

Privacy Notice for Employees, Workers, Volunteers and Contractors		
Originator: Head of Operations	Approved by: CEO	Approval Date: 20/09/2021
Responsible Manager: Head of Operations	Signed: NTHOMSON	Review Date: 20/09/2023

PURPOSE

The aim of the Options for Life document is to clearly define our legal obligations in relation to the 'UK Data Protection Act 2018 (DPA ACT) formally known as the ' General Data Protection Act 2018 (GDPR).

SCOPE

This document applies to anyone at Options for Life who processes data and to all employees and contractors who work for us or with us.

Chief Executive Officer (CEO) – Has ultimate responsibility and accountability for the Policy and Procedure	
Senior Leadership Team Head of Ops (HoO) Head of Finance (HoF)	Ensure policy is fit for purpose and take on board any recommendations for change from Central management. Ensure any Legislation is reflected in the policies and ensure compliance across the organisation. May potentially deal with any breaches/noncompliance through disciplinaries. Ensure Policy and Procedure is signed off at SLT Meetings and Board Committee Meetings when appropriate.
Central Management Team Business Support Manager Service Delivery Manager	Document Originators and responsible for review and/or amendments as needed. Ensure Middle Management understand policy and procedure to enable to update their teams and provide any support and identify any training needs. Ensuring policy and procedure is implemented across all levels of the organisation and to act on or report any breaches/ noncompliance.
Middle Management Team Support Team Managers	Ensuring procedure is implemented across the organisation and adhered to on a daily basis. Ensure all support staff have signed paperwork to state they have read and understood. Ensure regular reviews take place for all staff and report any breaches/ noncompliance to Central/Senior Management Team.
All staff and Volunteers	Ensuring Policy is read, and procedures are followed. Report to middle/central management any breaches/ non-compliance of this policy and its procedures

Contractors/Workers	Ensure Policy is read, and procedures are followed. Report to OfL allocated contact manager any breaches/non-compliance of this policy and its procedures.
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FORMS/SUPPORTING DOCUMENTS

- Data Protection Procedure
- UK-GDPR Data Breach
- Privacy Notice for Participants
- DBS – Disclosure of Information Procedure

Introduction

Options for Life ‘The Organisation’ is a ‘Data Controller’. This means that the organisation is responsible for deciding how we use, how we store and the reasoning behind the storing of personal information.

Options for Life collects, stores and processes personal data relating to its employees in order to manage the employment. This privacy notice explains how the organisation collects, uses and stores personal information about you during and after your employment with us.

This privacy notice applies to current and former employees, workers, volunteers and contractors. This notice does not form part of a contract of employment or any contract to provide services and may be updated at any time.

The organisation is required by law, under the new ‘UK Data Protection Act 2018 (DPA ACT)’ also known as UK-GDPR and formally known as the ‘General Data Protection Regulations (GDPR) 2018’ to protect the privacy and security of all personal data we control as well as being clear and transparent about how we collect uses and stores to meet its data protection obligations.

UK Data Protection Act 2018 (DPA ACT) – UKGDPR Principles

The organisation will comply with the UK Data Protection Act 2018 (DPA ACT). This means that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that we have explained to you clearly and not used in any way that is incompatible with these purposes

- Relevant to the purposes we have told you about and limited to those purposes only
- Accurate and kept up to date
- Kept only for such time as is necessary for the purposes we have told you about; and
- Kept securely

What information does the Options for Life collect and process?

Options for Life collects and processes a range of personal information (Personal Data) about you. Personal data means any information about an individual from which the person can be identified. This includes:

- Personal contact details, such as your name, title, address and contact details, including email address and telephone number
- Date of birth
- 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
- Details of your bank account, tax status 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
- Details of periods of leave taken by you, including holiday, sickness absence, family leave, 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
- Assessments of your performance, including appraisals, training you have participated in, performance improvement plans and related correspondence

We may also collect, store and use the following special categories of more sensitive personal information:

- 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
- Gender

- Information about your criminal record; and
- Equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief

The organisation collects this information in a variety of ways. For example, data is collected through the application and recruitment process and during work-related activities throughout the period of employment.

In some cases, the organisation collects 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.

Data is stored in a range of different places, including in your personnel file, in the organisation's HR systems and in other IT Cloud based systems (including the organisation's email system).

Why does Options for Life process personal data?

The organisation needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract.

In addition, the organisation needs to process data to ensure that we are complying with our legal obligations, for example, we are required to check an employee's entitlement to work in the UK. In other cases, the organisation has a legitimate interest in processing personal data before, during and after the end of the employment or volunteering relationship, or before entering into, during and after a contract taken up with you.

Situations in which we will use your personal information

Situations in which we will process your personal information are listed below:

In order to:

- Make decisions about recruitment and promotion processes

- Maintain accurate and up-to-date employment records and contact details (including details of whom to contact in the event of an emergency), and records of employee contractual and statutory rights
- Check you are legally entitled to work in the UK
- Gather evidence for, and keep a record of, disciplinary and grievance processes, to ensure acceptable conduct within the workplace
- Pay you and, in the case of employees, make deductions for tax and National Insurance
- Make decisions about salary reviews and compensation
- Operate and keep a record of employee performance and related processes
- Keep records of training and development requirements
- 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
- Ascertain your fitness to work
- Operate and keep a record of other types of leave (such as maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation 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
- Deal with legal disputes involving you or other employees, workers and contractors; and
- Facilitate equal opportunities monitoring in the workplace

Failure to provide personal information

If you do not provide certain information when requested, the organisation may not be able to perform the contract we have entered into with you, such as paying you or providing a benefit. You may also have to provide the organisation with data in order to exercise statutory rights, for example in relation to statutory leave entitlements.

Change of purpose

The organisation will only use your personal information for the purpose for which it was collected unless we reasonably consider that we need to use it for another reason

and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will advise you of this and explain the legal basis which allows us to do so.

You should be aware that we may process your personal information without your knowledge or consent where this is required or permitted by law e.g. for a criminal investigation.

How we use sensitive personal information

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

The organisation uses other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or philosophical belief, this is done for the purposes of meaningful equal opportunities monitoring or reporting.

Data used by the organisation for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees, workers, volunteers and contractors are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

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.

Options for Life has a duty to refer to the DBS any information about individuals who may pose a risk ensuring potential threats to vulnerable groups can be identified and dealt with. The term “positive disclosure” refers to a disclosure containing information relating to convictions, cautions, reprimands etc., together with any “soft” information relating to non-convictions that the police deem relevant. If we receive a positive disclosure Options for Life will follow our DBS-Disclosure of Information Procedure.

How long do we keep personal data?

The organisation will only hold your personal data for as long as is necessary to fulfil the purposes we collected it for, including any legal, accounting or reporting requirements. The periods for which your data is held are as follows:

Data	Minimum Retention Period	Justification
Recruitment Information	6 months following the end of probation	Assess and verify suitability for role. Evidence for unfair dismissal, discrimination claims etc.
Contracts offer letters and variation of contract (including flexible working outcome)	6 years following the end of employment	Limitation Act 1980 – limitation for breach of contract
Capability and disciplinary documents	2 years following the issue of the warning	Case law permitting expired warnings to be referred to. Unreasonable to refer back after 2 years.
Driving licence	Duration of employment plus 3 years proceeding the end of employment.	Limitation Act 1980 – 3-year limitation for a known act / incident
Authorised Absence Records	3 years from when entry was made	Working Time Regulations 1998
Grievance Documents & Investigation with no case to answer	12 months following end of employment	Constructive dismissal and discrimination claim etc.

Medical capability documents and records including Occupational Health reports	12 months following end of employment	Equality Act 2010. Constructive dismissal and discrimination claim etc.
Maternity records, including maternity pay, certificates and leave	3 years after the end of the tax year in which the maternity period ends	The Statutory Maternity Pay (General) Regulations 1986 as amended. Maternity and Parental Leave Regulations 1999.
Wage, Salary Records inc overtime, bonuses, expenses. Income tax and NI returns.	6 years	Taxes Management Act 1970. National Minimum Wage Act 1998. The Income Tax (Employment) Regulation 1993 as amended.
Working Time, inc timesheets, overtime records etc	2 years from date in which they were made.	Working Time Regulations 1998 Part II

Who has access to data?

Your information will be shared internally, but will be limited to who have a legitimate right to access your personal data such as those responsible for processing payroll and direct line managers.

The organisation shares your data with third parties where required by law, where it is necessary in order to administer the working relationship with you or where we have another legitimate interest in doing so. The following services are carried out by third party service providers:

- Pension administration
- Human Resources Support

The organisation may also share your data with other third parties, for example, in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

The organisation will not transfer your data to countries outside the European Economic Area.

How does Options for Life protect data?

The organisation takes the security of your data seriously. The organisation has internal procedures and controls in place to prevent your data being lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

Your duty to inform us of changes

It is a legal requirement under the 'UK Data Protection Act 2018 (DPA ACT)' that the personal information we hold about you is accurate and up to date. Please be sure to keep us informed if your personal information changes during your time working with us.

Your rights

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

- Access and obtain a copy of your data on request (known as a "data subject access request")
- Require the organisation to change incorrect or incomplete data
- Request erasure of your personal information. This enables you to ask the organisation to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing
- Object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing and there is something about your particular situation that makes you want to object to the processing on this ground; and

- Ask the organisation to suspend the processing of your personal data for a period of time if data is inaccurate or there is a dispute about its accuracy or the reason for processing it

If you would like to exercise any of these rights, or you have any questions about the privacy notice, please contact the Head of Operations.

If you believe that the organisation has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner’s Office.

I acknowledge receipt of the ‘Privacy Notice for Employees, Workers, Volunteers and Contractors’ and confirm that I have read and understood it.

Employee / Contractor Sign		
Print Name	Signature	Date