

PRIVACY NOTICE FOR EMPLOYEES / STAFF – UPDATED WITH COVID-19 DATA SHARE

Data controller (for the purposes of the General Data Protection Regulation (GDPR)): St Francis Xavier College, 10 Malwood Road, London, SW12 8EN

Data Protection Officer: Mr Shah Ali, Executive Director of IT and Business Partnerships

St Francis Xavier College (SFX) collects and processes personal data relating to its employees to manage the employment relationship. SFX is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

What information does SFX collect?

SFX collects and processes a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number and 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 college;
- information about your remuneration, including entitlement to benefits such as pensions and sick pay;
- 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, ethnicity, religion and entitlement to work in the UK;
- information about your criminal record as detailed within your Enhanced DBS;
- details of your working pattern (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, domestic leave and unpaid leave, and the reasons for the leave;
- details of any capability, 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, probation/performance reviews, training you have participated in, and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the college needs to make reasonable adjustments;
- equal opportunities monitoring information, including information about your key protected characteristics
- health information to comply with government instructions to share personal data relating to health with NHS/Public Health Agencies where relevant to COVID-19 pandemic

SFX collects this information in a variety of ways. For example, data is collected through application forms, 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; from correspondence with you; or through interviews, meetings or other assessments.

In some cases, SFX collects personal data about you from third parties, such as references supplied by former employers and information from criminal records checks permitted by law.

Data is stored in a range of different places, including in your HR file, in SFX HR management systems (Select HR and EBS) and in other IT systems (including our email system).

Why does SFX process personal data?

SFX 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 and pension entitlements.

In some cases, SFX 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 meet safeguarding obligations, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. It is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

To comply with government instructions, personal data may be shared relating to an individual's health with NHS/Public Health Agencies where it is directly relevant to COVID-19 pandemic.

In other cases, SFX has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the college 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 capability, disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- operate and keep a record of Enhanced DBS checks to ensure Safeguarding requirements are met;
- 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 it complies with duties in relation to individuals with disabilities, meets its obligations under health and safety law, and ensures 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 college 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;

- maintain and promote equality in the workplace;
- share personal data relating to health with NHS/Public Health Agencies where relevant to COVID-19 pandemic, which also includes Sharing Data under the government's "Track and Trace" Scheme.

Where the college 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, are processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes).

Where the college processes other special categories of personal data, such as information about the protected characteristics, this is done for the purposes of equal opportunities monitoring.

Who has access to data?

Your information will be shared internally, including with members of the Professional Services Department (HR and Finance for payroll) and in cases of non-confidential data, with your line manager.

SFX shares your data with third parties in order to obtain pre-employment references from other employers and obtain necessary criminal records checks from the Disclosure and Barring Service.

SFX also shares your data with third parties that process data on its behalf, in connection with pensions, the provision of benefits and the provision of occupational health services.

Information on the Current Video Surveillance Systems may be shared with a limited group as detailed in the CCTV Policy.

SFX may share data with NHS/Public Health Agencies where relevant to COVID-19 pandemic in order to comply with government instructions. This also includes Sharing Data under the government's "Track and Trace" Scheme.

How does the college protect data?

SFX takes the security of your data seriously. There are 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. Policies can be found on Moodle under Policies and Procedures in the Staff area, or in the document store on Select HR Self-Service.

For how long does the college keep data?

SFX will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are:

| TYPE OF DATA | RETENTION PERIOD | REASON |
|---|--------------------------------|-------------------------------------|
| HR files including training records, medical information, records of disciplinary and grievance proceedings | 6 years from end of employment | References and potential litigation |

| | | |
|--|------------------------------------|---|
| Application forms and interview notes | 12 months | Time limits on litigation |
| Facts relating to redundancies of less than 20 staff | 3 years from date of redundancy | As above |
| Facts relating to redundancies of 20 or more staff | 12 years from date of redundancies | Limitation Act 1980 |
| Health data | 2 years | Government's COVID-19 pandemic "Track and Trace" Scheme |

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 SFX to change incorrect or incomplete data;
- require SFX 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 SFX is relying on its legitimate interests as the legal ground for processing;
- ask SFX to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the college's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the Human Resources Manager, Anna Mason at a.mason@sfx.ac.uk

You may contact the Data Protection Officer (DPO), Shah Ali at DPO@sfx.ac.uk.

If you believe that SFX has not complied with your data protection rights, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

What if you do not provide personal data?

You have some obligations under your employment contract to provide SFX 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 SFX 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 college to enter a contract of employment with you. If you do not provide other information, this will hinder the college's 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.