

## SOUTH DEVON COLLEGE

### EMPLOYEE PRIVACY NOTICE

#### Document control

| Version | Date        | Author(s)    | Notes on Revisions  |
|---------|-------------|--------------|---------------------|
| 1.0     | April 2018  | Kelly Sooben | New Policy for GDPR |
| 2.0     | July 2021   | Kelly Sooben | Policy review       |
| 3.0     | August 2022 | Kelly Sooben | Annual review       |

| Owner | SLT Lead | Author | Frequency of review | Next review date | Approval Committee | Next approval Committee Date | Date of last EIA |
|-------|----------|--------|---------------------|------------------|--------------------|------------------------------|------------------|
| KS    | LF       | KS     | Annually            | August 2023      | SLT                |                              |                  |
|       |          |        |                     |                  |                    |                              |                  |

**Data protection officer: Kelly Sooben, Vice Principal People & Resources** If you have any questions about this policy or the ways in which we use your personal information, please contact our Data Protection Officer at [kellysooben@southdevon.ac.uk](mailto:kellysooben@southdevon.ac.uk)

**Data controller: South Devon College, Vantage Point, Long Road, Paignton, TQ4 7EJ**

This privacy notice has been prepared in accordance with the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”) and the Data Protection Act 2018.

This notice sets out how we use your personal information as your employer or when you apply for a job with us and in particular:

- the information that you give us;
- the uses made of your personal information;
- the legal basis on which we collect and use your personal information;
- how long we keep your personal information;
- how we share your personal information; and
- your rights over your personal information.

## **DATA PROTECTION PRINCIPLES**

In relation to your personal data, we will:

- process it fairly, lawfully and in a clear, transparent way
- collect your data only for reasons that we find proper for the course of your employment in ways that have been explained to you
- only use it in the way that we have told you about
- ensure it is correct and up to date
- keep your data for only as long as we need it
- process it in a way that ensures it will not be used for anything that you are not aware of or have consented to (as appropriate), lost or destroyed.

## **THE INFORMATION THAT YOU GIVE US**

We will collect personal information from you when you apply for a job with us. This will include your: name; address; phone number; email; date of birth; DofE number; NI number; current employment details including job title, start and end dates, current salary, notice period, reason for leaving; all past employment details; education details; interests; whether you are related to any personnel of the College or Governing Body; references; special arrangement details for interview; criminal record details; Disclosure Barring Service check, including European Economic Area (EEA) check; Prohibition from Teaching check; Check of Barred List/List 99; Pre-employment Health Questionnaire/Medical Report.

We will collect personal information from you when you are a new starter and become an employee of the College. This will be your: name; marital status; previous surname(s); address; date of birth; occupation/department; type of employment; phone number; email addresses; NI number; start date; next of kin and contact details; bank details; pension details; statement about employment; student loan details; offer letters; employment terms and conditions; changes to your terms and conditions; certifications/qualifications, disciplinary, grievance, capability, job descriptions, sickness absences, maternity/paternity/adoption information; accidents and injuries at work; working time information; annual leave records; recruitment information; photo; payroll details; gender; flexible working; exit interviews; return to work notifications; parental leave request forms; appraisal/performance; bank account number; sort code; disqualification information; sickness absences; medical information.

## **THE USES MADE OF YOUR PERSONAL INFORMATION**

We will use your personal information set out above as follows:

- for the recruitment process and for carrying out preemployment checks;
- for safeguarding students;
- for checking your identity and right to work in UK;
- for checking your qualifications;

- to keep an audit trail of the checks we have made and our relationship with you in case of employment claims;
- to set up payroll and pension and to reimburse expenses;
- for dealing with HMRC;
- for communicating with you, including for marketing purposes;
- for carrying out our role as your employer.

We treat your personal information with confidentiality and we do not use it for any other purposes.

## **THE LEGAL BASIS ON WHICH WE COLLECT AND USE YOUR PERSONAL INFORMATION**

We collect and use your personal information on the basis that it is necessary for performing our employment contract with you, or it is necessary to take steps before entering into the contract with you. We also collect and use your personal information on the basis that we need to do so in order to comply with our legal obligations.

Where we collect your special category personal information, we do this on the basis that it is necessary for the purposes of carrying out our obligations in the field of employment law. Special categories of personal data are personal data that reveal a person's racial or ethnic origin, political opinions, religions or philosophical beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics, information about their physical, physiological or behavioural characteristics), physical or mental health, sexual life or sexual orientation and criminal records).

## **WHO HAS ACCESS TO THE DATA?**

Your information will be shared internally, including with members of the HR/People team, including payroll, your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

Your data may also be shared with employee representatives in the context of collective consultation on a redundancy or business sale. This would be limited to the information needed for the purposes of consultation, such as your name, contact details, role and length of service.

The College shares your data with third parties to obtain pre-employment references from other employers, obtain employment background checks from third-party providers, obtain necessary criminal records checks from the Disclosure and Barring Service, or report suspected offences to the appropriate authorities. The College 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 College will not transfer your data to countries outside the UK.

## **How does the organisation protect data?**

The College takes the security of your data seriously. The College 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.

Where the College 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.

## HOW LONG WE KEEP YOUR PERSONAL INFORMATION

We will not keep your personal information for longer than we need it for the purposes we have explained above.

The College will hold your personal data for the duration of your employment. The periods for which employee data is held after the end of employment are as follows:

| <b><u>Category of personal data</u></b>   | <b><u>Period for which data is retained after employment with the College has ended</u></b>                                     |
|---|---|
| Basic personal information and contact details (including name, address, date of birth, gender, telephone number, email address and next of kin/ emergency contact details)   | Existing employees: [throughout their employment]<br><br>Unsuccessful applicants: [6 months]<br><br>Former employees: [6 years] |
| Recruitment records (including application forms, interview notes, test results, proof of right to work in UK (such as passports and visas), driving licence, evidence of skills and qualifications, and references)    | Existing employees: [throughout their employment]<br><br>Unsuccessful applicants: [6 months]<br><br>Former employees: [6 years] |
| Recruitment records containing special categories of personal data (including details of any disabilities disclosed and reasonable adjustments) and criminal records data (including results of criminal record checks) | Existing employees: [throughout their employment]<br><br>Unsuccessful applicants: [6 months]<br><br>Former employees: [6 years] |
| Offer letters, contracts of employment, written statements of terms and related correspondence  | Existing employees: [throughout their employment]<br><br>Former employees: [6 years]  |

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|--|--|
| Financial and tax information (including pay and benefit entitlements, bank details and national insurance numbers)  | Existing employees: [throughout their employment]<br><br>Former employees: [Current tax year + 6 years<br>Pension contribution 10 years] |
| Disciplinary and grievance records (including records of investigations, notes of disciplinary or grievance meetings and appeal hearings, correspondence with employees and written warnings)  | Existing employees: [throughout their employment]<br><br>Former employees: [6 years]   |
| Absence and leave records containing special categories of personal data (including details of absence or leave taken, the reasons for absences, the type of leave, information about medical or health conditions, reasonable adjustments, records of absence management discussions, correspondence with employees and written warnings) | Existing employees: [throughout their employment]<br><br>Former employees: [6 years]   |
| Performance records (including appraisal documents, performance reviews, targets and objectives, performance improvement plans, records of performance improvement meetings and related correspondence, and warnings)  | Existing employees: [throughout their employment]<br><br>Former employees: [6 years]   |
| Training undertaken during the course of employment with the College   | Existing employees: [throughout their employment]<br><br>Former employees: [6 years]   |

## HOW WE SHARE YOUR PERSONAL INFORMATION

We may share the personal information that you give us with the following organisations (or types of organisation) for the following purposes.

Organisation / type of organisation:

Midland HR (iTrent) – Human Resources and Payroll database which is hosted off site.

We may also share your personal information with third parties who provide services to the College.

Organisation / type of organisation:

Pegasus – Occupational Health Provider

## **YOUR RIGHTS OVER YOUR PERSONAL INFORMATION**

You have a number of rights over your personal information, which are:

- the right to make a complaint to the Information Commissioner’s Office (ICO) if you are unhappy about the way your personal data is being used – please refer to the ICO’s website for further information about this (<https://ico.org.uk/>);
- the right to ask us what personal information about you we are holding and to have access to a copy of your personal information;
- the right to ask us to correct any errors in your personal information;
- the right, in certain circumstances such as where our use of your personal information is based on your consent and we have no other legal basis to use your personal information, to ask us to delete your personal information;
- the right, in certain circumstances such as where we no longer need your personal information, to request that we restrict the use that we are making of your personal information;
- the right, in certain circumstances, to ask us to review and explain our legitimate interests to you; and
- the right, where our use of your personal information is carried out for the purposes of an agreement with us and is carried out by automated means, to ask us to provide you with a copy of your personal information in a structured, commonly used, machine readable format.

## **CHANGES TO OUR PRIVACY POLICY**

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