

Earlscliffe (Sussex Summer Schools Ltd)

GDPR Privacy notice for employees, workers and contractors

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1. WHAT IS THE PURPOSE OF THIS DOCUMENT?

Earlscliffe is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all current and former employees, workers and contractors of Earlscliffe.

Earlscliffe with registered address 29 Shorncliffe Road, Folkestone, CT20 2NB ("Earlscliffe", "we", "us") is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy 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.

2. DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

3. THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified or is identifiable. It does not include data where the an individual is no longer identifiable (anonymous data).

There are "special categories" of more sensitive personal data which, along with information relating to criminal offences, require a higher level of protection.

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.
- Date of birth.

- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date.
- Location of employment or workplace.
- Copy of driving licence, passport and proofs of address.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV, application form or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, training records and professional memberships).
- Compensation history.
- Performance information.
- Disciplinary and grievance information.
- Accident records or reports.
- CCTV footage and other information obtained through electronic means such as swipecard records.
- Information about your use of our information and communications systems and devices, including the content of communications that you send using our systems or devices.
- Photographs.
- Visa applications and permits.

We may also collect, store and use information about criminal convictions and offences and the following “special categories” of personal information:

- 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.
- Genetic information and biometric data.

4. HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about employees, workers and contactors 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, medical care providers, or other background check agencies.

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

5. HOW AND WHY WE WILL USE INFORMATION ABOUT YOU

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

How and why we will use your personal information

We use the categories of information in the list above primarily to allow us to perform our contract with you, to pursue legitimate interests of our own or those of third parties (provided your interests and fundamental rights do not override those interests) and to enable us to comply with legal obligations. In some cases we may use your personal information. The situations in which we will process your personal information are listed below.

Where necessary to establish, perform, maintain or terminate the contract that we have with you and to enable you to perform your job or for services or in connection with services or benefits you request from us:

- Paying you and managing absences, compensation and expenses..
- Administering any employee benefits we offer you and pension schemes. Some benefits may require you to provide personal data concerning family members, partners, or next of kin, in which case you must inform them before providing the data to us.
- Administering the contract we have entered into with you.

Where necessary for our (or a third party's) legitimate interests, and where these interests are not overridden by your freedoms, rights or interests:

- Determining the terms on which you work for us.
- Business management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- Publishing internal directories and providing other internal communications tools (this includes the information that

you provide for your internal company profile, including your photograph).

- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Marketing and promoting our business.

Where necessary to comply with a legal obligation:

- Complying with health and safety obligations. Managing statutory sick pay and maternity pay.
- if you are an employee, deducting tax and National Insurance contributions from your salary and providing information about you to tax and social security authorities.

Where you have given your Consent

- Providing references to third parties, where you have requested this.
- Processing for future purposes which we will inform you of at the time that we request your consent.

Keeping us updated

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 working relationship with us.

If you fail to provide personal information

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

6. HOW AND WHY WE USE 'SPECIAL CATEGORY' PERSONAL INFORMATION

“Special categories” of personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories 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 or exercise rights in connection with employment or health and social care.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your vital interests (or someone else’s vital interests) and you are not capable of giving your consent, or where you have already made the information public.

Our employment and health and social care obligations

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

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, 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. We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

Do we need your consent?

We do not need your consent if we use special categories of your personal information 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 explicit consent to allow us to process certain special category 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.

7. HOW AND WHY WE USE 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 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 (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

We will hold relevant information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in the following ways:

- As part of a risk assessment to assess your suitability to perform the role.

We are allowed to use your personal information in this way to carry out our safeguarding obligations and regulatory requirements. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

8. AUTOMATED DECISION-MAKING

We do not take any decisions about you using solely automated means, however we will notify you in writing if this position changes.

9. DATA SHARING

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

We require third parties who process personal data on our behalf to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the European Economic Area. If we do, we will take steps to ensure a similar degree of protection in respect of your personal information.

Why might you share my personal information 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. "Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group.

Which third-party service providers process my personal information?

The following activities are carried out by third-party service providers including (but not limited) to:

- Carecheck - Peninsula Business Services
- Hazlewoods - Payroll
- Scottish Widows - Pension administration
- HR Online – HR Administration
- CIPHR – HR Administration and development
- Peninsula Business Services - HR Advice, Health and Safety Advice
- Gemelli - Benefits provision and administration
- Educare – Training and development
- Upreach – Training and development
- Shoosmiths – Legal advice
- Spitfire – Telephone systems
- Furleigh Page LLP – Legal Advice
- Mailchimp – Internal communications
- Paperless Post – Internal communications
- iHasco – Training and development
- St John's Ambulance – Training and development
- Google – Email and file sharing
- XMA – IT support.
- Arrowhead Management – Events.
- Red Dragon IT – IT and phones
- Paydashboard – Pay slip processing
- iSAMS – School database
- Premier Taxis - Transport
- If accommodation or transport is required in the remit of your role, we will share your data with relevant third parties (such as hotels and airlines) in order to facilitate the relevant bookings.

All third-party service providers who process personal data on our behalf (as 'data processors') are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow third-party service providers who are data processors 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.

When might you share my personal information with other entities in the group?

Reviewed and updated November 2019

We will share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data. We require other entities in the group to take appropriate security measures to protect your personal information in line with our policies.

What about other third parties?

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with law enforcement bodies, government agencies, a regulator or to otherwise comply with the law.

10. DATA RETENTION

How long will you use my information for?

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 at www.earlscliffe.co.uk or in the school shared drive. 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.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

11. YOUR DATA PROTECTION RIGHTS

Your rights in connection with personal information

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 along with supplementary information about our data processing.
- **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 in certain circumstances.
- **Object to processing** of your personal information in certain circumstances, in particular where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have an absolute 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, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information in a structured, commonly used and machine readable format to yourself or to another party (known as 'data portability').

These rights may be limited, for example if fulfilling your request would reveal personal information about another person, where they would infringe the rights of a third party (including our rights) or if you ask us to delete information which we are required by law to keep or have compelling legitimate interests in keeping. Relevant exemptions are included in both the GDPR and in the Data Protection Act 2018. We will inform you of relevant exemptions we rely upon when responding to any request you make.

If you want to exercise any of your data protection rights, please contact a member of the Senior Management Team at privacy@dukeseducation.com.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances. We will inform you where this is the case.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is to ensure that personal information is not disclosed to any person who has no right to receive it. We will inform you where this is the case.

RELYING ON OUR LEGITIMATE INTERESTS

We have carried out balancing tests for all the data processing we carry out on the basis of our legitimate interests, which we have described above. To obtain information on any of our balancing tests please contact the senior management team at privacy@dukeseducation.com.

12. RIGHT TO WITHDRAW CONSENT

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact a member of the Senior Management Team at privacy@dukeseducation.com. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another lawful basis for doing so. Please note that this will not affect the lawfulness of any processing performed before you withdraw your consent.

HOW TO CONTACT US

The local Data Protection Champion will oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact your local Data Protection Champion leetattum@earlscliffe.co.uk or the Senior Management Team at Dukes Education privacy@dukeseducation.com. You have the right to make a complaint at any time to the Information Commissioner's Office (www.ico.org.uk), the UK supervisory authority for data protection issues.

13. 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. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact Lee Tattum, School Manager leetattum@earlscliffe.co.uk