data To Us

One of the reasons for processing your data is to allow us to carry out duties in line with your Contract of Employment. If you do not provide us with the data needed to do this, we will be unable to perform those duties e.g. ensuring you are paid correctly. We may also be prevented from confirming, or continuing with, your employment with us in relation to our legal obligations if you do not provide us with this information e.g. confirming your right to work in the UK.

Sharing Your Data

Your data will be shared with colleagues within the Practice where it is necessary for them to undertake their duties. This includes, for example, the HR department for maintaining personnel records and the finance department for administering payroll under your Contract of Employment.

We share your data with third parties in order to obtain references, pay your salary, make pension and life assurance payments, hire cars, submit bids.

We do not share your data with bodies outside the European Economic Union.

Protecting Your Data

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such instances.

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

How Long We Keep Your Data For

In line with data protection principles, we only keep your data for as long as we need it for, which will be for at least the duration of your employment with us. Retention periods can vary depending on why we need your data – please refer to our Record Retention Policy stored on Sharepoint under the HR tab.

Automated Decision Making

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

Your Rights In Relation To Your Data

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

- the right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice.
- the right of access. You have the right to access the data that we hold on you. To do so, you should make a subject access request. You can read more about this in our Subject Access Request policy which is available from Richard Cronin.
- the right of any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it.
- the right to have information deleted. If you would like us to stop processing data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it.
- the right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct.
- the right to portability. You may transfer the data that we hold on you for your own purposes.
- the right to object to the inclusion of any information. You have the right to object to the way we use your data where we are using it for our legitimate interests.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data you have previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact Richard Cronin.

Making A Complaint

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

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Data Protection Officer

The Company's Data Protection Office is Richard Cronin. He can be contacted on 0151 227 1083 or richard.cronin@austinsmithlord.com

A handwritten signature in black ink, appearing to be 'RC', with a long horizontal line extending to the right.

Richard Cronin
Executive Director
For Austin-Smith:Lord Ltd

1 January 2022