

National College for High Speed Rail – Employee Privacy Notice

The wording in this document reflects the requirements of the General Data Protection Regulation (GDPR), which will come into effect in the UK on 25th May 2018.

Data Controller: National College for High Speed Rail

Data Protection Officer: Sally Brook Shanahan –
dataprotectionofficer@nchr.ac.uk

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

What information does the organisation collect?

The organisation collects and processes 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, sickness absence, family leave 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;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;
- equal opportunities monitoring information, including information about your ethnic origin, nationality, sexual orientation, health and religion or belief.
- Staff images.

The organisation collects this information in a variety of ways. For example, data is collected through application forms, CVs; 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 pension forms); from correspondence with you; or through interviews, meetings or other assessments.

The organisation seeks information from third parties with your consent only.

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

Why does the organisation process personal data?

The organisation needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefit, pension and other entitlements.

In some cases, the organisation needs to process data to ensure that it is complying with its 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 and to enable employees to take periods of leave to which they are entitled. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

Processing employee data allows the organisation

- to run recruitment and promotion processes;
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency) and records of employee contractual and statutory rights;
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- operate and keep a record of absence and absence management procedures, to allow effective 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 it complies with duties in relation to individuals with disabilities, meet its 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 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;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.
- For ID, security and health and safety purposes.

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 in relation to employees with disabilities and for health and safety purposes).

Where the organisation processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that the organisation uses for these purposes 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.

Who has access to data?

Your information will be shared internally, including with members of the HR team, your line manager, managers in the business area in which you work, the Head of ICT if access to the data is necessary for performance of their roles and the organisation's ICT software provider – Core Azure.

The organisation shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service. The organisation may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

The organisation also shares your data with third parties that process data on its behalf, in connection with payroll, the provision of benefits and the provision of occupational health services, validation of driving licenses, pension purposes and HR Record Management. The list of third parties includes but is not limited to; Birmingham City Council, Scottish Widows, The Teachers Pension Scheme, South Yorkshire Pension Scheme, Breathe HR and RSM.

The organisation will not transfer your data to countries outside the European Economic Area.

How does the organisation protect data?

The organisation takes the security of your data seriously. The organisation has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. More details can be found in the Data Protection Policy.

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.

For how long does the organisation keep data?

The organisation will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are found in the Retention Policy.

Your rights

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

- access and obtain a copy of your data on request;

- require the organisation to change incorrect or incomplete data;
- require the organisation to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing; and
- ask the organisation to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the Data Protection Officer – Sally Brook Shanahan – dataprotectionofficer@nchr.ac.uk. You can make a subject access request by completing the organisation's subject access request form which can be found on the college website.

If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner's Office (ICO) – please refer to the ICO's website for further information about this (<https://ico.org.uk/>);

What if you do not provide personal data?

You have some obligations under your employment contract to provide the organisation with 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 the organisation 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 must 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 Our Privacy Policy

We will keep our privacy notice under regular review. Any changes we make to our privacy notice in the future will be notified to you by email.