**GDPR Data Protection Privacy Notice (Employment)**

*IMPORTANT NOTICE*

*This policy does not constitute legal advice. The policy should be tailored to reflect the Employer’s specific requirements following a data audit in accordance with the legislation, guidance and Codes of Practice issued by the Information Commissioner. This policy is designed to be used in conjunction with a Data Retention Policy and a Data Security Policy, which will be standard across your organisation and not specific to HR.*

# [Insert name of organisation]

# Data protection privacy notice (employment)

This notice explains what personal data (information) we hold about you, how we collect it, and how we use and may share information about you during your employment and after it ends. We are required to notify you of this information under data protection legislation. Please ensure that you read this notice (sometimes referred to as a ‘privacy notice’) and any other similar notice we may provide to you from time to time when we collect or process personal information about you.

# Who collects the information

[Insert name of employer] **[**trading as [insert trading name, if different]**]** (‘Company’) is a ‘data controller’ and gathers and uses certain information about you.**[** This information is also used by our affiliated entities and group companies, namely [insert details or a link, or otherwise show where details of group companies can be obtained] (our ‘group companies’) and so, in this notice, references to ‘we’ or ‘us’ mean the Company and our group companies.**]**

# Data protection principles

We will comply with the data protection principles when gathering and using personal information, as set out in our [data protection (employment) policy].

# **[**About the information we collect and hold (Option 1)

## What information

We may collect the following information during your employment:

* Your name, contact details (ie address, home and mobile phone numbers, email address) and emergency contacts (ie name, relationship and home and mobile phone numbers);
* Information collected during the recruitment process that we retain during your employment;
* Employment contract information;
* Details of salary and benefits, bank/building society, National Insurance and tax information, your age;
* Details of your spouse/partner and any dependants;
* Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information;
* **[**A copy of your driving licence;**]**
* **[**Details of your share incentive arrangements, and all information included in these and necessary to implement and administer them;**]**
* Details of your pension arrangements, and all information included in these and necessary to implement and administer them;
* Information in your sickness and absence records (including sensitive personal information regarding your physical and/or mental health);
* Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs;
* **[**Criminal records information, including the results of Disclosure and Barring Service (DBS) checks;**]**
* **[**Your trade union membership;**]**
* Information on grievances raised by or involving you;
* Information on conduct and/or other disciplinary issues involving you;
* Details of your appraisals and performance reviews;
* Details of your performance management/improvement plans (if any);
* Details of your time and attendance records;
* **[**Information regarding your work output;**]**
* Information in applications you make for other positions within our organisation;
* Information about your use of our IT, communication and other systems, and other monitoring information;
* Details of your use of business-related social media, such as LinkedIn;
* Your use of public social media (only in very limited circumstances, to check specific risks for specific functions within our organisation; you will be notified separately if this is to occur); and
* Details in references about you that we give to others.

Certain of the categories above may not apply to you if you are a**[**n**]** **[**worker, **][**agency worker, **][**independent contractor, **][**freelancer, **][**volunteer **][**intern**]**.

## How we collect the information

We may collect this information from you, your personnel records, the Home Office, **[**share scheme administrators, **][**pension administrators, **]**your doctors, from medical and occupational health professionals we engage and from our insurance benefit administrators, **[**the DBS, **][**your trade union, **]**other employees, **[**consultants and other professionals we may engage, eg to advise us generally and/or in relation to any grievance, conduct appraisal or performance review procedure,**]** **[**[insert details of systems used eg door entry systems, swipe card systems, time management system, time clock records, application logs], **][**[insert details of relevant systems, such as keystrokes and mouse movements, screen capture, application logs, webcams], **][**automated monitoring of our websites and other technical systems, such as our computer networks and connections, CCTV and access control systems, communications systems, remote access systems,**[** trading platforms,**]** email and instant messaging systems, intranet and Internet facilities, telephones, voicemail, mobile phone records [insert any other relevant systems such as data loss prevention tools, next-generation firewalls, unified threat management systems, transport layer security, eDiscovery technology, mobile device management systems], **][**relevant websites and applications**]**.

## Why we collect the information and how we use it

We will typically collect and use this information for the following purposes (other purposes that may also apply are explained in our [set out details, eg data protection policy]):

* for the performance of a contract with you, or to take steps to enter into a contract;
* for compliance with a legal obligation (eg our obligations to you as your employer under employment protection and health safety legislation, and under statutory codes of practice, such as those issued by Acas); and
* for the purposes of our legitimate interests or those of a third party (such as a benefits provider), but only if these are not overridden by your interests, rights or freedoms.

Further information on the monitoring we undertake in the workplace and how we do this is available in our [insert details of relevant policy that deals with monitoring undertaken by the employer], available from [set out details of how employee can access the policy, eg from the HR department].

We seek to ensure that our information collection and processing is always proportionate. We will notify you of any material changes to information we collect or to the purposes for which we collect and process it.

## How we may share the information

We may also need to share some of the above categories of personal information with other parties, such as external contractors and our professional advisers and with potential purchasers of some or all of our business or on a re-structuring. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations. We may also be required to share some personal information **[**with our regulators or **]**as required to comply with the law.

OR

# About the information we collect and hold (Option 2)

The table set out in the Schedule summarises the information we collect and hold, how and why we do so, how we use it and with whom it may be shared.

We may also need to share some of the categories of personal information set out in the Schedule with other parties, such as external contractors and our professional advisers and potential purchasers of some or all of our business or on a re-structuring. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations. We may also be required to share some personal information **[**with our regulators or **]**as required to comply with the law.

We seek to ensure that our information collection and processing is always proportionate. We will notify you of any changes to information we collect or to the purposes for which we collect and process it.**]**

# Where information may be held

Information may be held at our offices and those of our group companies, and third party agencies, service providers, representatives and agents as described above.**[** Information may be transferred internationally to **[**[identify any particular country that is relevant] and **]**other countries around the world, including countries that do not have data protection laws equivalent to those in the UK, for the reasons described above. We have security measures in place to seek to ensure that there is appropriate security for information we hold**[** including those measures detailed in our [identify relevant information security and data protection or privacy policies either by electronic link or specifying where these can be located]**]**.**]**

# How long we keep your information

We keep your information during and after your employment for no longer than is necessary for the purposes for which the personal information is processed.**[** Further details on this are available in our [set out details of information retention or data protection policy that gives these details].**]**

# **Your rights to correct and access your information and to ask for it to be erased**

Please contact **[**our Data Protection Officer (DPO) [insert name] OR [insert name] OR , who can be contacted [set out details of how DPO/named person can be contacted, eg email and telephone number] if (in accordance with applicable law) you would like to correct or request access to information that we hold relating to you or if you have any questions about this notice. You also have the right to ask our Data Protection Officer OR [insert name] OR for some but not all of the information we hold and process to be erased (the ‘right to be forgotten’) in certain circumstances. our Data Protection Officer OR [insert name]**]** will provide you with further information about the right to be forgotten, if you ask for it.

# Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

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

# How to complain

We hope that **[**our Data Protection Officer OR [insert name]**]** can resolve any query or concern you raise about our use of your information. If not, contact the Information Commissioner at [ico.org.uk/concerns/](http://ico.org.uk/concerns/) or telephone: 0303 123 1113 for further information about your rights and how to make a formal complaint.

1. **[**About the information we collect and hold

|  |  |  |  |
| --- | --- | --- | --- |
| **The information we collect** | **How we collect the information** | **Why we collect the information** | **How we use and may share the information** |
| **Your name, contact details (ie address, home and mobile phone numbers, email address) and emergency contacts (ie name, relationship and home and mobile phone numbers) ☐** | From you | To enter into/perform the employment contract  Legitimate interest: to maintain employment records and good employment practice | To enter into/perform the employment contract |
| **Details of salary and benefits, bank/building society, National Insurance and tax information, your age ☐** | From you | To perform the employment contract including payment of salary and benefits  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice | To ensure you receive the correct pay and benefits  Information shared with our payroll administrators [insert name] and with HM Revenue & Customs (HMRC) |
| **Details of your spouse/partner and any dependants ☐** | From you | To perform the employment contract including employment-related benefits, eg private medical insurance, life assurance and pension | To ensure you receive the correct pay and benefits  Information shared with our payroll administrators [insert name] and with HM Revenue & Customs (HMRC) |
| **Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information ☐** | From you and, where necessary, the Home Office | To enter into/perform the employment contract  To comply with our legal obligations  Legitimate interest: to maintain employment records | To carry out right to work checks  Information may be shared with the Home Office |
| **[A copy of your driving licence ☐]** | **[**From you**]** | **[**To perform the employment contract**]**  **[**To comply with our legal obligations**]**  **[**To comply with the terms of our insurance**]** | **[**To ensure that you have a clean driving licence**]**  **[**Information may be shared with our insurer**]** |
| **Details of your share incentive arrangements, and all information included in these and necessary to implement and administer them ☐** | From you, our share scheme administrators [insert name] and your personnel records | To perform the share incentive contract  Legitimate interests: to comply with tax, legal, regulatory and corporate governance obligations and good employment practice, to carry out obligations under employment law, for the establishment, exercise or defence of legal claims, to incentivise staff | To administer your share scheme benefits  Information shared with our share scheme administrators [insert name]**[**, with trustees of the [insert name] employee benefit trust**]**, with HMRC and with any third party granting or satisfying the share incentive arrangements |
| **Details of your pension arrangements, and all information included in these and necessary to implement and administer them ☐** | From you, from our pension administrators [insert name] and (where necessary) from your own pension fund administrators | To perform the employment contract including employment-related benefits  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice | **[**To administer your pension benefits AND/OR To comply with our auto-enrolment pension obligations**]**  Information shared with our pension administrators [insert name] and with HMRC |
| **Information in your sickness and absence records (including sensitive personal information regarding your physical and/or mental health) ☐** | From you, from your doctors, from medical and occupational health professionals we engage and from our insurance benefit administrators [insert name] | To perform the employment contract including employment-related benefits  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices | To maintain employment records, to administer sick pay entitlement, to follow our policies and to facilitate employment-related health and sickness benefits  To comply with our legal obligations to you as your employer  Information shared with your doctors, with medical and occupational health professionals we engage and with our insurance benefit administrators [insert name]  For further information, see **\*** below |
| **Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs** | From you | To comply with our legal obligations and for reasons of substantial public interest**[** (equality of opportunity or treatment)**]** | To comply with our equal opportunities monitoring obligations and to follow our policies  For further information, see **\*** below |
| **Criminal records information, including the results of Disclosure and Barring Service (DBS) checks ☐** | From you and the DBS | To perform the employment contract  To comply with our legal obligations  For reasons of substantial public interest**[** (preventing or detecting unlawful acts,**[** suspicion of terrorist financing or money laundering in the regulated sector**]** and protecting the public against dishonesty)**]** | To carry out statutory checks  Information shared with DBS and other regulatory authorities as required  For further information, see **\*** below |
| **[**Your trade union membership**]** | **[**From you or your trade union**]** | **[**To perform the employment contract  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice**]** | **[**For staff administration and to pay trade union premiums and register the status of a protected employee  Information shared with your trade union  For further information, see **\*** below**]** |
| **Information on grievances raised by or involving you** | From you, from other employees and from consultants we may engage in relation to the grievance procedure | To perform the employment contract  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice | For staff administration, to follow our policies and to deal with grievance matters  Information shared with relevant managers, HR personnel **[**and with consultants we may engage**]** |
| **Information on conduct issues involving you** | From you, from other employees and from consultants we may engage in relation to the conduct procedure | To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices | For staff administration and assessments, to follow our policies, to monitor staff performance and conduct and to deal with disciplinary and grievance matters  Information shared with relevant managers, HR personnel **[**and with consultants we may engage**]** |
| **Details of your appraisals and performance reviews** | From you, from other employees **[**and from consultants we may engage in relation to the appraisal/performance review process**]** | To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices | For staff administration and assessments, to follow our policies, to monitor staff performance and conduct and to deal with disciplinary and grievance matters  Information shared with relevant managers, HR personnel **[**and with consultants we may engage**]** |
| **Details of your performance management/improvement plans (if any)** | From you, from other employees **[**and from consultants we may engage in relation to the performance review process**]** | To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices | For staff administration and assessments, to follow our policies and to monitor staff performance  Information shared with relevant managers, HR personnel **[**and with consultants we may engage**]** |
| **Details of your time and attendance records** | From you **[**and from [insert details of systems used eg door entry systems, swipe card systems, time management system, time clock records, application logs]**]** | To perform the employment contract  Legitimate interest: to monitor and manage staff access to our systems and facilities and to record staff absences | For payroll and staff administration and assessments, to follow our policies and to monitor staff performance and attendance  Information shared with relevant managers, HR personnel **[**and with consultants we may engage**][** and with our payroll administrators [insert name]**]** |
| **[Information regarding your work output]** | **[**[Insert details of relevant systems, such as keystrokes and mouse movements, screen capture, application logs, webcams]**]** | **[**To perform the employment contract  Legitimate interests: to maintain employment records**]** | **[**For payroll and staff administration and assessments, to follow our policies and to monitor staff performance and attendance  Information shared with relevant managers, HR personnel **[**and with consultants we may engage**][** and with our payroll administrators [insert name]**]]** |
| **Information in applications you make for other positions within our organisation** | From you | To enter into/perform the employment contract  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice | To process the application  Information shared with relevant managers, HR personnel **[**and with consultants we may engage**]** |
| **Information about your use of our IT, communication and other systems** | Automated monitoring of our websites and other technical systems, such as our computer networks and connections, CCTV and access control systems, communications systems, remote access systems,**[** trading platforms,**]** email and instant messaging systems, intranet and Internet facilities, telephones, voicemail, mobile phone records [insert any other relevant systems such as data loss prevention tools, next-generation firewalls, unified threat management systems, transport layer security, eDiscovery technology, mobile device management systems] | Legitimate interests:  to monitor and manage staff access to our systems and facilities  to protect our networks, and personal data of employees and customers/clients, against unauthorised access or data leakage  to ensure our business policies, such as those concerning security and internet use, are adhered to  for operational reasons, such as maintaining employment records, recording transactions, training and quality control  to ensure that commercially sensitive information is kept confidential  to check that restrictions on your activities that apply after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with  **[**for security vetting and investigating complaints and allegations of criminal offences**]**  **[**for statistical analysis**]**  to prevent unauthorised access and modifications to our systems  as part of investigations by regulatory bodies, or in connection with legal proceedings or requests | To protect and carry out our legitimate interests (see adjacent column)  Information shared with relevant managers, HR personnel**[** and with consultants we may engage**]**  For further information, see **\*\*** below |
| **Details of your use of business-related social media, such as LinkedIn** | From relevant websites and applications | Legitimate interests:  to monitor and manage staff access to our systems and facilities  to protect our networks, and personal data of employees and customers/clients, against unauthorised access or data leakage  to ensure our business policies, such as those concerning security and internet use, are adhered to  for operational reasons, such as maintaining employment records, recording transactions, training and quality control  to ensure that commercially sensitive information is kept confidential  to check that restrictions on your activities that apply after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with  **[**for security vetting and investigating complaints and allegations of criminal offences**]**  as part of investigations by regulatory bodies, or in connection with legal proceedings or requests | To protect and carry out our legitimate interests (see adjacent column)  Information shared with relevant managers, HR personnel **[**and with consultants we may engage**]**  For further information, see **\*\*** below |
| **Your use of public social media (only in very limited circumstances, to check specific risks for specific functions within our organisation; you will be notified separately if this is to occur)** | From relevant websites and applications | Legitimate interests:  to monitor and manage staff access to our systems and facilities  to protect our networks, and personal data of employees and customers/clients, against unauthorised access or data leakage  to ensure our business policies, such as those concerning security and internet use, are adhered to  for operational reasons, such as maintaining employment records, recording transactions, training and quality control  to ensure that commercially sensitive information is kept confidential  to check that restrictions on your activities that apply after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with  **[**for security vetting and investigating complaints and allegations of criminal offences**]**  as part of investigations by regulatory bodies, or in connection with legal proceedings or requests | To protect and carry out our legitimate interests (see adjacent column)  Information shared with relevant managers, HR personnel **[**and with consultants we may engage**]**  For further information, see **\*\*** below |
| **Details in references about you that we give to others** | From your personnel records, our other employees | To perform the employment contract  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice | To provide you with the relevant reference  To comply with legal/regulatory obligations  Information shared with relevant managers, HR personnel and the recipient(s) of the reference |

You are required (by law or under the terms of your contract of employment, or in order to enter into your contract of employment) to provide the categories of information marked ‘☐’ above to us to enable us to verify your right to work and suitability for the position, to pay you, to provide you with your contractual benefits, such as [set out example, eg contractual sick pay] and to administer statutory payments such as statutory sick pay (SSP). If you do not provide this information, we may not be able to employ you, to make these payments or provide these benefits.

**\*** Further details on how we handle sensitive personal information **[**and information relating to criminal convictions and offences **]**are set out in our [set out details of the policy on processing special categories of data and, where relevant the policy on criminal records information, as required under Data Protection Bill], available [set out details of how employee can access the policy/policies, eg from the HR department].

**\*\*** Further information on the monitoring we undertake in the workplace and how we do this is available in our [insert details of the relevant policy that deals with monitoring undertaken by the employer], available from [set out details of how employee can access the policy, eg from the HR department]**]**