

Policy and Procedure Title	Loughborough College Privacy Notice - Workforce
Date Approved	April 2018
Approved by	
Date of Impact Assessment	
Next Review Date	April 2019
Executive Lead	VP - People and Planning
Applicable to:	Staff
Accessible to:	Staff

1. Scope and Purpose

This privacy notice tells you about the information we process about you whilst you are an employee of our organisation, and in some cases after you cease to be an employee. In collecting this information, we are acting as a data controller and, by law, we are required to provide you with information about us, about why and how we use your data, and about the rights you have over your data.

2. Policy Statement

In order to comply with its contractual, statutory, and management obligations and responsibilities, Loughborough College is required to process personal data relating to its employees, including 'sensitive' personal data, as defined in the EU's General Data Protection Regulation and UK data protection laws which includes information relating to health, racial or ethnic origin, and criminal convictions.

All such data will be processed in accordance with the provisions of these laws and Loughborough College's Policy on Data Protection, which may be amended from time to time. For the purposes of the Act and this notice, the term 'processing' includes the initial collection of personal data, the holding and use of the data, as well as access, disclosure, through to final destruction. In certain circumstances, the provisions of the Act and laws permit Loughborough College to process an employee's personal data, and, in certain circumstances, sensitive personal data, without their explicit consent. Further information on what data is collected and the purposes for which it is processed is given below in this notice.

The Data Protection Officer/GDPR Owner is responsible for ensuring that this notice is made available to data subjects prior to Loughborough College collecting/processing their personal data.

Loughborough College staff who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and their consent to the processing of their data is secured.

3. Equality Impact Assessment

This policy/procedure has been assessed for its impact on equal opportunities and will be informed by the aim to eliminate all forms of discrimination in all strands of the equal opportunities legislation

4. Privacy Notice

4.1. Who are we?

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We are Loughborough College. Our address is Radmoor Road, Loughborough, Leicestershire. LE11 3BT. You can contact us by post at the above address, by email at dataprotection@loucoll.ac.uk or by telephone on +44 (0)1509 618 375.

We are required to have a data protection officer, so any enquiries about our use of your personal data should be addressed to ian.jones@loucoll.ac.uk or by using the address or phone number above.

4.2. What is personal data

Under the EU's General Data Protection Regulation (GDPR) personal data is defined as:

“any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

4.3. How we collect your information

We may collect your personal data in a number of ways, for example:

- from the information you provide to us when you interact with us before joining, for example when you express your interest in working at Loughborough College;
- when you apply to work at Loughborough College and complete application forms via the Loughborough College website and when you complete other application processes and procedures;
- when you communicate with us by telephone, email or via our website, for example in order to make enquiries or raise concerns;
- in various other ways as you interact with us during your time as an employee of Loughborough College, for the various purposes set out below;
- from third parties, for example from your previous or current school or employer who may provide a reference about you.

4.4. Personal data collected

In order for us to provide you with a service we need to collect personal data. The personal data we would like to collect from you is:

Personal data type:	Source where Loughborough College obtained the personal data from if it has not been collected directly from you, the data subject.
<ul style="list-style-type: none"> • Personal details (Name, address, date of birth, NI, Passport) • Family details • Lifestyle and social circumstances • Financial details 	

<ul style="list-style-type: none"> • Education and employment details • Student records • Visual images (CCTV, Photographs) • Biometric information such as fingerprints for access to electronic devices 	From College systems
<ul style="list-style-type: none"> • Physical or mental health details • Racial or ethnic origin • Religious or other beliefs • Trade union membership • Banned for teaching lists • Offences and alleged offences • Criminal proceedings, outcomes and sentences 	Department for Education Criminal Records Trade Body Criminal Records Trade Body

4.5. Purpose of collection

The data Loughborough College collects will be used for the following purposes:

- HR Records Management
- Payroll and Pensions
- Provision of employee benefits
- Obtaining staff feedback
- Safeguarding
- Employment Relations
- Staff Support
- Staff Learning and development
- IT systems (email, storage, pay claims, e-learning)

5. How do we use your personal data?

- As a general part of your employment
- Making sure you get paid and pay the right tax
- For your health and safety
- To review and assess your performance at work
- As part of training and development

5.1. As a general part of your employment

When you become an employee of Loughborough College we need you to provide a variety of personal information, including your name, address, contact telephone number, date of birth and next of kin. Without this information we will be unable to employ you.

This information is collected to be able to put in place and maintain our employment contract with you, and to allow you to participate in the business activities for which you have been employed.

We are also required by law to take a scan of your passport in order to confirm your permission to work in this country.

During your employment with us we will generally collect additional information about you to allow us to meet further legal obligations in areas such as equal opportunities monitoring, safeguarding and prevent requirements. This may include details of gender, racial origin, disability and trade union membership.

Information about your employment with us is stored and processed within a third party Human Resources system which is based within the European Economic Area (EEA). The provider of this system is contractually bound to provide adequate safeguards over your personal data.

We will keep information about your employment with us for as long as you are an employee, and in accordance with the college Records Retention and Protection Policy (see 5.9), unless we are required to keep it for legal reasons.

We do not use the information you provide to make any automated decisions that might affect you.

5.2. Making sure you get paid and pay the right tax

As part of our employment contract with you, and to meet our legal obligations to the tax authority, we need to hold details of your salary or wage rate, terms and conditions, benefits, hours worked, tax code, statutory payments, previous earnings and, if applicable, other information to do with overtime, bonuses and pensions.

Without this information we will be unable to pay you.

Information about your employment with us is stored and processed within a third party Human Resources system which is based within the European Economic Area (EEA). The provider of this system is contractually bound to provide adequate safeguards over your personal data.

Information about pay and benefits is retained whilst you are an employee and in accordance with the college Records Retention and Protection Policy (see 5.9), unless we are required to keep it for legal reasons.

We do not use the information you provide to make any automated decisions that might affect you.

5.3. For your health and safety

To meet our legal obligations in the area of health and safety, we hold information about your health, including details of occupational health reports, injuries and sickness. This information is required by law.

This data is shared with a third party occupational health agency which is based in the UK.

Information about you in the area of health and safety will generally be retained for as long as you are an employee, except where we are legally required to keep it for a longer period as specified within the relevant legislation unless it is necessary to defend a legal claim.

We do not use the information you provide to make any automated decisions that might affect you.

5.4. To review and assess your performance at work

During your employment information may be generated about your performance at work and, in some circumstances, regarding disciplinary action or warnings. We will use and retain this information on the

grounds of our legitimate interest, which is to ensure that work is completed to an acceptable standard in support of our business processes.

This information is held locally within the business and is not shared with any third parties.

Performance and disciplinary information is held for as long as you continue to be an employee, and for a period of one year after the end of your employment, unless it is necessary to defend a legal claim.

We do not use the information you provide to make any automated decisions that might affect you.

5.5. As part of training and development

As part of training and employee development activities, we may keep records of training courses attended and other learning opportunities, including the nature of the activity and the dates attended. We will use and retain this information on the grounds of our legitimate interest, which is to ensure that adequate training is provided and that our employees are suitably qualified to fulfil their roles within the business.

This information is held locally within the business and is not shared with any third parties.

Information about training and development is retained whilst you are an employee and in accordance with the college Records Retention and Protection Policy (see 5.9), unless we are required to keep it for legal reasons.

We do not use the information you provide to make any automated decisions that might affect you.

5.6. Basis for processing the personal data

Contractual responsibilities

Loughborough College's contractual responsibilities include those arising from the contract of employment. The data processed to meet contractual responsibilities includes, but is not limited to, data relating to: payroll; bank account; postal address; sick pay; leave; maternity pay; and pension and emergency contacts.

Statutory responsibilities

Loughborough College's statutory responsibilities are those imposed on Loughborough College by legislation. The data processed to meet statutory responsibilities includes, but is not limited to, data relating to: tax; national insurance; statutory sick pay; statutory maternity pay; family leave; work permits; safeguarding and equal opportunities monitoring.

Management responsibilities

Loughborough College's management responsibilities are those necessary for the organisational functioning of Loughborough College. The activities will be processed for the performance of public interest tasks or as a result of our legitimate interests. The data processed to meet management responsibilities includes, but is not limited to, data relating to: recruitment and employment; training and development; teaching; research; absence; disciplinary matters; health and safety; security, including CCTV; e-mail address and telephone number; swipe cards; and criminal convictions.

Special Category Data (Sensitive personal data)

The Act defines 'special category data' as information about racial or ethnic origin; political opinions; religious beliefs or other similar beliefs; trade union membership; physical or mental health; sexual life; and criminal allegations, proceedings or convictions. In certain limited circumstances, the Act permits Loughborough College to collect and process special category data without requiring the explicit consent of the employee.

- (a) Loughborough College will process data about an employee's health where it is necessary, for example, to record absence from work due to sickness, to pay statutory sick pay, to make appropriate referrals to the Occupational Health Service, and to make any necessary arrangements or adjustments to the workplace in the case of disability. This processing will not normally happen without the employee's knowledge.
- (b) Save in exceptional circumstances, Loughborough College will process data about an employee's racial and ethnic origin, their sexual orientation or their religious beliefs only where they have volunteered such data and only for the purpose of monitoring and upholding Loughborough College's equal opportunities policies and related provisions.
- (c) Data about an employee's criminal convictions will be held as required by legislation.

For situations outside of these limited circumstances, direct, explicit consent will be requested, and in these cases we will always tell you why and how the information will be used and you will have the right to withdraw that consent at any time. You may withdraw consent at any time by completing the Data Subject Consent Withdrawal Form available from the College Website

5.7. Sharing of data

In order to perform its contractual and management responsibilities, Loughborough College may, from time to time, need to share an employee's personal data with one or more organisations. In such cases, the college or organisations are required to comply with all aspects of the GDPR and member state laws.

Loughborough College will only share your information where legally allowed or required in line with current Data Protection legislation. For circumstances outside of this legislation, we will seek your explicit written consent separately before sharing your information.

Also where necessary or required we may also share information for one or more reasons:

- Family, associates and representatives of the person whose personal data we are processing
- Professional advisers
- Local Government
- Current, past or prospective employers
- Educators and examining bodies
- Trade, employer and professional organisations
- UCAS
- Trade unions and staff associations
- Voluntary and charitable organisations
- Healthcare, social and welfare organisations
- Financial organisations
- Pension providers
- Persons making an enquiry or complaint
- Careers service
- Press and the media
- Local and central government

- Security organisations
- Police forces, prison and probation services, courts and tribunals
- Suppliers and service providers

5.8. Accuracy of data

Loughborough College is required to take reasonable steps to ensure that any personal data it processes is accurate and up-to-date. It is the responsibility of the individual employee to inform Loughborough College of any changes to the personal data that they have supplied to it during the course of their employment.

5.9. Retention period

Loughborough College will process personal data whilst you are an employee and will store the personal data for a period of time once you have ceased to be an employee. The retention period for different classifications of personal data has been established in line with information management guidelines. Please refer to Records Retention and Protection Policy (DP-P002) for more information on retention periods.

5.10. Individuals Rights

Under data protection legislation, you have the right to request access to information about you that we hold. At any point while we are in possession of or processing your personal data, you, the data subject, have the following rights:

- *The right to be informed* - under transparency requirements in the new laws, you are informed about the collection and use of personal data
- *Right of access* – you have the right to request a copy of the information that we hold about you.
- *Right of rectification* - you have a right to correct data that we hold about you that is inaccurate or incomplete.
- *The right to erasure* - in certain circumstances you can ask for the data we hold about you to be erased from our records
- *The right to restrict processing* - where certain conditions apply to have a right to restrict the processing of personal data
- *The right to data portability* - you have the right to have the data we hold about you transferred to another organisation in some circumstances
- *The right to object* - you have the right to object to certain types of processing such as direct marketing
- *Rights in relation to automated decision making and profiling* - you also have the right to be subject to the legal effects of automated processing or profiling

5.11. Requesting access to your personal data

To make a request for your personal information, contact Ian Jones (Data Protection Officer) at dpo@loucoll.ac.uk. If you have a concern about the way we are collecting or using your personal data,

we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner’s Office at <https://ico.org.uk/concerns/> or write to them at:

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

5.12. Further information

If you would like to discuss anything in this privacy notice, please contact: Ian Jones (Data Protection Officer) at dpo@loucoll.ac.uk or the Data Protection Advisor at Data.Protection@Loucoll.ac.uk

6. Location and Access to the Policy

Sharepoint, Data Protection section

7. Persons Responsible for the Policy

VP - People and Planning
Data Protection Officer

8. Linked Policies and Procedures

DP-P001 Privacy and Personal Data Protection Policy
DP-P002 Records Retention and Protection Policy

9. Change log

Date	Version	Details of change	Review / Revision by	
			Name	Title
19 Apr 2018	1.0	Initial draft notice created	James Kilby-Brooks	Senior Timetabling & Registers Officer, and Data Protection Advisor
2 May 2018	1.1	Update on draft to published version	Colin Butler	VP People and Planning

