

Fairhazel Co-operative Limited

Privacy Notice for Employees

25/05/18

1. INTRODUCTION – THE PURPOSE OF A PRIVACY NOTICE

The new General Data Protection Regulation (GDPR) is a European-wide Legislation that forms part of the data protection regime in the UK, together with the new Data Protection Act 2018 (DPA 2018). It places greater obligations on how your personal data is handled, and provides you with more control over how your personal information is used. These changes take effect 25th May 2018.

The Fairhazel Co-operative Limited ('the Co-op') is a non-profit making, fully mutual housing co-operative registered under the Industrial and Provident Societies Act 1965 and registered with the Housing Corporation under Section 1 of the Housing Act 1996, regulated by the Homes and Communities Agency (HCA) to provide housing and manage properties, maintenance and repairs.

This Privacy Notice is a public document and applies to all employees of the Co-op to explain what information the Co-op collects, why it is collected, what the Co-op does with it, and who the Co-op shares it with.

Please refer to this notice when you provide information about yourself (personal data) to the Co-op, so you are aware of how and why such data is used.

2. DEFINITIONS USED IN THIS DOCUMENT

Personal Data. Information that relates to an identified or identifiable individual.

Data Controller. Organisation that (either alone or in common with other people) determines the purpose for which, and the manner in which data (personal information) are processed.

Data Processor. Person or organisation who process personal data on behalf of and on the orders of a controller. For the purposes of data protection legislation, the terms 'process', 'processed' or 'processing' apply to any activity involving the personal data, such as collecting, storing, sharing, destroying. Please note this list is not exhaustive.

Data Protection Officer. Person appointed by the Co-op to carry out impact assessments and oversee compliance.

3. RESPONSIBILITY

3.1 The Fairhazel Co-operative Limited is the Data Controller and Data Processor in their own right whose head office is located at:

Basement Office, 23 Compayne Gardens, London, NW6 3DE
Tel: 0207 624 1098

3.2 The Management Committee having formally adopted this Privacy Notice, accepts overall responsibility for its implementation and for monitoring its effectiveness, determining the purpose and manner in which data are processed. The Co-op has a duty to inform members, tenants, residents, staff and contractors how they process the data that is within their control.

3.3 The Chair of the Management Committee is responsible for the effective implementation of this notice, and for delegating responsibilities to the Data Protection Officer to ensure appropriate measures are taken and any necessary actions are completed.

3.4 The Data Protection Officer in the Co-op is the Housing Manager.

4. FURTHER INFORMATION ABOUT THIS PRIVACY NOTICE

4.1 This Privacy Notice is also publically available on the Fairhazel Co-operative website. A paper copy can be provided on request by contacting the office on fairhazel@fairhazelcoop.org.uk.

4.2 New staff and committee members joining after 25th May 2018 will receive this Privacy Notice as part of their induction pack which can also be made available via email on request to: housingmanager@fairhazelcoop.org.uk.

4.3 Existing staff and committee members are aware of the Privacy Notice.

4.4 For more information on Privacy Notices and the changes required as a result of GDPR, please see the ICO (Information Commissioners Office) website:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

THE CO-OP collects and processes personal data relating to its employees to manage the employment relationship. THE CO-OP is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

5. What Information does THE CO-OP Collect?

The organisation collects and processes a range of information about you. This includes [list the appropriate points and expand on them as necessary]:

- [your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the organisation;
- information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
- 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 history / record you may have had;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday leave, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;

- details of any concern raised about any aspect of your work during the course of your employment with THE CO-OP, including any letters issued to you and/or related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;
- details of trade union membership; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief etc.

THE CO-OP collects this information in a variety of ways. For example, data is collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

THE CO-OP may also collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law. THE CO-OP may also seek information from other third parties when necessary, but with your consent only.

Data is stored in a range of different places, including manually in your personnel file, and digitally in the THE CO-OP's HR management and other IT systems including the THE CO-OP's email system.

6. Why does THE CO-OP Process Personal Data?

THE CO-OP needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefit, pension and insurance entitlements.

In some cases, THE CO-OP needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to arrange workplace pension, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. Additionally, for all care staff, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the organisation has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the organisation to;

- 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, to ensure acceptable conduct within the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- 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 ensure 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 types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that THE CO-OP 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 former employees;
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

Where THE CO-OP relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes).

Information about trade union membership is processed to allow the organisation to operate check-off for union subscriptions.

Where THE CO-OP processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that THE CO-OP uses for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

7. Who has Access to Data?

Your information will be shared internally, including your line manager and the management team, with members of the HR and recruitment team including payroll as well as our accountants, and IT staff if access to the data is necessary for performance of their roles.

THE CO-OP shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service. THE CO-OP may also share your data with third parties in the context of a sale or transfer of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

THE CO-OP also shares your data with third parties that process data on its behalf, in connection with payroll, [the provision of benefits and the provision of occupational health services](#). Data is shared with the HMRC and Peoples Pension (tax code / name and address details).

THE CO-OP will not transfer your data to countries outside the European Economic Area.

8. How does THE CO-OP Protect Data?

THE CO-OP takes the security of your data seriously. THE CO-OP has 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. [The CO-OP ensure that employee files are stored in a locked cabinet, that only the Chair and Vice-Chair of the Management Committee have access to. All employee data is encrypted on the data system.](#)

Where THE CO-OP engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

9. For How Long does THE CO-OP Keep Data?

The organisation will hold your personal data for the duration of your employment. The period for which your data is held after the end of employment is three years.

10. Your Rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require THE CO-OP to change incorrect or incomplete data;
- require THE CO-OP to delete or stop processing your data, i.e. where and when the data is no longer necessary for the purposes of processing;
- object to the processing of your data where THE CO-OP is relying on its legitimate interests as the legal ground for processing; and
- ask THE CO-OP to stop processing data for a period, if data is inaccurate or there is a dispute about whether or not your interests override THE CO-OP's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the THE CO-OP Chief Executive Officer at: fairhazel@fairhazelcoop.org.uk

You can make a subject access request by completing the THE CO-OP's form for making a subject access request.

If you believe that THE CO-OP has not complied with your data protection rights, you can complain to the Information Commissioner at: <https://ico.org.uk/>

11. What If You Do Not Provide Personal Data?

You have some obligations under your employment contract to provide THE CO-OP with 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 CO-OP 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.

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