
PRIVACY NOTICE FOR EMPLOYEES, VOLUNTEERS AND CONTRACTORS

Data Controller: Malvern Special Families

1. Introduction

Malvern Special Families recognise the privacy and security of personal information is of great importance to our employees, volunteers and contractors. We have provided this Privacy Notice to set out why we need to collect personal information, how we use it and how we protect it.

Our privacy policy is governed by the principle of only collecting, storing and processing personal data relating to both our current and former employees/volunteers in order to manage our employee and volunteer relationships, which will help us provide a better service and improved overall experience.

This Privacy Notice provides you with a clear overview of how the Company collects and uses personal information about you during and after your working relationship with us. It does not form part of a contract of employment or any contract to provide services and may be updated at any time.

The personal information we refer to in this Privacy Notice mentions information that may be used to identify you. Your name and address are the main examples but it may also include ethnic background, sexual orientation, religion or beliefs and descriptions of health and well-being.

Set out in Section 3 (below) is the personal information we collect and the reasons why we use it.

2. Data Protection Principles

The Company will comply with data protection law. This means that 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 explained to you clearly and not used in any way that is incompatible with these purposes;
- Relevant to the purposes of your employment and limited to those purposes only;
- Accurate and kept up to date;
- Kept only for such time as is necessary for the purposes we have told you about; and
- Kept securely.

3. What Information Does The Company Collect and Process?

The Company collects and processes a range of personal information (personal data) about you. Personal data means any information about an individual from which the person can be identified. This includes:

- Personal contact details, such as your name, title, address and contact details, including email address and telephone number;
- Date of birth;
- 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 Company;
- Information about your remuneration, including entitlement to benefits such as pensions;
- Details of your bank account, tax status and national insurance number;
- Information about your marital status, next of kin, dependants and emergency contacts;
- Your identification documents including passport and driving licence, information in relation to your immigration status and right to work for us, for the purpose of DBS and OFSTED checks;
- Details of periods of leave taken by you, including holiday, sickness absence, family leave and the reasons for the leave;
- Staff availability records and timesheets;
- Training records;
- Information regarding any accidents/incidents at work, which includes with our children/young people;
- Information regarding any allegations made of a child protection nature, including when allegations are unfounded;
- Your images (photograph or video);
- Details of any disciplinary or grievance procedures in which you have been involved (whether or not you were the main subject of those proceedings), including any warnings issued to you and related correspondence;
- Supervision notes, assessments of your performance, including appraisals, training you have participated in, performance improvement plans and related correspondence;

This list is not exhaustive.

We may also collect, store and use the following special categories of more sensitive personal information:

- Information regarding any medical or health issues including SSP, risk assessments carried out and SMP, and whether or not you have a disability for which the Company needs to make reasonable adjustments;
- Information about your criminal record; and
- Equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The Company collects this information in a variety of ways. For example, data is collected through the application and recruitment process and during work-related activities throughout the period of working for us.

In some cases, the Company collects personal data about you from third parties, such as references supplied by former employers, information from employment and information from criminal records checks permitted by law.

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

4. Why Does The Company Process Personal Data?

The Company needs to process data to enter into a contract with you and to meet its obligations under your contract.

In addition, the Company needs to process data to ensure that we are complying with our legal obligations, for example, we are required to check an employee's entitlement to work in the UK. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake a particular role.

In other cases, the Company has a legitimate interest in processing personal data before, during and after the end of the employment relationship.

5. Situations In Which We Will Use Your Personal Information

Situations in which we will process your personal information are listed below:

In order to:

- Make decisions about recruitment and promotion processes;
- Maintain accurate and up-to-date employment records and contact details (including details of whom to contact in the event of an emergency), and records of employee contractual and statutory rights;
- Check you are legally entitled to work in the UK;
- Gather evidence for, and keep a record of, disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- Pay you and, in the case of employees, make deductions for tax and National Insurance;
- Make decisions about salary reviews and compensation;
- Operate and keep a record of employee performance and related processes;
- Keep records of training and development requirements;
- 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;
- Ascertain your fitness to work;

- Operate and keep a record of other types of leave (such as 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;
- Deal with legal disputes involving you or other employees, workers and contractors; and
- Facilitate equal opportunities monitoring in the workplace.

This list is not exhaustive, as we hold records of most contacts we have with you, or about you. Generally the information we hold will have been provided by you (on application or enquiry forms, such as documents included in your new starter pack, or information you have provided when changes have occurred e.g. change of address or when we communicate with you), but we may also hold information by third parties for DBS screening, recruitment agencies etc.

6. If You Fail to Provide Personal Information

If you do not provide certain information when requested, the Company may not be able to perform the contract we have entered into with you, such as paying you or providing a benefit. You may also have to provide the Company with data in order to exercise your statutory rights, for example in relation to statutory leave entitlements.

7. Change of Purpose

The Company will only use your personal information for the purpose for which it was collected, 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 advise you of this and will explain the legal basis which allows us to do so.

You should be aware that we may process your personal information without your knowledge or consent where this is required or permitted by law.

8. How We Use Sensitive Personal Information

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (for example, in relation to employees with disabilities and for health and safety purposes).

The Company uses other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or philosophical belief, this is done for the purposes of meaningful equal opportunities monitoring or reporting.

Data used by the Company 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.

9. 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.

10. For How Long Do You Keep Data?

The Company will only hold your personal data for as long as is necessary to fulfil the purposes we collected it for, including any legal, accounting or reporting requirements. The period for which your data is held after the end of employment is 6 years.

11. Who Has Access to Data?

Your information will only be shared internally on a need to know basis to deliver our services effectively.

The Company shares your data with third parties where required by law, when it is necessary in order to administer the working relationship with you or where we have another legitimate interest in doing so. The following services are carried out by third party service providers: payroll and pension arrangements. The Company may also share your data with other third parties, for example, in the context of a sale/transfer of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

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

12. How Does The Company Protect Data?

The Company takes the security of your data seriously. The Company has internal policies and controls in place to prevent your data being lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. Details of these measures are available on request.

When the Company 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. Details of these measures are available from the Business Manager.

13. Your Duty to Inform Us of Changes

It is important that the personal information we hold about you is accurate and current. Please be sure to keep us informed if your personal information changes during your time working with us.

14. **Your Rights**

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

- Access and obtain a copy of your data on request (known as a “data subject access request”);
- Ask the Company to change incorrect or incomplete data;
- Request erasure of your personal information. This enables you to ask the Company 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 Company is relying on its legitimate interests as the legal ground for processing; and
- Ask the Company to suspend the processing of your personal data for a period of time if data is inaccurate or if there is a dispute about its accuracy or the reason for processing it.

If you would like to exercise any of these rights, or if you have any questions about the privacy notice, please contact the Business Manager.

If you believe that the Company has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner’s Office.