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## WORKER PRIVACY NOTICE

(How we use employee information)

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### 1. Introduction

- 1.1 The purpose of this worker privacy notice is to explain to you the reasons which we will hold and use your personal data and explain your rights under the current data protection laws.
- 1.2 As your employer we will 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.
- 1.3 This notice does not form part of your contract of employment or engagement with us. It applies to all our employees, workers, apprenticeships 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.

### 2. Data Controller (Govanhill Housing Association).

- 2.1 We are registered as a data controller with the information commissioner and our registered number is Z9769493.

### 2.2 Where does your personal information come from?

- 2.2.1 The organisation may collect this 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
    - 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 will 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.
  - How long they have known you and in what capacity,
  - Information regarding your performance, strengths and weaknesses,
  - Their opinion of your ability to undertake the duties of the post,
  - Information regarding working relationships.
- 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.
- Professional bodies that confirm membership qualifications/training
- Pensions Service
- Web browsing history, email exchanges, but only if we have a reason to monitor this information. This information will not be monitored routinely.

## **2.3 What Information do we collect?**

2.3.1 The organisation 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 your personal information that we hold and process is accurate and up to date. Please keep us informed if your personal information changes during your engagement with us.

2.3.2 This includes:

- Your name, image, 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

2.3.3. The data we hold on you will be stored within our People HR system, a cloud based system. Some information is also currently held on a secure area of our network but will gradually move to People HR Any paper records we may hold are held securely within a locked cabinet.

## 2.4 Processing Personal Data

2.4.1 As an organisation we will process data in accordance with the following legal grounds:

2.4.2 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 and
- to administer your employment benefits.

2.4.3 Legal Obligations:

We are required;

- to obtain check's regarding your right to work in the UK,
- to deduct tax, National Insurance, and administrate your pension,
- to comply with health and safety laws and
- to enable you to take periods of leave to which you are entitled.

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 arises.

2.4.4 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:

- 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

## **2.5 Processing Special Category Personal Data**

2.5.1 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. There are specific legal reasons for processing this special data, details of these conditions are provided in the attached appendix.

- Ethnic origin – used for anonymous statistical analysis. Required by Scottish Housing Regulator.
- Health – used for anonymous statistical analysis. Required by Scottish Housing Regulator. Used to undertake our duties as an employer in terms of Health & Safety. 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;
- Criminal convictions – for certain posts we require to carry our Disclosure Scotland/PVG checks. Information is kept on file and renewed every 3 years. 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;
- Biometric data – is captured by our Kelio clocking machine and held securely by Bodet the manufacturer in line with GDPR requirements. 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;

## **2.6 Employee Monitoring**

We will carry out the following monitoring exercises:

### **2.6.1 CCTV**

Your image is stored on our CCTV if you work in or visit Samaritan House. Images self delete from the CCTV system on a monthly basis.

## 2.6.2 Wi-Fi & Browsing

The Association utilises first tier hardware, software and service providers whose products routinely comply with UK legislation. Wi-Fi and browsing data is stored in order to comply with the Association's various terms of use and employment policies. These outline general usage criteria and help protect the Association and users from threats prevalent on the internet.

## 2.6.3 Email

The Association uses Microsoft email products and associated security orientated hardware and software to communicate internally, and with external associates. Consequently a data trail is retained that relates to incoming and outgoing emails, however the Association does not routinely review individual email traffic of staff; you are required to maintain your own mailbox and cleanse old or personal emails yourself, helping us to ensure that your mailboxes does not become unresponsive due to reaching pre-defined storage limits. Colleagues do not routinely have access to your mailbox; occasionally however, work commitments may necessitate access to your emails; authority for this access is closely controlled.

## 2.6.4 Phone records

Modern phone systems are typically equipped to monitor all calls that pass through them; however we do not routinely record incoming or outgoing calls. All bills for calls made on the Association's purchased networks and devices (including detailed call histories) are stored by the Finance team in accordance with the government's recommended timescales on retention of records for accounting and tax purposes (currently a minimum of seven years).

## 2.7 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:

### 2.7.1 Internally:

- Line manager
- IT staff
- Managers in the business area you work
- HR function
- Payroll Staff

### 2.7.2 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; pension administration, IT provider
- Any other third parties as necessary to comply with your contract of engagement and our legal and statutory obligations with third party organisations.

## 2.8 Your Rights

### 2.8.1 As a data subject, you have a number of rights, as follows:

- To be informed of the personal data we hold on you
- Access and obtain a copy of all your personal data on request

- Require the organisation to change incorrect or incomplete personal data
- Require the organisation to delete or stop processing your personal data e.g. where the data is no longer necessary for the purposes; and object to the processing of your data where the organisation does not require to process it
- To personal data portability
- To object to the personal data we hold on you
- To be informed of automated decisions made in relation to you

2.8.2 If you would like to exercise any of the above rights, please contact Alison Kevan, Corporate Services & HR Manager.

## 2.9 Data Retention

2.9.1 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.

2.9.2 We will retain all of your personal information during your engagement and for 3-6 years after termination to allow us to establish, exercise or defend legal claims, with the exception of the following:

- Our People HR system 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: 6 years after termination
- We will retain a copy of your driving licence (if appropriate) during your engagement and delete this when your engagement terminates.
- We will retain sickness/absence records for a period of 3 years after termination.
- We will retain redundancy records (if applicable) for a period of 7 years after termination.
- We will retain parental leave notifications/requests for a period of 18 years after termination.

## 2.10 If you do not wish to provide your personal data

2.10.1 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 organisation 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

2.10.2 Certain information, such as contact details, your right to work in the UK and the payment details, have to be provided to enable the organisation to enter into a contract of employment with you. If you do not provide other information, this will hinder the organisation's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

**2.11 Automated Decision Making**

2.12 Employment decisions are not based solely on automated decision making.

## 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 or 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 Bill includes proposals for additional conditions and safeguards, and the ICO will publish more detailed guidance here once these provisions are finalised.