

# Pioneering Care Partnership (PCP) Employee Data Protection and Privacy Statement



## Aim

This Employee Data Protection and Privacy Statement sets out information in relation to the processing of employee data and how employee privacy of data is protected.

## Obligations in relation to the processing of personal data

PCP is a “data controller” and needs to collect and hold data about you to enable us to administer day to day tasks related to your ongoing employment (e.g. we need to know your bank details in order that we can pay you).

PCP is permitted to hold and process data about you because you are an employee/worker and there is a contract between us (the main legal basis for processing your information).

PCP is required to ensure that it complies with the following obligations when processing any of your personal data:

- that your data is used lawfully, fairly and in a transparent way
- that your data is collected only for valid purposes which have been clearly explained to you
- that the data collected is relevant to the purposes PCP has told you about and limited only to those purposes
- that the data is accurate and up to date
- that your data is kept in a format which allows for you to be identified for only as long as necessary
- that your data is kept securely

PCP will only use your personal data for the stated purposes, unless there is a need to use it for another reason and that reason is compatible with the original purpose. If PCP consider that it is necessary to use your personal data for a different and unrelated purpose, this will be notified to you in writing with an explanation of the legal basis for doing so. There may be exceptional circumstances where PCP has to process your personal data without your knowledge or consent where this is required by law.

PCP will only ask you to provide data which is necessary for the performance of the contractual employment relationship or any associated legal obligations.

In order that PCP can meet the legal obligations connected with your employment it is necessary to share your personal information with certain third parties (e.g. pension provider). PCP does not transfer personal data outside the European Economic Area (EEA).

## Individual rights and obligations

Current data protection legislation provides the following rights for individuals:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure i.e. where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- The right to restrict processing
- The right to data portability

- The right to object
- Rights in relation to automated decision making and profiling

In order that we can ensure that the personal data we hold in relation to you is accurate, it is important that **you** keep us informed of any changes to your data.

## How personal data is collected

PCP collects your personal data by a variety of ways. At the recruitment stage PCP will already have collected data through the application process either directly from you or via any employment agency used and from referees.

## The type of data PCP may process

The data processed includes, but is not limited to:

Type of data	Why we wish to hold it	How long it will be kept for
<p><b>Application data</b> Previous employers, types of job held previously, skills and qualifications, CV, right to work information, references, interview notes</p>	<p>This will allow us to make a decision on your suitability for employment/engagement.</p> <p>Where applicants have submitted an application form we need to ensure we retain that information because of the time limits within various Discrimination Acts. .</p> <p>For our talent pool.</p>	<p>If appointed, data obtained during recruitment will be kept for the duration of employment and for 12 months from the end of the tax year the employee left..</p> <p>Where an applicant is unsuccessful, the application form and interview notes will be kept for a period of 12 months from the end of the tax year they are told they are unsuccessful.</p> <p>Where an applicant has provided consent to be included in the talent pool PCP will keep application forms for a period of 18 months.</p>
<p><b>Personnel files and training records (including contract, supervision, appraisal, disciplinary and grievance records)</b></p> <p>Information that can be contained in personnel files includes:</p> <p><b>Basic details</b> Key personal data about you: e.g. name address, date of birth, next of kin, bank details, etc. (See note on bank details below).</p> <p><b>Health and medical data</b> Data about your health, medical conditions, self-certificates, GP sick</p>	<p>We retain this information to ensure that we have a full record of your employment history.</p> <p>We retain this information to ensure we can deal with a claim, should one arise.</p> <p>This will allow us to send you correspondence, contact next of kin in an emergency, pay wages into your bank, enrol you into benefits schemes, provide reference to new employer etc.</p>	<p>This data will be kept for the duration of your employment and for 6 years from the end of the tax year that the employer left.</p> <p><b>Exceptions:</b> Next of kin information is deleted or redacted on termination of employment.</p> <p>Bank details will be held for the duration of your employment and deleted immediately after leaving PCP once final payments have been made. <i>(I can see that you had 12 months for this above, I think it should be deleted as soon as we don't need to make further payments but Jo might have a reason?)</i></p>

<p>notes. Your consent may also be sought to gain a report from your GP, consultant or occupational health specialist.</p> <p><b>Special category and protected characteristic data</b> Special category data includes ethnic origin, political opinions, religious and philosophical beliefs, trade union membership, genetic, biometric or health data, sex life and sexual orientation. Protected character data as defined in the Equality Act 2010.</p>	<p>We may need to understand details about health/medical conditions in relation to your work, adjustments and ability to undertake your role, or alternative roles.</p> <p>As example we may use this information when dealing with an employee who has been absent from work due to ill-health or as part of equal opportunities monitoring. Such data may also be volunteered by the employee when notifying an absence.</p>	<p>Medical records and biological tests under the Control of Lead at Work Regulations; specified by the Control of Substances Hazardous to Health Regulations (COSHH); and under the Control of Asbestos at Work Regulations will be kept for 40 years from date of last entry.</p> <p>This data will be retained for the duration of employment and 6 years from the end of the tax year the employee left.</p>
<p><b>Payroll data</b> Salary and salary history, benefits, tax, NI and NI number, tax status, pension contributions, other deductions, student loans, CCJ's etc.</p>	<p>To allow us to pay you accurately and to fulfil out tax and reporting obligations with the HMRC.</p>	<p>This data will be kept for 6 years from the end of the tax year to which they relate.</p>
<p><b>Time and attendance data</b> Timesheets, *shift rotas, holiday forms etc.</p>	<p>To allow us to ensure you are working the correct hours and that obligations under the Working Time Regulations are met.</p>	<p>This data will be kept for the duration of your employment and for 2 years after leaving PCP.</p>
<p><b>Future reference data (after you have left the Company)</b> Key data items: name, start and leave dates, last job title.</p>	<p>We would keep a small amount of basic data about you (after you had left) that would allow us to give a prospective employer a reference.</p>	<p>This data will be kept indefinitely..</p>

## When PCP will use your Personal Data

Generally, PCP will use your personal data for one of the following lawful reasons:

- to perform the contract we have entered into with you
- to comply with a legal obligation
- where it is necessary for legitimate interests (or those of a third party)

There are other rare occasions where your personal data or special category data will be used:

- where we need to protect your interests (or someone else's interests)
- where it is needed in the public interest
- where PCP has to process this data for legal claims

## Special Category Data

Any personal data which identifies ethnic origin, political opinions, religious and philosophical beliefs, trade union membership, genetic, biometric or health data, sex life and sexual orientation is classed as special category data. PCP will only use this data:

- to comply with employment and other laws when processing and managing situations connected with absences arising in relation to your sickness or family/ dependant related leave etc.
- to ensure health and safety compliance

- to assess your capability to perform your role, monitor and manage your sickness absence, provide appropriate workplace adjustments etc.
- where it is needed in the public interest, for example for equal opportunity monitoring and reporting

In limited circumstances, PCP may request your written consent to allow us to process special category data (e.g. for the purpose of gaining a medical report).

## Automated Decision Making

PCP does not envisage that any decisions about your employment will be taken using automated means. If this position changes you will be notified in writing.

## Access to HR file

All HR files are held confidentially and ringfenced so there is limited management/HR access to them. Individuals do not have open access to their own file. This is to ensure files across the organisation are held securely and to mitigate risks of a data breach. However, under UK GDPR rules (General Data Protection Regulation) employees can request access to their HR file. This request can be done through a Subject Access Request (SAR). There are some exemptions for access which include:

- where the information requested is for the purpose of management forecasting or management planning, and where disclosure could prejudice the employer's interests.
- where disclosure of the information would reveal personal information about a third party who can be identified from the information. In this case, the employer may not automatically refuse to disclose the information. The employer should seek either to edit the relevant documents in order to conceal the identity of the third party or, if this is not possible, to seek that persons consent to the disclosure of the information.

## Subject Access Requests (SAR)

You are entitled to make a subject access request (SAR). Any request should be made in writing to HR and Payroll Advisor. If you make an SAR, PCP may request specific information to confirm your identity to ensure that the data is released to the correct person.

The information will be provided in a commonly-used electronic form, unless otherwise requested by the individual.

PCP will respond to a SAR within one month of receiving the SAR, with a possibility to extend this period for particularly complex requests. The time limit will be calculated from the day after the request is received (whether the day after is a working day or not) until the corresponding calendar date in the next month. Example: PCP receives a request on 3 September. The time limit will start from the next day (4 September). This gives PCP until 4 October to comply with the request. If this is not possible because the following month is shorter (and there is no corresponding calendar date), the date for response is the last day of the following month. If the corresponding date falls on a weekend or a public holiday, PCP will have until the next working day to respond. This means that the exact number of days PCP have to comply with a request varies, depending on the month in which the request was made.

PCP may withhold personal data if disclosing it would 'adversely affect the rights and freedoms of others'.

SAR requests will be retained for 1 year.

## Monitoring and Review

This Statement will be reviewed by PCP's Operations Manager on a regular basis to ensure that it remains compliant.

**November 2022**

### Statement document tracking

Action	Date(s)
Draft to SMT:	w/c 31 <sup>st</sup> October 2022
Draft to Board:	N/A
Ratified by Board:	N/A
Approved Statement circulated to SMT:	May 2023
Approved Statement uploaded to shared:	May 2023
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Main Review Date:	November 2025
Lead for Review	Vicky Browning