



St Monica Trust

Privacy Notice for Colleagues and Volunteers

St Monica Trust is a registered charity and registered company with responsibility for registered care homes, registered domiciliary care services, housing tenancies, and lease purchased properties, community grants, volunteer services and community services. St Monica Trust is registered as a data controller with the Information Commissioner's Office (ICO).

To deliver these services the Trust employs a large workforce, including using the skills of volunteers. This Privacy Notice explains how we collect, use and share the personal information we collect from colleagues, the legal basis under which we collect this information, and explains how you can contact us if you have any questions or concerns about how your personal information is being used.

We welcome any queries you may have regarding this Privacy Notice, or any information we hold about you.

Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual.

The law

The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation ('GDPR', the Data Protection Act (DPA) 2018, and other legislation relating to personal data and rights such as the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), Human Rights Act).

Under GDPR, we are required to inform colleagues about how we will use their personal data and for what purposes. We do this through our Privacy Notices. However, there are exceptions to the applicable data protection laws which require us to share personal data wherever necessary to the purposes of safeguarding, law enforcement and prevention of fraud.

For more information of these laws visit the Information Commissioners website:

<https://ico.org.uk/>.

If you have any questions or concerns about the way we process your personal data, our Data Protection Officer (DPO) can be contacted at i-west@bathnes.gov.uk.

Section 1. How we collect information about you

We collect a variety of information in a number of ways, including, but not limited to, when you:

- Apply for a job or volunteering opportunity
- Join our payroll
- Join our pension scheme
- Claim expenses
- Join our drivers' database
- Attend occupational health assessments
- Take part in surveys
- Complete accident / incident forms
- Are involved in disciplinary procedures

Section 2. Who we collect information about

We collect personal information about **colleagues and their next of kin (NOK)**. This includes current, former and potential workers, as well as Trustees and volunteers.

Section 3. What we use your personal information for

We use the information we collect so that we can provide you with the highest standards of employment and / or support to carry out your designated role.

We use your information to help us:

- Set and monitor our budgets
- Monitor sickness and attendance levels
- Monitor staff turnover and recruitment
- Monitor our payroll expenditure
- Comply with health and safety legislation
- Monitor our workforce profile, eg gender, age, ethnicity
- Comply with legal, regulatory and professional obligations
- Monitor our training profile
- Monitor the role and effectiveness of our volunteer run recruitment and promotion processes
- **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
- Operate and keep a record of disciplinary and grievance processes
- Ensure employees are complying with relevant policies and procedures
- Operate and keep a record of employee performance and related processes
- Obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities
- Operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave
- Ensure effective general HR and business administration
- Conduct employee engagement surveys
- Provide references on request for current or former employees
- Respond to and defend against legal claims
- Transfer staff records under TUPE

Section 4. Our legal basis for using your personal data

For processing to be lawful we must identify a legal basis before we can use personal data. This means that we must identify a 'condition for processing' stipulated within the relevant data protection law. There are more stringent conditions attached to processing sensitive personal data. Generally, the legal bases under which we process personal data will be:

- we have your consent to do so;
- the processing is necessary for the performance of a contract;
- the processing is necessary for compliance with a legal obligation such as carrying out obligations under employment, social security or social protection law, or a collective agreement.

Section 5. Categories of personal information processed

We process information relevant to the above reasons/purposes. This information may include:

- personal details
- contact details including NOK
- addresses
- vehicle and driving licence details
- financial details
- complaints
- education and employment details
- health, safety including accident records and security details
- visual images, personal appearance
- professional body registration

Section 6. Information collected on our website

The information we collect fits into two categories:

1. Personal information entered into our HR, finance and payroll systems
2. Anonymous statistical information collected by cookies or via staff surveys.

If you request a call back or information from us via an email, online form, or register your interest in employment we will use your information to fulfil that request.

Section 7. CCTV

Some of our sites and properties have CCTV in public areas to deter crime and promote public safety by helping to identify and prosecute criminal offenders.

Notices advising you of this are displayed in various locations on all sites. Details of these locations are available from the on-site porter team.

Section 8. Job applications

Successful job/volunteering applications will be retained on the personal file once the colleague becomes a member of staff. Personal information about unsuccessful candidates will be held only for as long as it is needed during the recruitment exercise, it will then be destroyed or deleted.

We normally retain information about applicants for a period of 12 months in order to monitor the performance of our recruitment and equalities policies and procedures.

Section 9. Former colleagues

Once a colleague's role with the Trust has ended, we will retain the file for a period of 6 years except where information is legally required to be retained for a longer period, for example in the case of a workplace related accident or financial data. Full details regarding retention periods can be found in the Trust's records retention schedule.

Section 10. Sharing your personal information

We may sometimes need to share your information with contractors, or other third parties; we will only do so where a legal requirement exists for us to do so such as when we share information with Her Majesties Revenues and Customs (HMRC) or where the legitimate interests of the business require us to do so such as training providers.

Sharing your data may include:

- HMRC
- Aviva Pensions
- Reward Gateway (UK) Ltd
- Sodexo Allsave
- AA Drive Tech (drivers' database)
- Health and Safety Executive
- Occupational Health Services
- Disclosure and Barring Service (DBS)
- Nursing and Midwifery Council (NMC) or other professional bodies
- Care Quality Commission (CQC) or other regulatory bodies
- Home Office
- Child Support Agency
- Central government, government agencies and departments
- Other local authorities and public bodies
- Ombudsman and other regulatory authorities
- Courts/Prisons
- Financial institutes, eg banks and building societies for approved mortgage references
- Credit Reference Agencies
- Utility providers
- Educational, training and academic bodies
- Law enforcement agencies including the Police, the Serious Organised Crime Agency
- Emergency services for e.g. The Fire and Rescue Service
- Auditors
- Department for Work and Pensions (DWP)
- The Assets Recovery Agency
- Relatives or guardians of an employee where there is a legal duty to do so

Section 11. Keeping your information secure

We are committed to ensuring that your information is kept secure. We have separate IT policies which set out how we keep the information held on our systems secure. We also have a number of physical security measures in place, such as office security and confidential destruction of all confidential waste. For more information, please contact us.

Section 12. Transfers overseas

It may sometimes be necessary to transfer your personal information overseas for example where information is stored on a server that is physically located in another country. Where this is the case, we will make sure that that country is a member of the European Economic Area (EEA). If the country is not a member of the EEA, we will make sure that appropriate safeguards are in place in accordance with article 44-50 of the GDPR.

Section 13. How long we keep your data for

All personal data processed by St Monica Trust is held in accordance with our records management policy which stipulates that information will only be held where there is a statutory requirement to keep it or where we have a legitimate business need.

Information will be held in line with the time periods specified within the records retention schedule.

Section 14. Your rights

14.1. Right to be informed

This means that we are obliged to provide you with clear and transparent information about how we use your personal information when we collect it.

This Privacy Notice explains how we use the personal information we collect; and explains how you can contact us if you have any questions or concerns about how your personal information is being used.

14.2. Right of access

You have the right to see the personal data we process about you, as well as the right to request erasure of your records, objection to processing, rectification of records and restriction of processing or destruction. For details of how to make such a request, please email informationgovernance@stmonicastrust.org.uk.

If you have any questions or concerns about the way we process your personal data, our Data Protection Officer can be contacted at i-west@bathnes.gov.uk.

You can request to see any of the information that we may hold about you, but the more specific you can be about what you require, the quicker we can respond to your request.

Please be aware that we may need to edit or remove some information if it relates to other people, as we must protect the privacy rights of all individuals.

The Trust is also able to refuse to respond where it believes a request for information is unreasonable; we will advise you of your rights to complain to the supervisory authority.

14.3. Right to rectification

You are entitled to have your personal data rectified if it is inaccurate or incomplete. We will investigate and respond within one month (extendable to two months where the request is complex).

14.4. Right to erasure ('the right to be forgotten')

You have the right to request the deletion or removal of personal data where there is no compelling reason which allows us to continue using it, specifically:

- The personal data is no longer necessary in relation to the purpose for which they are otherwise collected.
- You have withdrawn your consent, or you object to the processing of your personal data.
- Where the processing of your data does not comply with legislation.

There are some specific circumstances where the right to erasure does not apply, these are:

- Exercising the right of freedom of information
- Compliance with a legal obligation
- Performance of a task that carried out in the public interest, eg public health
- Exercising the defence of legal claims

14.5. Right to restrict processing

You have the right to 'block' or suppress processing of your personal data for example where you contest the accuracy of your personal data, you can request that we cease processing until the accuracy of the information has been verified.

14.6. Right to data portability

This allows you to obtain and reuse your personal data for your own purposes across different services. It allows you to move copy or transfer your personal data from one IT environment to another in a safe and secure way.

This means that, where requested, and where applicable, we must provide you with your personal data in a 'machine readable' way which enables other organisations to use your data.

The circumstances under which the right to data portability applies are:

- To increase your choice of online services.

We will respond to requests within one month (extendable to two months where the request is complex).

14.7. Right to object

You have the right to object to:

- processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- direct marketing (including profiling); and
- processing for purposes of scientific/historical research and statistics.

The circumstances under which we must cease processing when an objection is made are:

- there is no legitimate reason for doing so
- you have withdrawn your consent
- where continuing does not comply with regulation

Where an objection is made to direct marketing, we will cease processing as soon as we receive the objection.

14.8. Rights in relation to automated decision making and profiling

This right provides you with safeguards against the risk that a potentially damaging decision could be made about you without human intervention, ie a decision made as the result of automatic processing by a computer programme.

St Monica Trust does not carry out automated decision making.

You have the right not to be subject to a decision when:

- it is based on automated processing; and
- it produces a legal effect or a similarly significant effect on the individual.

We must ensure that you are able to

- obtain human intervention;
- express their point of view; and
- obtain an explanation of the decision and challenge it.

The right does not apply if the decision:

- is necessary for entering into or performance of a contract between you and the individual;
- is authorised by law (eg for the purposes of fraud or tax evasion prevention); or
- is based on explicit consent.
- when a decision does not have a legal or similarly significant effect on someone.

14.9. Right to withdraw consent

You have the right to withdraw your consent for processing your personal details at any time, and where there is no other lawful basis which permits us to continue using your information, and then your personal details will be removed from our records and systems.

Please note that some of the personal data that we process about you will be necessary to comply with a legal obligation. In these circumstances we may not be able to cease the processing.

You may still notify us of your wish to withdraw your consent and we will consider each request on a case by case basis.

Section 15. Complaints

If you have a concern about the way in which we are handling your personal information then please contact our DPO at i-west@bathnes.gov.uk.

We will take your concern seriously and work with you to try to resolve it.

If you are not satisfied with our response you can raise the matter with the Information Commissioner's Office (ICO) via their website or call their helpline on 0303 123 1113.

Section 16. Updates to our Privacy Notice

This privacy notice will be updated to reflect changes either to the way in which we operate or changes to the data protection legislation.