



**West
Granton**

Housing Co-op

Our tenants are paramount in everything we do

West Granton Housing Co-operative Ltd

STAFF PRIVACY NOTICE

(How we use your personal information)

This notice explains what information we collect when we collect it and how we use this. During the course of our activities, we will process personal data (which may be held on paper, electronically, or otherwise) about you and we recognise the need to treat it in an appropriate and lawful manner. The purpose of this notice is to make you aware of how we will handle your information.

Staff Privacy Notice

Introduction

The purpose of this staff privacy notice is to explain to you the reasons which we may hold and use your personal data and explain your rights under the current data protection laws.

As your employer we may 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 and consultants, regardless of length of service, and may be amended at any time. If any amendments are required in the future, we will notify you as is appropriate.

26 Granton Mill Crescent, Edinburgh, EH4 4UT is registered as a data controller with the Information Commissioner (ICO) and our registered number is **Z7465766**.

Where does your personal information come from?

The Co-op may collect 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 (if relevant)
- PVG/Disclosure/DVLA checks relating to criminal convictions/offences
- Former employers or other individuals whom you have given us permission to contact to provide us with a reference. This data could include:
 - Your work history with them, including your dates you were with them;
 - the work tasks you did,
 - your level of responsibility,
 - job title,
 - salary on leaving,
 - reason for leaving their workplace and
 - whether they would be happy to have you work for them again.
 - suitability to the post applied
 - strengths and weaknesses
- 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.
- Membership with professional bodies that confirm membership
- Qualifications/training bodies that provide us information relating to you
- Web browsing history and email exchanges will be routinely monitored for the purposes of maintaining the IT infrastructure
- HMRC

What Information do we collect?

The Co-op 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 the personal information that we hold and process about you 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
- 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 about you will be kept in your personnel file which is stored securely and access to the files is restricted. The information will only be held for the periods outlined in The Co-op's Retention Policy.

Processing Personal Data

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

Under 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. This includes;

- 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 (pensions, appraisals, training etc.)
- any other employment related activities

Under our Legal Obligations:

We are required;

- to obtain checks regarding your right to work in the UK
- to deduct tax, National Insurance, student loan repayments (if relevant), wage arrestments and administer your pension
- to comply with health and safety laws and
- to enable you to take periods of leave to which you are entitled
- To comply with Court Orders

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 that arises (in order, potentially, to make reasonable adjustments etc.)

In our 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 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 of absence management procedures, to allow workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled.
- Obtain occupational health advice, ensuring 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 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 HR and business administration
- Provide references on request for current or past employees; and
- Respond to and defend against legal claims
- In the event of a business sale/transfer
- Any regulatory checks and/or statutory check/requirements 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.

The "special categories" of sensitive personal information referred to above require higher levels of protection. 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 situations:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations and in line with our privacy policy.
- Where it is needed in the public interest, such as for equal opportunities monitoring and in line with our Privacy Policy.
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Our Obligations as your 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, register the status of a protected employee and to comply with employment law obligations.

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.

Employee Monitoring

We may carry out the following monitoring exercises:

- CCTV – images and footage recorded of any person visiting our premises. This is used for staff safety, security and the prevention (detection) of crime
- Wi-fi Browsing – Director monitors web browsing history and email exchanges for the purposes of maintaining the IT infrastructure
- Phone records of the co-op could be monitored to ascertain mobile users with regards to call history and length of calls

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 manager / COO / CEO
- IT provider
- HR function
- Payroll function

Third parties:

- For the purposes of pre-employment checks; past employers, disclosure and PVG
- For the purposes of processing data on behalf of us: payroll provider, Seeking advice in relation to your contract of engagement and other associated policies and procedures; HR or employment consultants, pension administration, IT support provider
- Internal and External Audit firms for the purpose of providing assurance to Board and Statutory agencies
- 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

You have the right at any time to:

- ask for a copy of the information about you held by us in our records;
- require us to correct any inaccuracies in your information;
- in certain situations, make a request to us to delete your personal data;
- request we restrict processing your personal data;
- object to receiving any marketing communications from us, and;
- to be informed of any automated decisions made in relation to you.

Our DPO is provided by RGDP LLP, who can be contacted either via 07741 738842 or info@rgdp.co.uk. Any questions relating to this notice and our privacy practices should be directed, in the first instance, to: david.mills@westgrantonhc.co.uk or by telephoning **07951 241584**.

We seek to directly resolve any complaints about how we handle personal information and would request you contact us in the first instance. If you are not happy thereafter, you also have the right to complain to the Information Commissioner's Office (ICO) in relation to our use of your information. The Information Commissioner's contact details are noted below:

*The Information Commissioner's Office – Scotland
Queen Elizabeth House
Sibbald Walk
Edinburgh
EH8 8FT*

*Telephone: 0303 123 1115
Email: Scotland@ico.org.uk*

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 and for 6 years after termination 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 terminates.
- We will retain payroll and wage records, salary and benefits details, including pension and bonus details during your engagement and until the later of:
 - 6 years from the financial year-end in which payments were made
- We will retain a copy of your driving licence during your engagement and delete this when your engagement terminates.

If you do not wish to provide your personal data

You have obligations under your employment contract to provide the organisation 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 The Co-op 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 the payment details, have to be provided to enable The Co-op to enter into a contract of employment with you. If you do not provide other information, this will hinder The Co-op's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

Acknowledgement of receiving and reading this notice

I _____ [print name]
confirm that I have read and understood the contents of this Staff 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 of 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 Act 2018 includes proposals for additional conditions and safeguards, and the ICO will publish more detailed guidance here once these provisions are finalised.