

## PRIVACY NOTICE

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 General Data Protection Regulations (GDPR).

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.

It is important you read 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.

### **Identity and contact details of the data controller**

Newbattle Abbey College is the data controller, and is committed to fulfilling our obligations to our employees' privacy rights under the General Data Protection Regulation.

Please contact [DPO@nac.ac.uk](mailto:DPO@nac.ac.uk) if you have any concerns or questions regarding your rights under the GDPR.

### **What information is collected about you**

As your employer, Newbattle Abbey College will need to collect information about you for normal employment purposes. The information collected will be done so for purposes of: the legitimate interest of the business; where we need to comply with a legal obligation; and where information is required to enable us to comply with the employment contract.

We may also use your personal information where we need to protect your, or someone else's interests, or where it is needed in the public interest.

This includes information that is collected directly from you, the employee, as well as information collected from third parties - for example, your manager, referees, and from monitoring College computer/phone use.

The information collected includes:

Personal contact details such as:

- Name
- Title
- Addresses
- Telephone numbers
- Personal email
- Date of birth
- Gender
- Marital status and dependents
- Next of kin and emergency contact information
- National Insurance number
- Bank account details, payroll records and tax status
- Salary, annual leave, pension and benefits information
- Start date
- Location of employment or workplace
- Copy of ID eg driving licence or valid Passport
- Recruitment information (including copies of right to work documentation, references and other information included in an application form, CV or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, training records and professional memberships)
- Compensation history
- Performance information
- Disciplinary and grievance information
- CCTV footage and other information obtained through electronic means such as swipecard records Information about your use of our information and communications systems □
- Photographs

We will also occasionally collect sensitive information, which may include:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Information about your health, including any medical condition, health and sickness records
- Genetic information and biometric data
- Information about criminal convictions and offences

Please note that we have legal obligations to collect some of the data that is stored about you. In the case that you refuse to share such data with us, we may be unable to fulfil our obligations, and we will discuss the consequences of that decision with you.

## **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 into 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 (or for official purposes)

#### **Situations in which we will use your personal information**

- 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, deducting tax and National Insurance contributions
- Liaising with your pension provider
- Administering the contract we have entered into 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

#### **If you fail to provide personal information**

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).

#### **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

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.

### **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 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 and in line with our policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring (or in relation to our occupational pension scheme), and in line with our policy.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

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.

### **Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, 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, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

### **Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy 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 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 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 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 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 in the course of you working for us.

### **Data Security**

We have put in place measures to protect the security of your information. Details of these measures are available upon request. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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. Details of these measures may be obtained from the Director of Operations.

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

### **Who the data is shared with**

We will not share this data with third parties unless it is necessary to do so, for reasons of fulfilling our obligation under the employment contract or for legal purposes. This will include, for example, sharing information with our external payroll contractor, and to pension or health schemes. We may transfer information to other group companies for purposes of management of the business or in the normal course of employment, but only where necessary and for the legitimate interest of the business.

Your personal information may, under limited circumstances, be transferred outside of the UK. In such cases, we have security safeguards in place to protect your data including encryption of data and contractual obligations to reflect GDPR requirements with the party the information is being transferred to.

### **How long your information is stored for**

Your data will be stored for different lengths of time, but in all cases no longer than is necessary. The majority of the data collected will be retained for six years after you leave Newbattle Abbey College, and then deleted, due to either legal requirements for Newbattle Abbey College to retain records for up to six years after you leave Newbattle Abbey College, or to protect our legal position in the event of legal proceedings. No data collected will be retained for longer than six years plus the current year after which you leave Newbattle Abbey College.

Where the information collected has been acquired due to consent, you are free to ask the Company to delete this whenever you want.

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

### **Your Rights**

Under the GDPR, you have a number of rights regarding your personal data. These are:

1. The right to be informed of data that is processed about you.
2. The right to request access to your data, to be provided within 30 days of the request or 2 months for complex cases at no cost except under certain circumstances.
3. The right to rectify information held, to be corrected within 30 days of the request or 2 months for complex cases.
4. The right to erasure, where appropriate, your data can be deleted at your request. This will apply only where the Company recording the information is no longer necessary or they do not have an overriding legitimate interest to do so.
5. The right to restrict processing, under certain narrow circumstances, you will have the right to restrict Newbattle Abbey College from processing the data.
6. The right to data portability, under certain circumstances, you can request to copy or transfer your information from one IT environment to another.
7. The right to object to processing, under certain circumstances, you can object to the processing of the data, and Newbattle Abbey College must halt processing unless it can demonstrate an overriding legitimate interest.

### **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.

## **Complaints**

You have the right to lodge a complaint to Newbattle Abbey College regarding the GDPR. Please contact Data Protection Officer at [DPO@nac.ac.uk](mailto:DPO@nac.ac.uk).

You have the right to lodge a complaint to the Information Commissioner's Officer if you believe Newbattle Abbey College has not complied with the GDPR. Contact at:

The Information Commissioner's Office - Scotland  
45 Melville Street  
Edinburgh  
EH3 7HL  
Telephone: 0303 123 1115  
Via email: <https://ico.org.uk/global/contact-us/>

Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF