

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.

Pioneering Care Partnership

- 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
Application data Previous employers, types of job held previously, skills and qualifications, CV, right to work information, references	This will allow us to make a decision on your suitability for employment/engagement. Where candidates have had successful interviews (but have not been appointed), applications can be considered without the need for submission of a further formal application.	Data obtained during recruitment will be kept until an application has been declined, or if appointed, for the duration of employment and for 12 months after leaving PCP. With the individuals consent, the application will be kept for 3 months after the interview date.
Administrative Data Key personal data about you: e.g. name address, date of birth, next of kin, bank details, etc.	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 etc.	This data will be kept for the duration of your employment and for 12 months after leaving PCP.
Payroll data Salary and salary history, benefits, tax, NI and NI number, tax status, pension contributions, other deductions, student loans, CCJ's etc.	To allow us to pay you accurately and to fulfil out tax and reporting obligations with the HMRC.	The HMRC requires us to hold this information for 7 tax years after the end of the financial year the data relates to.
Time and attendance data Timesheets, *shift rotas, holiday forms etc.	To allow us to ensure you are working the correct hours and that obligations under the Working Time Regulations are met.	This data will be kept for the duration of your employment and for 12 months after leaving PCP. *Shift Rotas need to be retained for 2 years from the date on which they were made.

Pioneering Care Partnership

Registered Charity No. 1067888 Company registered in England No 3491237 V.A.T Registration No 708 1680 37
 Registered office: Pioneering Care Centre, Carers Way, Newton Aycliffe, County Durham DL5 4SF

<p>Health and medical data Data about your health, medical conditions, self-certificates, GP sick notes Your consent may also be sought to gain a report from your GP, consultant or occupational health specialist.</p>	<p>We may need to understand details about health/ medical conditions in relation to your work and ability to undertake your role, or alternative roles. We would only seek this information from you with your specific consent.</p>	<p>This data will be kept for the duration of your employment and for 12 months after leaving PCP. If it relates to an accident at work, we would keep the data for 4 years after your employment has ended.</p>
<p>Ethnic monitoring data Data relating to your racial origin, religion, gender, sexual orientation, etc. that are classed as protected characteristics under the Equality Act 2010</p>	<p>We use this data to understand the ethnic make-up of our workforce and it allows us to rebalance our workforce if we believe we do not have the correct diversity.</p>	<p>This data will be kept for the duration of your employment and for 4 years after leaving PCP.</p>
<p>Disciplinary and grievance records</p>	<p>These will be kept on file as a reference for comparison purposes to ensure any requirements to improve your conduct or capability can be referenced.</p>	<p>This data will be kept for the duration of your employment and for 4 years after leaving PCP.</p>
<p>Future reference data (after you have left the Company) Key data items: name, start and leave dates, last job title, salary details, and sickness days</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 for the duration of your employment/engagement and for up to 7 years after leaving PCP.</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, the Company may request your written consent to allow us to process special
Pioneering Care Partnership

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.

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'.

Monitoring and Review

This Statement will be reviewed by Business Excellence on an annual basis to ensure that it remains compliant.

March 2019

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