



Employee and Volunteers Privacy Notice 2020-21

1. Introduction

- 1.1 This Privacy Notice explains how NMITE collects, uses, and shares your personal data and your rights in relation to the personal data we hold.
- 1.2 This notice concerns our processing of personal data for Staff and Volunteers. NMITE is the data controller for your personal data and is subject to the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- 1.3 NMITE collects and processes personal data relating to its employees and volunteers to manage the employment relationship. The organisation is committed to being transparent about how it collects and uses that data and to meeting its obligations under data protection law.

2. How do we collect your information:

- 2.1 NMITE may collect your personal data in a number of ways, for example:
 - i. We collect the vast majority of the information directly from you;
 - ii. We may obtain personal data about you from third parties, such as references supplied by former employers, information from credit reference agencies and possibly information from criminal records checks permitted by law.

3. Types of information we collect:

- 3.1 The organisation collects and processes a range of information about you.

This includes:

 - i. information required about you for management reasons, payroll, training, next of kin/emergencies, pensions, and benefits;
 - ii. your name, address, and contact details, including email address and telephone number, date of birth and gender;
 - iii. the terms and conditions of your employment, volunteer agreement;
 - iv. details of your qualifications, skills, experience, and employment history, including start and end dates, with previous employers and with the organisation;
 - v. information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
 - vi. details of your bank account and national insurance number;
 - vii. information about your marital status, next of kin, dependants, and emergency contacts;
 - viii. information about your nationality and entitlement to work in the UK;



- ix. information about your criminal record (if applicable);
 - x. details of your schedule (days of work and working hours) and attendance at work;
 - xi. details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
 - xii. details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
 - xiii. assessments of your performance, including performance reviews and ratings, performance improvement plans and related correspondence;
 - xiv. information about medical or health conditions, including whether you have a disability for which the organisation needs to make reasonable adjustments;
 - xv. visual images or photographs of employees and volunteers for records, and to identify a person as a member of NMITE to others both inside and outside the organisation.
 - xvi. photographs, videos, CV details and quotes/by-lined articles to be used for NMITE marketing purposes.
- 2.2 Data will be stored in a range of different places, including in your personnel file, in the organisation's management systems such as and in other IT systems (including CRM, server or cloud based and the organisation's email system).

4. Basis on which we process your data:

- 4.1 The organisation 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, pension, and insurance entitlements.
- 4.2 In some cases, the organisation needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check Visas, an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.
- 4.3 In other cases, the organisation has a legitimate interest in processing personal data before, during and after the end of the employment or volunteering relationship.
- 4.4 Processing employee and volunteer data allows the organisation to:
 - i. run recruitment and promotion processes;
 - ii. maintain accurate and up-to-date employment and volunteer records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;



- iii. operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- iv. operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- v. 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;
- vi. obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- vii. operate and keep a record of other types of leave (including annual leave, maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation 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;
- viii. ensure effective general HR and business administration;
- ix. provide references on request for current or former employees;
- x. respond to and defend against legal claims; and
- xi. maintain and promote equality in the workplace.

4.5 Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities).

4.6 Where the organisation processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring.

5. How we use special category data or criminal conviction data:

5.1 Special category data and criminal conviction data require a higher level of protection. It may sometimes be necessary to process this sort of information for exceptional reasons; for example, because it is necessary to protect your vital interests or those of another person. We may also process your special category data to identify your eligibility for certain initiatives aimed at addressing underrepresentation.

6. Who has access to your data:

6.1 Your information may be shared internally, including with HR and recruitment teams (including finance/payroll), your line manager, managers in the business



area in which you work and IT staff if access to the data is necessary for performance of their roles.

- 6.2 In appropriate circumstances, the organisation shares your data with third parties to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service.
- 6.3 The organisation also shares your data with third parties that process data on its behalf, in connection with payroll, the provision of benefits and the provision of occupational health services.
- 6.4 The organisation will not transfer your data to countries outside the European Economic Area.

7. How we keep your data safe:

- 7.1 The organisation takes the security of your data seriously. The organisation has internal policies 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.
- 7.2 Where the organisation engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

8. How long is your information kept?

- 8.1 The GDPR and DPA 2018 require that personal data should be kept for no longer than is necessary for the purposes for which the personal data are processed (except in certain specific and limited instances).

Please contact DPO@nmite.ac.uk for further information.

9. Your rights

- 9.1 Under the Data Protection Laws, you have the right to:
 - i. Request access to your data (commonly known as a 'subject access request'). This enables you to receive a copy of your data and to check that we are lawfully processing it.
 - ii. Request correction of your data. This enables you to ask us to correct any incomplete or inaccurate data we hold about you.
 - iii. Request erasure of your data. This enables you to ask us to delete or remove your data in certain circumstances; for example, if you consider that there is no good reason for us continuing to process it. You also have the right to ask us to



delete or remove your data where you have exercised your right to object to processing (see below).

- iv. Object to processing of your data where we are relying on our legitimate interests (or those of a third party) and there is something about your particular situation which makes you want to object to processing for this reason. You also have the right to object where we are processing your data for direct marketing purposes.
 - v. Request the restriction of processing of your data. This enables you to ask us to suspend the processing of your data; for example, if you want us to establish its accuracy or the reason for processing it.
 - vi Request the transfer of your data to another party.
- 9.2 If you have any questions, comments or concerns about how we use or handle your personal data, please contact the Data Protection Officer at DPO@nmite.ac.uk
- 9.3 If you are not content with how we handle our information we would ask you to contact our Data Protection Officer to help you. However, you do also have the right to complain directly to the Information Commissioner via their website or via post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Information about the Information Commissioner is available at www.ico.org.uk can complain to the Information Commissioner (www.ico.org.uk)

10. What if you do not provide personal data?

- 10.1 You have some obligations under your employment contract to provide the organisation 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 the organisation with data 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.
- 10.2 Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the organisation to enter a contract of employment with you. If you do not provide other information, this will hinder the organisation's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

11. Automated decision-making

- 11.1 The organisation does not use automated decision-making processes for recruitment. And should it do so at any time, employment decisions are not based solely on any automated decision-making.



12. Your Employment Files

- 12.1 We will keep your Personnel File and any other information we may have about you in Human Resources for up to 3 years after your employment has come to an end.

13. Returning to Us

- 13.1 You are welcome to re-apply for a role with us at any time and your job application will be considered along-side any other applications we receive. However, please bear in mind that it is very unlikely that your application would be successful where the reason you left was connected with any misconduct on your part.

14. Changes to this Privacy Notice:

- 14.1 This privacy notice may be updated from time to time so you may wish to check it each time you submit personal information to NMITE.

This privacy notice was last updated in November 2020