

# PRIVACY NOTICE

## [For Employees (Personal Assistants) of Individual Employers in receipt of a Direct Payment]

### Introduction:

**As your employer** this statement explains what you can expect when I collect your personal information. It applies to all employees/ex-employees with whom I have an employer/employee relationship.

As an employer I am committed to ensuring: (a) your personal data as an employee is handled in accordance with the UK General Data Protection Regulation (GDPR); (b) your personal data is protected; (c) transparency about what information is held; (d) you understand how and why your personal data is processed.

This notice tells you about these uses.

**Why information is processed:** As an employer, I need to keep and process information about you for normal employment purposes, including management and administrative purposes. Information will be kept and used to enable me to fulfil my responsibilities as an employer and manage my relationship with you effectively, lawfully, and appropriately; (a) during the recruitment process; (b) whilst you are employed; (c) at the time when your employment ends and after you have left. This includes using information to comply with the employment contract, any legal requirements, pursuing the legitimate interests as an individual employer and protecting my legal position in the event of legal proceedings. If you do not provide this data, I may be unable in some circumstances to comply with my obligations and will tell you about the implications of that decision. I will never process your data where these interests are overridden by your own interests. I may also process your personal information in other circumstances, provided you have given me consent to do so.

**What information is processed:** To carry out my duties as an employer I am required to collect and process data, including sensitive personal data, relating to employees. I will securely hold a record relating to your employment. Much of the information held will have been provided by you, but in some cases may come from other sources, such as referees. Access to personnel files is carefully controlled and only seen by me or an authorised person acting on my behalf in respect of my Direct Payment. Data held about you may include, but is not restricted to:

- Application forms, personal details e.g., name, date of birth, contact and next-of-kin/emergency contact details, national insurance number.
- Copies of passport, driving licence, birth certificate and where appropriate visa details to confirm your right to work in the UK.
- Bank or building society account details.
- Pension details.
- Holiday, sickness, and other absence details.
- Contracts or terms and conditions of employment.
- Correspondence between us as employer/employee.
- Correspondence with third parties on your behalf i.e., references, mortgage/tenancy applications.
- Records of grievances and investigations into breaches of terms and conditions of employment.
- Records of any disciplinary proceedings.
- Health and Safety records i.e., accident reports.

Where necessary, I may keep information relating to your health, which could include reasons for absence, GP reports and notes. This information will be used to comply with health and safety and occupational health obligations to consider how your health affects your ability to carry out your job role and whether adjustments to your role might be appropriate. This data is also needed to administer and manage statutory sick pay.

Data may be stored in a range of different places and may be held both manually and electronically.

**Sensitive personal data:** I recognise the significance of sensitive personal data and will only process such data if certain conditions are met. Guidance on these conditions can be found on the Information Commissioner's website: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-law-enforcement-processing/conditions-for-sensitive-processing/>. Your personnel file may also contain sensitive personal data in relation to health or sickness, maternity leave or paternity leave. These records will be kept in strict confidence and will not be released to third parties without your explicit consent. Where data is processed with your consent, you have the right to withdraw that consent at any time.

**How your personal data is used:** Your data is used for a number of purposes, including but not limited to:

- Salary and other payments, professional development, and providing employment references.
- Absence management including sickness absence recording.
- Health & Safety: mandatory reporting of certain reportable accidents, dangerous occurrences, and notifiable diseases
- Managing annual leave, flexi leave and other types of authorised leave or absence.
- Managing compliance with the Equality Act 2010.
- Handling grievance matters and disciplinary cases.
- Mandatory reporting to HMRC \*
- Communicating with pension providers for auto-enrolment purposes, including the auto-enrolment of eligible job holders and management of opt-in/out to the schemes. Assessment of employee to identify auto-enrolment category into a workplace pension\*
- Carrying out a Disclosure & Barring Service check \*

\*As your employer, I may: (a) carry out these processes myself; (b) use the Wiltshire Centre for Independent Living (Wiltshire CIL) services; or (c) use other third-party services.

Please refer to '**Sharing & disclosing your data with others**' below.

I will always respect a request by you to stop processing your personal data.

**Sharing and disclosing your data with others:** Certain personal data may be disclosed to third parties, as below:

- 1. Wiltshire Council:** Required for the purpose of fulfilling my obligations as a direct payment recipient.
- 2. Disclosure and Barring Service:** Required for certain sensitive job roles to assess an applicant's suitability for a position of trust. This service is provided by Wiltshire CIL, and you will give your consent for your personal information to be used for this purpose. Wiltshire CIL will provide you with the necessary details and instructions for this to be carried out. If you are registered with the DBS Update Service, you will need to give your permission for this to be accessed.
- 3. Mortgage lender and letting agencies:** To allow these companies to verify for mortgages and tenancy agreements. Release of this information is subject to receiving a written request and receiving consent from you as the employee.
- 4. UK agencies with duties relating to the prevention and detection of crimes, apprehension and prosecution of offender, collection of a tax or duty, or safeguarding national security:**

As necessary, and with appropriate consideration of your rights and freedoms, for example: The Department of Work and Pensions; Benefit or Tax Inspectors; the Police; UK Visas and Immigration; the Foreign and Commonwealth Office.

- 5. Payroll Provider:** This may be provided by myself or the Wiltshire CIL third-party payroll service (Paypacket Ltd). However, I reserve the right to choose a different third-party payroll provider as necessary for the purposes of processing your wages and reporting to HMRC.
- 6. HM Revenue & Customs (HMRC):** Real Time Information released to HM Revenue & Customs (HMRC) to collect Income Tax and National Insurance contributions (NICs) from employees. This may be carried out by myself as your employer or via a third-party payroll provider as above.
- 7. Pension Schemes:** NEST (National Employment Savings Trust) or other pension provider: Data required for the provision of workplace pensions. This may be carried out by myself as your employer or via a third-party payroll provider as above.

As your employer, information about you is only shared to third parties if I am legally obliged to do so or where I need to comply with my contractual duties to you, e.g., third-party payroll/pension provider. From time to time, I may need to make other disclosures of your personal information without your consent, but any such disclosures will be made in accordance with the obligations imposed on me by the GDPR and other relevant legislation, with due consideration of your rights. Circumstances may arise where data is shared without your consent - this will only occur if it is necessary to (a) protect your vital interests or the vital interests of another person; (b) for certain other reasons where it is not possible or appropriate to gain your consent, i.e., disclosures to the police for prevention or detection of crime; or (c) to meet statutory obligations relating to equality monitoring.

If I share your personal data outside of the UK, or the European Union I will inform you.

**How your data is protected and the length of time it is retained:** The security of your data is taken seriously, and all precautions are taken to ensure that your data is not lost, accidentally destroyed, misused, or disclosed, and is not accessed except by authorised persons in the proper performance of their duties. As an employer your personal data is kept only as long as is necessary for the purpose(s) for which it was collected. Data will be securely destroyed when it is no longer required.

**Your rights:** You have the right to find out what information is held about you, including the right to: (a) be informed about how your data is being used; (b) access personal data; (c) have incorrect data updated; (d) have data erased; (e) stop or restrict the processing of data; (f) data portability (allowing you to get and reuse your data for different services); (g) object to how your data is processed in certain circumstances.

You can find out more detailed information about your rights here: <https://ico.org.uk/your-data-matters/>. As an employer, I do not use automated decision-making or profiling.

I reserve the right to judge what information I must continue to hold in the fulfilling of any contracts I hold. If you would like to exercise any of these rights, please contact me directly. If you believe, as your employer, I have not complied with your data protection rights, you can complain to the Information Commissioner: <https://ico.org.uk/concerns>.