

## **Leonard Cheshire Employee Privacy Notice**

**Data controller:** Leonard Cheshire, registered controller and charity

**Data Protection Officer** (for privacy enquiries and rights):

Leonard Cheshire

Regus

The News Building

3rd Floor

3 London Bridge Street

London SE1 9SG

IG@leonardcheshire.org.uk

*“Leonard Cheshire collects and processes personal data relating to its workforce to manage the employment contract and relationship. We are committed to being transparent about how we collect and use that data and to meeting our data protection legal obligations.”*

### **Special Note for Candidates**

To interview and consider an offer we will collect a subset of workforce information to facilitate that process – e.g. identity, CV, contact details, interview notes. Your rights are unaffected and unsuccessful candidates will have records erased according to the retention schedule, typically around 6 months.

### **What information do we use?**

We collect and process a range of information. Mostly this will be in the performance of your employment contract or preparing for it. This includes:

- Contacts - name, address and contact details, including email address and telephone numbers, date of birth and gender;
- Family - marital status, next of kin, dependants and emergency contacts;
- Qualifications and Employment History - skills, experience and previous employment, including start and end dates with previous employers, references and your employment history with Leonard Cheshire;
- Payroll - bank account and national insurance number;
- Tax and Pensions, Benefits - remuneration, entitlement to benefits and schemes such as pensions or insurance cover;
- Identity and Right to Work - nationality and entitlement to work in the UK; information about any criminal records you may hold;
- Terms and conditions of your employment;
- Work schedule (days of work and working hours), flexi-working requests and attendance;
- Leave and Absence - periods of leave taken, including holiday, sickness absence, family leave and sabbaticals, and the reasons for that leave;
- Performance – training records, appraisals, reviews and ratings, performance improvement plans and related correspondence; disciplinary or grievance

procedures in which you have been involved, including any warnings issued to you and related correspondence;

- Health and Medical – accident/incident information, assessments of your performance, medical or health conditions, information relating to your vaccination status for certain conditions (relevant to specific roles), COVID-19 vaccination status for all care staff, Occupational Health referrals and reports, disability details and agreed reasonable adjustments
- Care Services vehicle use – driving licence data, including points, journey data, information for insurance purposes, MIDAS training records, accident/incident information
- Equal Opportunities - monitoring/survey including information about ethnic origin, sexual orientation, religion or belief; and community background (NI only) for statutory reporting
- Information about how you use IT systems such as logging in, emails sent, access to websites.

Leonard Cheshire may collect this information in a variety of ways. For example, data might be collected through on-line application forms, CVs, obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments. It may be collected through telephone contact or CCTV.

In some cases, we may collect personal data about you from third parties such as references from former employers, background check providers to confirm your identity, and criminal records checks as permitted by law.

Data will be stored in your HR file, HR management systems and other IT systems (including email system).

### **Why does the organisation process personal data?**

We process data to enter into an employment contract with you and to meet our obligations under your contract and Employment law. For example, we need to provide you with an employment contract, to pay you in accordance with your contract, provide your payslip and to administer employee benefits, tax and pensions.

We need to comply with our legal obligations. For example, we are required to check entitlement to work in the UK, to deduct tax, manage health and safety issue and to enable employees to take periods of leave they are entitled to.

In other cases, we process your personal data before, during and after the end of the employment relationship, including for the purposes of:

- Keeping our staff informed of various initiatives and relevant organisational communications using newsletters and email
- Managing organisational design and operation, including restructuring
- Offering staff surveys for feedback on change
- Providing information on how staff in care settings can reduce risk to clinically vulnerable service users.
- Managing staff safety, welfare, and wellbeing

Some special categories of personal data, such as information about health or medical conditions and vaccination status of care staff are processed to carry out employment law obligations (such as those in relation to employees with disabilities) and to support our

obligations for safety in the workplace. Information about trade union membership may also be used to comply with employment law obligations.

Where the organisation processes other special categories of personal data, such as information about ethnic origin, sexual orientation/monitoring, disabilities, religion or belief, this is done for the purposes of employee equality and equal opportunities monitoring. Data that the organisation reports for these purposes is anonymised. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

### **Who has access to data and how is it shared?**

Your information may be shared internally, including with members of the HR and Recruitment Team, Employee Administration Team, Payroll Team, your line manager, managers in the business area in which you work, IT staff where access to the data is necessary for the performance of their roles and auditors.

The organisation may share your data with third parties to manage your employment contract such as to obtain pre-employment references from other employers, obtain employment background checks from third-party providers, obtain necessary criminal records checks from the relevant Disclosure body (DBS, Access NI or Disclosure Scotland) and to assist with exit interviews. The organisation may also share your data with third parties in the context of a transfer of its operations. In those circumstances the data will be subject to confidentiality arrangements.

The charity shares with third parties that process data on its behalf such as payroll and pension providers, provision of benefits, bulk mailing services, and occupational health services.

We may share data with external parties:

- assisting the organisation with its design and operation
- for the purposes of enabling your access as required to business/benefits systems
- for delivery of training and development opportunities

We only share with other parties where it is fair and lawful to do so, or where we may be obliged to. In the course of role duties there may be an expectation of this sharing taking place to facilitate a service or function. Examples include HMRC (tax law), social care regulators and inspection, the NHS, audit, and local authorities. Data breach and safeguarding alert investigations may require disclosure.

For UK based posts, we will not transfer your data outside the European Economic Area, unless your role clearly needs this and is agreed.

For non-UK based posts, we will transfer data to the country you work in and for payroll purposes your data may be processed in another country. We endeavour to maintain robust privacy standards.

### **Privacy and Workplace Incidents and Disputes in Care**

Where workplace disputes arise, or safeguarding incidents need investigation, personal information and witness statements will be taken. The charity is subject to a number of regulators and laws, The Health and Social Care Act 2008 Regulations 2014(pt3), the Care Quality Commission and registration (noting Reg. 13 Safeguarding, and Reg. 19 Employing Fit and Proper Persons), the Independent Safeguarding Authority and others. These disputes follow internal guidance and applicable law, and your rights and the process will be explained. Your privacy and subject rights remain however you may wish to take external advice.

## **How does the organisation protect data?**

Leonard Cheshire takes the security of your data seriously and has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed other than to those third parties it may be shared with who are described above, and is only accessed by employees in the performance of their duties. For example;

- systems have access restricted to those as part of their role;
- systems are password protected;
- we provide training to employees on information governance and security to ensure the greatest care is taken with personal information;
- policies, guidance and education

The engagement of third parties to process personal data is done on the basis of written instructions; they are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

## **For how long does the organisation keep data?**

The organisation will hold your personal data for the duration of your employment. After this, it will be subject to the retention policy, and would typically be up to 6 years after employment ceases.

## **Your rights**

As a data subject, you have rights and may:

- request access to your personal data;
- request the organisation to change incorrect or incomplete data;
- request the organisation to delete your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal grounds for processing;
- request the restriction of processing of your data, for example if you want us to establish the accuracy or the reason for the processing; and
- request the transfer of your personal data to another party.

If you would like to exercise any of these rights, please contact the Data Protection Officer, Regus, The News Building, 3rd Floor, 3 London Bridge Street, London SE1 9SG or email [IG@leonardcheshire.org](mailto:IG@leonardcheshire.org)

If you are unsatisfied or believe that we have not complied with your data protection rights, you can complain to the Information Commissioner. The Information Commissioner's Office (ICO) is the UK's data regulator:

[www.ICO.org.uk](http://www.ICO.org.uk)

Phone 0330 8303 0338

Write to: ICO House, London, WC12 2SW

## **What if you do not provide personal data?**

You have obligations under your employment contract to supply us with data. In particular, you are required to:

- report absences from work
- report disciplinary or other matters such as a change of circumstances, under the implied duty of good faith

- write in order to exercise your statutory rights, such as in relation to statutory leave entitlements.

Failing to provide the data may prevent you from exercising your statutory rights or receiving the correct payment of benefits.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable Leonard Cheshire to enter a contract of employment with you. If you do not provide other information, this will hinder our ability to administer efficiently the rights and obligations arising as a result of the employment relationship efficiently.

### **Changes to this privacy notice**

We reserve the right to update **Leonard Cheshire Employee Privacy Notice** at any time, and we will provide you with a new privacy notice when we make any substantial updates. As a means of keeping you informed we may also notify you in other ways from time to time about the processing of your personal information.