**EMPLOYEE PRIVACY POLICY**

**EFFECTIVE DD/MM/YYYY**

**Important:** This is a generic template document. It requires

tailoring specifically for your organisation before being published. Professional advice should be taken before applying it.

**Should you require any further assistance then please contact the DPO Centre at** [www.dpocentre.com](http://www.dpocentre.com)**.**

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# Introduction

**Data Controller:** [Your organisation] of No XXXXXXXXXXXXXX

**Data Protection Officer/Manager/Lead**: XXXXXXXXXXXXXX

Contact him/her at (Address) or

by email at XXXXXXXXXXXX

[Your organisation] is committed to ensuring the safety and security of your personal data at all times.

This privacy policy describes how we collect and use personal information about you during and after your working relationship with us, in accordance with Data Protection Legislation.

This privacy policy applies to all employees, workers and contractors.

This policy applies to (but is not limited to) our current and former employees, workers, and contractors. This policy does not form part of any contract of employment or other contract to provide services. We may update this policy at any time, but if we make any material changes we will let you know.

It is important that you read this policy as updated from time to time, together with any other privacy policy/notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data Protection Legislation means the Data Protection Act 2018, United Kingdom General Data Protection Regulation (UK GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003, all the foregoing as amended from time to time, and any legislation implemented in connection with the aforementioned legislation. Where data is processed by a controller or processor established in the European Union or comprises the data of people located within the European Union, it also includes the EU General Data Protection Regulation (EU GDPR). This includes any replacement legislation coming into effect from time to time.

# The kind of information we hold about you

Personal data, or personal information, means any information about a living individual (data subject) from which that person can be identified. It does not include data where any features which could identify individuals have been removed (anonymous data).

We will collect, store and use the following categories of personal information about you:

* Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
* Bank details
* Right to work information
* Gender
* Employment records
* Emergency contacts

[Add any additional relevant data]

We may also collect, store and use the following “special categories” of personal data which are more sensitive and so require a higher level of protection. They include:

* Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
* Trade Union membership
* Information about your health, including any medical condition, health and sickness records
* Information about criminal convictions and offences

# How is your personal information collected?

We collect personal information about employees, workers and contractors through the application and recruitment process:

* either directly from candidates, or
* sometimes from an employment agency or background check provider.

We may sometimes collect additional information from third parties including former employers, credit reference agencies [List others if relevant].

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

# How we will use information about you

We will only use your personal information when the law allows us to do so and where we have identified a lawful basis for the processing. The lawful bases that we most commonly rely upon are:

1. performance of a contract that we have entered into with you;
2. compliance wih with a legal obligation; and
3. for our legitimate interests (or those of a third party).

Most commonly we will use your personal information in the following circumstances:

1. to maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
2. to operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
3. to operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
4. to 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;
5. to obtain occupational health advice, to ensure 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;
6. to operate and keep a record of other types of leave (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;
7. to ensure effective general HR and business administration;
8. to provide references on request for current or former employees;
9. to respond to and defend against legal claims; and
10. to maintain and promote equality in the workplace.
11. *(Add or delete as applicable)*

# If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform under the contract we have entered into with you. We may also be prevented from complying with our legal obligations (such as to ensure the health and safety or our workers).

# Change of purpose

We will only use your personal information for the purposes for which we collected it, 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 notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

# Sensitive data

## Justification

We need to have further justification for collecting, storing and using special categories of data. We may process this kind of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent
2. Where we need to carry out our legal obligations
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational health scheme, and in line with our data protection policy
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards

## Our obligations as an employer

We will use your special category personal data in the following ways:

* We will use your information relating to leaves 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 and to administer benefits
* We will use information about your race or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting [delete if not relevant]
  1. Do we need your consent?

We do not need your consent if we use special category personal data in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

* 1. Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our legal obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests and you are not capable of giving your consent, or where you have already made the information public.

# Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 1 month to request a reconsideration
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

# Third Parties

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

* 1. Why might my personal information be shared with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

* 1. Which third-party service providers process my personal information?

“Third parties” includes third-party service providers (including contractors and designated agents) and other entities within our group. The following activities are carried out by third-party service providers [add list]

* 1. How secure is my information with third-party service providers?

All of our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies.

We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

# Transferring information outside the EEA

[We will transfer the personal information we collect about you to the following [country or countries] outside of the UK/EEA: [list]

Where we transfer your personal data to countries that have not been deemed to provide adequate levels of protection by the Information Commissioner’s Office, we will ensure that we put in place the appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection: [Specify measure, for example binding corporate rules, standard contractual clauses with the UK Addendum, International Data Transfer Agreements etc.].

# Data security

We have put in place appropriate security measures to prevent your personal information from being accidently lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to our personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have procedures to deal with any suspected data security breaches and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

# Data retention

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Details of retention periods for different aspects of your personal information are available in our retention policy which is available from [position] or [link].

To determine the appropriate retention period for personal data we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

# Your Rights

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

Under certain circumstances, by law you have the right to:

**Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

**Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing.

**Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

**Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you.

**Request the transfer** of your personal information to another party.

If you would like to exercise any of these rights, please contact [Position] in writing.

# Right to withdraw consent

In the limited circumstances where we are processing your data on the basis of consent you have provided us, and we have no other legal justification or obligation to continue the processing, you have the right to withdraw your consent for that specific processing at any time.

To withdraw your consent, please contact [Position].

# Complaints and Queries

If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO/M.

You have the right to make a complaint at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection. You can find the ICO’s contact details at https://ico.org.uk/global/contact-us/

# Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates.

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (employee / worker / contractor name), acknowledge that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date), I received a copy of [Name or organisation] privacy notice for employees and that I have read and understood it.

Signature: ­­­­­­­­­­­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_