

PRIVACY STATEMENT FOR COLLEAGUES AND CONTRACTORS

1. About this Privacy Notice

This privacy notice explains how we, First Choice Homes Oldham, collect, use and process personal data about you during and after your working relationship with us. This notice should be read 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.

This notice applies to current and former employees, workers and contractors. Some elements apply to applicants for job vacancies, where this is the case this is indicated in the text usually by the tag (Applies to applicants). For successful applicants all of this notice applies once they are appointed. 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.

As a “data controller”, we are responsible for deciding how we hold and use personal data about you. We are committed to protecting the privacy and security of your personal data.

2. The data we collect and process about you

We may collect, store and use the following types and categories of personal information about you:

- **Identity data**, including name, title, date of birth, gender, photograph and other information contained in identity documents (such as passport)(**applies to applicants**);
- **Contact details**, including address, email address and telephone numbers (**applies to applicants**);
- **Next of kin details**, including next of kin and emergency contact information, information about dependents;
- **Payroll data**, including bank account details, payroll records, National Insurance number, tax status information, salary, pension and benefits information;
- **Recruitment data**, including copies of right to work documentation, references, qualifications, and other information included in a CV, application form or cover letter or as part of the application process (**applies to applicants**);
- **Employment and HR records**, including job titles, work history, start date, working hours, annual leave, training records, professional memberships, performance information, disciplinary and grievance information;
- **Information obtained through electronic means** such as swipe card records and information about your use of our information and communications systems.

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

- Information about your race or ethnicity, religion, trade union membership, sexual orientation **(applies to applicants)**;
- Information about your health, including medical conditions, health and sickness records **(applies to applicants)**;
- Information about criminal convictions and offences, for example driving convictions **(applies to applicants)**

We collect such personal information either directly from you or from a recruitment agency. We may sometimes collect additional information from third parties including former employers.

We will collect additional personal information in the course of job-related activities throughout the period of your employment.

3. How we use information about you

We will only use your personal information when the law allows us to. For example, we may use your personal information in the following circumstances:

- Where we need to perform the contract we have entered into with you. (Contract)
- Where we need to comply with a legal or regulatory obligation. (Legal or Regulatory)
- 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. (Legitimate Interests)

We have set out in the table below the ways in which we may process the personal data listed above, and the legal basis for doing so (although some of the grounds for processing may overlap and there may be several grounds which justify our use of your personal data):

Purpose for which we use this data	Categories of data (as described in further detail above)	Legal basis for processing
<ul style="list-style-type: none"> • Making a decision about your recruitment or appointment, determining the terms on which you work for us, and checking you have the right to work in the UK, including secondments and acting up arrangements. 	<ul style="list-style-type: none"> • Identity data, Contact details, Recruitment data 	<ul style="list-style-type: none"> • Contract (appointees) • Legitimate interest (unsuccessful applicants) (applies to applicants)
<ul style="list-style-type: none"> • Emergency contact details 	<ul style="list-style-type: none"> • Next of kin details 	<ul style="list-style-type: none"> • Our legitimate interest in being a good employer • Your legitimate interests of supporting your health and wellbeing in an emergency situation • Your next of kin's legitimate interest in providing you with support and being able to manage any emergency situation i.e. making alternative arrangements for childcare.

Purpose for which we use this data	Categories of data (as described in further detail above)	Legal basis for processing
<ul style="list-style-type: none"> • Paying you, deducting tax and National Insurance contributions. • Business management, planning, accounting and auditing. 	<ul style="list-style-type: none"> • Identity data, Contact details, Payroll data, Recruitment data, Employment and HR records 	<ul style="list-style-type: none"> • Contract • Our legitimate business interests in running the business and meeting our legal obligations
<ul style="list-style-type: none"> • Liaising with your pension provider, our third party benefits providers, such as Medicash, LiveHappy, provider of childcare vouchers, car lease scheme providers 	<ul style="list-style-type: none"> • Identity data, Contact details 	<ul style="list-style-type: none"> • Contract • Your legitimate interest in accessing colleague benefits • Our legitimate interest in providing a benefits offer for colleagues.
<ul style="list-style-type: none"> • Business management and planning, including accounting and auditing. • Conducting performance reviews, managing performance and determining performance requirements. • Making decisions about remuneration and benefits • Reviewing and considering training and development requirements. • Dealing with legal disputes involving you or other employees. • Managing the employment relationship for example considering grievances, investigating conduct issues, estimating redundancy or termination payments, managing restructures 	<ul style="list-style-type: none"> • Identity data, Contact details, Payroll data, Recruitment data, Employment and HR records • Information relating to your use of our information and communications systems 	<ul style="list-style-type: none"> • Contract • Our legitimate interests in running the business. • Legal obligations in relation to employee relations casework i.e. disciplinary investigation

Purpose for which we use this data	Categories of data (as described in further detail above)	Legal basis for processing
<ul style="list-style-type: none"> Managing sickness absence, ascertaining your fitness to work, occupational health, making reasonable adjustments to your work environment 	<ul style="list-style-type: none"> Information about your health, including medical conditions, health and sickness records 	<ul style="list-style-type: none"> Where we need to carry out our legal obligations or exercise rights in connection with employment; Where the processing is necessary for the purposes of preventive or occupational medicine or for assessing your working capacity
<ul style="list-style-type: none"> To ensure compliance with our ICT policies. To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution. 	<ul style="list-style-type: none"> Information relating to your use of our information and communications systems 	<ul style="list-style-type: none"> Our legitimate interests in ensuring the security of our systems.
<ul style="list-style-type: none"> To include information relating to your experience on our website, in tender documents for potential clients or other marketing related material 	<ul style="list-style-type: none"> Identity data Job title, employment history (if applicable/relevant), professional memberships Photographs 	Consent <ul style="list-style-type: none"> legitimate interest in promoting and supporting the performance of the business

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

4. How we use more sensitive personal data

We may process special categories of personal information in certain circumstances, such as:

- (i) With your explicit consent (in limited circumstances);
- (ii) Where we need to carry out our legal obligations or exercise rights in connection with employment;
- (iii) Where the processing is necessary for the purposes of preventive or occupational medicine or for assessing your working capacity;

- (iv) Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.

We may also process this type of information where it is needed in relation to legal claims, or less commonly, where you have already made the information public.

We may use such sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leave, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits;
- We will use information about your race or national or ethnic origin, religious beliefs or your sexual orientation to ensure meaningful equal opportunity monitoring and reporting. **(applies to applicants)**

We do not need your consent to process such sensitive personal information if we use your personal information in accordance with our privacy notice to carry out our legal obligations or exercise specific rights in the field of employment law.

In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive personal data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

We will only use information relating to criminal convictions where the law allows us to do so. This will be where

- i) The post you have applied for requires disclosure of criminal convictions or is subject to a DBS check satisfactory to FCHO, **(applies to applicants)**
- ii) The convictions relate to driving which impact on the organisations insurance and have implications for health and safety at work
- iii) Where you are subject to a disciplinary investigation and the criminal conviction is relevant evidence for the case
- iv) Where you disclose to us, or to your colleagues, any criminal conviction and this results in an employee relations situation that requires organisational intervention

We will request information about whether you have any criminal convictions, where relevant, and will:

- Use such information and disclose it to our insurance brokers in connection with the renewal of our professional indemnity insurance, as such information is required by our insurance company.

- use such information to check that you are not disqualified by reason of such conviction from holding any office that is a requirement of your post, for example whether you would be disqualified from driving, from being a Company Director, from working unaccompanied in a school.

5. Data sharing

We may have to share your personal data with third parties, including third party service providers.

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

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.

This includes third party service providers. The following activities are carried out by third party service providers, the providers in parenthesis are examples and do not form an exhaustive list in each category:

- Payroll (e.g. Unity Partnership & Selima)
- Pension administration (Unity Partnership & Selima)
- Benefits provision and administration, such as Reward Gateway (LiveHappy), Medicash
- Health insurance provision and administration
- The hosting of our IT systems and provision of IT support
- The processing of dictation services
- Occupational Health Services (Everwell)
- Recruitment and Assessment (Vacancy Filler & SHL Ltd) **(applies to applicants)**
- Attendance at training and conferences, travel and accommodation
- E-learning (Learning Pool)
- Colleague surveys or 360 exercises (Google forms, Survey Monkey)
- Host organisations in the case of placements or external secondments.

These third party service providers are only permitted to process personal data for specified purposes and, where they are processing data on our behalf, in accordance with our instructions.

We may also share your personal information with a regulator, HMRC, or quality assurance accreditor, or to otherwise comply with the law.

We may share your personal information with other third parties, for example in the context of a possible sale or restructuring of the business.

It may sometimes be necessary to transfer personal information overseas. When this is needed information is only shared within the European Economic Area (EEA) or with countries that meet the ICO requirements for transfer on the equivalent basis as within the EEA, for example UK-USA Privacy Shield.

6. Data security

We have put in place security measures to protect the security of your information. We also limit access to your personal information to those employees, contractors and other third parties who have a business need to know. They are required to process your personal information on our instructions and subject to a duty of confidentiality.

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

7. Data retention

We will only retain your personal data 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 the retention periods for different aspects of your personal data are set out in the People & Talent Retention Schedule a link to which is contained on the hub.

8. Rights of access, correction, erasure, and restriction

It is important that the personal information we hold about you is accurate and current. It is important that you keep your information accurate and current through the use of self-service access to the HR system. For those areas where you cannot update via self-service please inform the People & Talent Team.

Under certain circumstances, by law you have the right to:

Request access to your personal data

You have the right to obtain a copy of the personal data we hold about you and certain information relating to our processing of your personal data.

Request correction of your personal data

You are entitled to have your personal data corrected if it is inaccurate or incomplete.

Request erasure of your personal data

You have the right to request that we delete your personal data, where it is established that there is no good reason for us continuing to process it. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Request restriction of processing of your personal data

You have a right to ask us to suspend the processing of your personal data in certain scenarios, for example if you want us to establish the accuracy of the data, or you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it. Where processing is restricted, we are

allowed to retain sufficient information about you to ensure that the restriction is respected in future.

Request the transfer of your personal data

You have the right to request the transfer of your personal data to a third party. Please note though that this right only applies to automated data which you initially provided consent for us to use or where we used the data to perform a contract with you.

Object to processing of your personal data

You have the right to object to the processing of your personal data where we believe we have a legitimate interest in processing it (as explained above). In some cases, we may demonstrate that we have compelling legitimate grounds to process your data which override your rights and freedoms.

We will try to respond to all legitimate requests within one month. Occasionally, it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated. We may need to request specific information from you to help us confirm your identity and ensure your right to exercise any of the above rights. This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Further details can be found in “Information Rights a Guide for Colleagues” available on the Hub.

9. Contacting Us

If you have any questions about this privacy notice, how to exercise any of your rights or how we handle your personal information, our contact details are

First Choice Homes Oldham, First Place, 22 Union Street, Oldham, OL1 1BE

Telephone: 0161 393 5599 Email: tellus@fcho.co.uk

You also have the right to make a complaint to the Information Commissioner’s Office, the ICO (the supervisory authority for data protection in the UK). We would, however, appreciate the chance to deal with your concerns before you approach the ICO, so please do contact us in the first instance.

10. Changes to this privacy notice

We reserve the right to update this privacy notice at any time and will publish the revised notice to the Hub. We will provide you with a new privacy notice when we

make any updates which in our view are substantial. We may also notify you in other ways from time to time about the processing of your personal information.

This notice was last updated in May 2018

If you have any questions about this privacy notice, our contact details are

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Telephone: 0161 393 5599 Email: tellus@fcho.co.uk

11. Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113 Website: www.ico.co.uk

12. Definitions

Personal Information / Data – is information about a living individual, which is capable of identifying that individual. This is also called personal data.

Sensitive Personal Data – are specific types of personal information / data such as data on race or ethnicity, sexuality, health and so on. A full list of these can be found on the ICO website.

Processing is anything done with / to personal information, including storing it.

The **data Subject** is the person about whom personal information is processed.

The **data controller** is the person or organisation who determines the how and why of data processing.