



PRIVACY NOTICE FOR EMPLOYEES, WORKERS AND CONTRACTORS (UK)

Approved by Head of HR and Organisational Development

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VERSION 3

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1. Purpose

Calderdale College 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 Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

Calderdale College 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.

It is important that you read and retain 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 and what your rights are under the data protection legislation.

2. Scope

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 but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

3. Details of the Privacy Notice

3.1. Data protection principles

We will comply with data protection law. Personal information 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.

3.2. 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. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation.

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.
- Passport details
- 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 and, if different, the date of your continuous employment.
- Leaving date and your reason for leaving.
- Location of employment or workplace.
- Copy of driving licence (but not driving history data) (if using College vehicles).
- Recruitment information (including copies of right to work documentation, references and other information included in your application form).
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships).
- Compensation history.
- Performance information.
- Disciplinary and grievance information.
- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.
- Photographs.
- Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied.

We may also collect, store, and use the following "special categories" of information:

- Information about your race or ethnicity, religious beliefs, and relationship status
- Trade union membership.
- Information about your health, including any medical condition, health, and sickness records, including:
 - details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and
 - where you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.

Results of any DBS checks undertaken while ascertaining your eligibility for employment with us.

3.3. How your personal information is collected

We collect personal information about you through the application and recruitment process, either directly from yourself or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers. We may also collect personal information from the trustees or managers of pension arrangements operated by a group company.

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

3.4. How 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 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.

The situations in which we will process your personal information are listed below.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs).
- Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties.
- Liaising with the trustees or managers of a pension arrangement operated by a group company, your pension provider, and any other provider of employee benefits.
- Administering the contract we have entered with you.
- 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.
- Dealing with legal disputes involving you, or other employees, workers, and contractors, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- 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.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

3.5. How we use particularly sensitive personal information

"Special categories" of particularly sensitive 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.
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 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 during legitimate business activities with the appropriate safeguards.

3.6. 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 during legitimate business activities with the appropriate safeguards.

We envisage that we will hold information about criminal convictions. However, such information will likely be limited to the following:

- Information we receive because of completing a DBS search or barring check. Although this will be limited to reference that you have previous convictions (but not what those previous convictions are).
- Any information that we receive from third parties such as the court services or police about any involvement in a criminal act which we need to talk to you about.

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 during you working for us.

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

3.7. Data sharing

We may have to share your data with third parties, including third-party service providers and government bodies.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU. If data is being transferred outside of the EU to a country without an adequacy decision, then appropriate safeguards, as set out in data protection legislation, will be in place.

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.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents). The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration and IT services.

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies.

We do not allow our third-party service providers 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.

We may also need to share your personal information to comply with the law. Examples of this sharing include information sharing with HMRC.

3.8. Data security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used, or accessed in an unauthorised way, altered, or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you of a suspected breach where we are legally required to do so.

3.9. Data retention

How long we will keep your information

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 various aspects of your personal information are available in our Retention Policy and Schedule which is available on the College's intranet site. 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. Once you are no longer an employee, worker, or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy and or applicable laws and regulations.

3.10. Data Protection Rights

Under data protection law you have several rights, listed below. It is important to note that not all these rights are absolute. If you wish to exercise any of your rights under data protection law, please contact the Head of HR.

- **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 and to check that we are lawfully processing it.
- **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 where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your situation which makes you want to object to processing on this ground. You also have the 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 to another party.

3.11. Data protection officer

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Protection Officer, Naomi Korn Associates Ltd., DPO@calderdale.ac.uk. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

3.12. 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.

4. Policy review

Change(s) Made		Reason for Change			
16 December 2024		Minor updates			
Review Date	Reviewed by:	Initial Approval by:	Final Approval by:	Next Review Date:	Review Period
May 2018	Head of HR & Workforce Development	External Solicitors		May 2021	3 Years
June 2021	Head of HR & Organisational Development			June 2023	2 years
Dec 2024	Head of HR & Organisational Development			Dec 2026	2 years

5. Equality impact assessment

First Assessment Conducted by:	Date:	Final/Approved Assessment Conducted by:	Date:
Head of HR & Workforce Development	May 2018	HR Business Partner (EDI committee) _	May 2018

6. Publication

Audience:	Published:
Staff	Staff Internet
General	College Website