

# ***EMPLOYEE PRIVACY POLICY***

**POL 058**

**V3 | 2019/2020**



## **EMPLOYEE PRIVACY POLICY**

### **1.0 Policy statement**

The purpose of this policy is to set out the basis on which any personal data including special category personal data that we collect from you, or that you provide to us, will be processed by us. Baltic Apprenticeships is committed to approaching collection, usage and storage of personal data in a transparent and consistent manner, in line with its obligations under Data Protection legislation and the extended General Data Protection Regulations (GDPR).

This policy applies to Job Applicants, Candidates, Current Employees and Leavers.

This policy ensures Baltic Apprenticeships meets the requirements of Data Protection regulations which require information to be:

- Handled fairly and lawfully
- Kept and used for limited purposes
- Required for good reason: legitimate or legal interest
- Correct and up to date
- Not kept longer than necessary
- Handled confidentially
- Stored securely
- Not transferred to unapproved countries outside the European Economic Area

### **2.0 Data Controller statement**

Baltic Apprenticeships Ltd, (also referred to in this policy as “we” or “us”) registered office: Baltic Works, Baltic Street, Hartlepool, TS25 1PW, and Telephone Number: 01325 731050, is the Data Controller in respect of all data collected.

### **3.0 Who we are**

Baltic Apprenticeships is a Training Provider who contracts with the Education and Skills Funding Agency (ESFA), an executive agency of the Department for Education (DfE) to deliver Apprenticeship and Adult Education Training Programmes.

### **4.0 What data do we collect?**

Baltic Apprenticeships collects, processes and retains a range of information about you as a prospective, existing or former employee. The following is a non-exhaustive list of example data we collect:



- Personal information such as: your name, date of birth, gender, address and contact details (including e-mail address and telephone number);
- Details of your bank account and national insurance number;
- Information about your criminal record (captured through completion of the Disclosure & Barring Service Check);
- Information about your nationality and your entitlement to work in the UK;
- Equal opportunities monitoring information, in keeping with Baltic Apprenticeships commitment to Equality & Diversity, including information about your ethnic origin, sexual orientation, and religion or belief;
- Medical health monitoring information, in keeping with Baltic Apprenticeships commitment to Equality & Diversity, including whether you have any disabilities or long standing health conditions for which the organisation needs to make reasonable adjustments;
- Details of your remuneration, including entitlement to benefits such as: pensions, childcare vouchers and other salary sacrifice schemes;
- Details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and the organisation;
- Information about your marital status, next of kin details, dependants and emergency contacts;
- Details relating to any employee relations matters you have been involved in, including: disciplinary, grievance, performance management, appraisal or training and any related correspondence.

Baltic Apprenticeships collects this information in a variety of ways. For example, data is primarily collected through application forms, CVs, eligibility and identity documentation, or standard company forms issued to and completed by you during your recruitment and induction process. The organisation may also collect certain personal data about you from third parties, such as references supplied by former employers and information about your criminal record via the Disclosure & Barring Service.

Employee data is stored in a range of different places, including in your personnel file, in the organisations HR management system (SAGE HR & Payroll) and in other IT systems (where applicable).

## **5.0 Why we process personal data**

Baltic Apprenticeships has both a legal and legitimate interest in processing employee data in order to enter into a contract of employment with you and to meet obligations under said contract. For example, we need to process your data to provide you with an employment



contract, to pay you and to administer additional benefits / remuneration (pension contributions, childcare vouchers etc.)

In addition, we have a legal interest in processing data to ensure that our recruitment and wider HR function is legally compliant. For example, we are required to process data in order to check your entitlement to work in the UK and to deduct tax and national insurance. For specific roles, we are required to process your data in order to carry out criminal records checks to ensure you have the right to undertake the role in question.

Processing employee data before, during and after the end of the employment relationship allows the organisation to:

- Maintain accurate and up-to-date employment records and contact details (including emergency contact information), and records of employee contractual and statutory rights;
- Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- 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 to;
- Operate and keep a record of employee performance related processes, to plan for career development, and for succession planning and workforce management purposes;
- Obtain occupational health advice, to ensure that it complies with duties in relation to reasonable adjustment and support for those with disabilities, and meet its obligations under health and safety and employment legislation;
- Ensure an effective, robust and compliant HR & Recruitment service to the business and its employees;
- Provide reference requests for current or former employees;
- Respond to and defend against any legal claims;
- Respond to Subject Access Requests in a timely and compliant manner; and
- Maintain and promote equality and diversity in the workplace.

## **6.0 Who has access to data?**

Access to your information is restricted to those that have the legitimate interest and right to view and process your information and is controlled by the HR & Payroll department.

Your information is shared internally, including with members of the HR, Payroll & Recruitment team, your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for the performance of their roles.



The organisation may also share your data with third parties such as: former employers in the request of employment references and the Disclosure & Barring Service in carrying out a criminal record check. The organisation may also share your data with third parties in the context of a sale of some or all of its business; with the sharing of such data subject to confidentiality arrangements and governed under Transfer of Undertakings (Protection of Employment) (TUPE) regulations.

## **7.0 Where is your data stored and how we protect your information**

Baltic Apprenticeships maintains records of the geographical location of your personal data. This is either:

- Stored within the European Economic Area (EEA);
- Stored within physical and electronic personnel files on site at Baltic Apprenticeships Head Office; and
- Stored centrally at Baltic Apprenticeships Head Office within HR & Payroll Management systems (SAGE Payroll, Breathe HR).

The organisation takes the security of your data seriously. We have internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. We have the following measures in place to administer the safety of your data:

- Computer safeguards such as firewalls, privacy shields and data encryption;
- Physical access controls to our buildings and files to ensure data is kept safe and is accessible to those that have the right to process your data; and
- Confidential waste processes to safely discard of data that is no longer required.

Whilst CVs and Application forms submitted via our website portal are secure, we cannot guarantee the security of any personal data that you send us via e-mail.

## **8.0 How long do we retain your data?**

The organisation will initially hold your personal data for the duration of your employment. Thereafter, we will retain your information no longer than 7 years' from the date your employment ends with us. During this time we will periodically review the information we have on file with a view to reduce it, confidentially, to what is legitimately or legally required for the purpose of providing employment references, responding to any cases of appeal at the Employment Tribunal and Subject Access Requests.



Unsuccessful applications and applicant data will be held within our Applicant Tracking and Employee Database: Breathe HR as part of our 'Talent Pool'. Information will be held no longer than 12 months from the date of first submission.

## **9.0 Your rights under the General Data Protection Regulations (GDPR)**

You have a number of rights under data protection law. We will need to ask you for proof of identity before we can respond to a request to exercise any of the rights set out below. We may also need to ask you for more information, for example to help us to locate the personal data that your request relates to.

- **Right 1 – A right to access your information**

You have a right to ask us for a copy of your personal data that we hold about you. A request to exercise this right is called a "subject access request" and must be made in writing. Details of our subject access procedure and documentation can be found on our website at [www.balticapprenticeships.com](http://www.balticapprenticeships.com) or you can request a copy at [dataprotection@balticapprenticeships.com](mailto:dataprotection@balticapprenticeships.com).

- **Right 2 – A right to object to us processing your information**

You have a right to object to us processing any personal data that we process where we are relying on legitimate interests as the legal basis of our processing. This includes all of your personal data that we process for all of the purposes set out in this Privacy Policy. If we have compelling legitimate grounds to carry on processing your personal data, we will be able to continue to do so. Otherwise we will cease processing your personal data.

You can exercise this right by emailing [dataprotection@balticapprenticeships.com](mailto:dataprotection@balticapprenticeships.com)

- **Right 3 – A right to have inaccurate data corrected**

You have the right to ask us to correct inaccurate data that we hold about you; on notification we will correct your personal data.

- **Right 4 – A right to have your data erased**

You have the right to ask us to delete your personal data in certain circumstances for example if we no longer need the data for the purpose set out in this Privacy Policy. You can exercise this right by emailing [dataprotection@balticapprenticeships.com](mailto:dataprotection@balticapprenticeships.com)



- **Right 5 – A right to ask us not to market to you**

You can ask us not to send you direct marketing, for example “Technically Baltic”. You can do this by clicking “update your preferences” or “unsubscribe from this list” option at the foot of the email.

- **Right 6 – A right to have processing of your data restricted**

You can ask us to restrict processing of your personal data in some circumstances, for example if you think the data is inaccurate and we need to verify its accuracy.

## **10.0 How to contact us & What to do if you have a complaint**

If you wish to exercise any of these rights, or if you have any questions or concerns about this Privacy Policy and/or our processing of your personal data you can contact us at [dataprotection@balticapprenticeships.com](mailto:dataprotection@balticapprenticeships.com)

You have a right to complain to the Information Commissioner’s Office (ICO) which regulates data protection compliance in the UK, if you are unhappy with how we have processed your personal data. You can find out how to do this by visiting [www.ico.org.uk](http://www.ico.org.uk)

## **- PROMOTING EQUALITY AND DIVERSITY -**