



## Shaw healthcare Employee Privacy Notice

Data Controller: Les Urquhart, Director of HR. Email [Les.Urquhart@shaw.co.uk](mailto:Les.Urquhart@shaw.co.uk)

Shaw healthcare collects and processes personal data relating its employees to manage the employment relationship. We are committed to being transparent about how we collect and use that data and to meeting our data protection obligations.

### What information does the Company collect?

We collect and process a range of information about you. This includes:

- 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 us
- employment references (care roles are subject to Regulations about our checks on employment history, particularly previous work in care services)
- information about your criminal record ( at the level required by Regulations for roles which involve working with children or vulnerable adults. Most care staff require an enhanced DBS/PVG check due to the nature of their work.)
- 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 family or other relationship with any other employee
- information about your nationality and entitlement to work in the UK
- details of your work schedule/rota (days of work and working hours) and attendance at work
- details of periods of leave taken by you, including holiday, sickness absence, family leave (maternity/paternity/shared parental 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
- supervision meetings

- assessments of your performance, including appraisals, performance reviews, performance improvement plans and related correspondence
- information about medical or health conditions, including whether or not you have a disability for which we may need to make reasonable adjustments; and
- equal opportunities monitoring information including information about your ethnic origin, sexual orientation and religion or belief.

We may collect this information in a variety of ways. For example, data might be 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.

In some cases, we may 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.

Data will be stored in a range of different places, including in your personnel file, in the HR management systems and in other IT systems (including our email system).

### **Why does the Company process personal data?**

We need to process data to enter into an employment contract with you and to meet our obligations under your employment contract. For example, we need to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefits, such as pension and insurance entitlements.

In some cases, we need 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, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.

In other cases, we have a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows us 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;
- obtain occupational health advice, to ensure that we comply with duties in relation to individuals with disabilities, meet our obligations under Equality and 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 we comply 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; and
- respond to and defend against legal claims.

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

Where we process other special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that we use 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.

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

Your information may be shared internally, including with members of the recruitment team, your line manager, service administrators, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

We share 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 or PVG Scotland. We may also share your data with third parties in the context of a sale or transfer of some or all of our business in accordance with the requirement under the Transfer of Undertakings (Protection of Employment) Regulations. In those circumstances the data will be subject to clear confidentiality arrangements.

We also share your data with third parties that process data on our behalf, in connection with payroll, the provision of benefits such as pension, childcare vouchers and discount platform and the provision of occupational health services.

We may also share your data with third parties that provide professional services such as specialist employment law guidance.

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

#### **How does the Company protect data?**

We take 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 our approved employees in the performance of their duties.

Where we engage third parties to process personal data on our 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.

## **For how long does the Company keep data?**

We will hold your personal data for the duration of your employment. Such data will be reviewed annually to ensure out of date or irrelevant data is removed/updated. The period for which your data is held after the end of employment is a minimum of 6 years. This will also be reviewed within two years of your leave date to ensure only relevant data is retained.

## **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 us to change incorrect or incomplete data;
- require us to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of your data where we are relying on our legitimate interests as the legal ground for processing.

If you would like to exercise any of these rights, please contact the HR Administration Team - email [HR.Department@shaw.co.uk](mailto:HR.Department@shaw.co.uk)

If you believe that we have not complied with your data protection rights, you can complain to the Information Commissioner.

## **What if you do not provide personal data?**

You have some obligations under your employment contract to provide us 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 us 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 us to enter a contract of employment with you. If you do not provide other information, this will hinder our ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

## **Automated decision-making**

Employment decisions are not based solely on automated decision-making.

## **Guidance**

If you wish further guidance on this Privacy Notice, email [HR.Department@shaw.co.uk](mailto:HR.Department@shaw.co.uk) or phone 02920 365079.