



### **Privacy Statement – Job Applicant and Employee Data**

As part of any recruitment process, the charity collects and processes personal data relating to job applicants, some of whom will later become employees. Once offered employment, we will collect and process further data in order to manage the employment relationship. The charity is committed to being transparent about what data is collected, from where and how it uses that data, in line with the charity's data protection obligations.

#### **What information does the charity collect?**

The charity collects and processes a range of information and data about you. This includes:

##### **Job Applicants**

- your name, address and contact details, including email address and telephone number;
- details of your qualifications, skills, experience and employment history;
- information about your current level of remuneration, including benefit entitlements and
- whether or not you have a disability for which the charity needs to make reasonable adjustments during the recruitment process
- equality and diversity data which is used for monitoring purposes only.

*The charity will not use your data for any purpose other than the recruitment exercise for which you have applied, unless you have specifically consented to allowing us to keep your details on file.*

##### **Employees**

In addition to the above

- the terms and conditions of your employment;
- date of birth, gender and information about your nationality and entitlement to work in the UK;
- references from previous employers;
- information about medical or health conditions, including whether or not you have a disability for which the charity needs to make reasonable adjustments;
- details of your bank account and national insurance number;
- information about your marital status, next of kin and emergency contacts;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave, including holiday, sickness, family leave and reasons for the leave;
- information about your remuneration, including entitlement to benefits such as pensions;
- information about your driving licence;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence and
- assessments of your performance, including appraisals, performance reviews, performance improvement plans and related correspondence;
- A photograph for your employee record and any other photographs or video of you captured for marketing and PR purposes

#### **Where is information collected from?**

The charity may collect this information in a variety of ways. For example, job applicants data will be collected through application forms and interview and further data will be collected during your pre-employment checks such as from your passport or other identity documents or forms completed by you prior to or at the start of your employment (such as occupational health, bank details or other benefit nomination forms). The Charity will also collect personal data about you from third parties, such as references supplied by former employers. During employment, we will collect data from correspondence with you, meetings or other assessments.

#### **Where information is stored**

Data will be stored securely in the following places:

- Job Applicants – Restricted access storage and password protected email system.
- Employees – Restricted access storage and password protected shared drive and HR Management system (BreatheHR).
- Leavers - Restricted access storage and password protected HR Management system (BreatheHR).

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

During recruitment, the charity needs to process data to take steps at your request prior to entering into a contract with you. If successful at interview, the charity will then process your data to enter into that employment contract so that it can meet its obligations under the employment contract, such as payment of salary. Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations such as reasonable adjustments at interview or in the workplace.

In some cases, the charity needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check a person'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. In other cases, the charity has a legitimate interest in processing personal data before, during and after the end of the employment relationship. For example, processing data from job applicants allows the charity to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The charity may also need to process data from job applicants to respond to and defend against potential legal claims.

During employment processing personal data allows the charity to:

- run recruitment and promotion processes;
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development and workforce management purposes;
- 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;
- 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;
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the charity 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;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

### **Who has access to employee data?**

Your information may be shared internally, including with HR, recruiting managers, your line manager, managers in the business area in which you work or may work and other staff if access to the data is necessary for performance of their roles, such as IT. The charity also legally shares your data with third parties that process data on its behalf, in connection with payroll, the provision of benefits, such as the provision of occupational health services. The charity will not transfer your data to countries outside the European Economic Area.

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

The charity takes the security of your data seriously. The charity has internal policies, procedures and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its duly authorised employees in the performance of their duties. Only HR, Finance, Directors and the CEO have full access to the HR data via BreatheHR. Line managers can view data for their own team and only have permission to amend absence data. Paper files are securely held and can only be accessed by the HR Department. Where the charity 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 have implemented appropriate technical and organisational measures to ensure the security of data.

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

At the end of the retention period any information we have on you will be deleted or destroyed.

Record	Retention Period
Application forms and interview notes	1 year (from closing date)
Personnel files and training records	6 years (after employment ceases)
Statutory sick pay records & fit notes	3 years (after end of the tax year to which they relate)
Maternity pay records & MAT1B forms	3 years (after end of the tax year in which the maternity period ended)
Parental leave details	5 years (from birth/adoption OR 18 years if the child receives disability allowance)
Redundancy details and payment calculations	6 years (from date of redundancy)

### Your rights

As a data subject, you have a number of rights. You can:

- access and obtain an accessible copy of your data on request;
- require the charity to change incorrect or incomplete data;
- require the charity to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of your data where the charity is relying on its legitimate interests as the legal ground for processing, unless there is another legal ground for processing the data.
- Ask that your data is ported to different service for your own purpose;
- Have rights with regards to automated decision making processes. However employment decisions are not based solely on automated decision-making within the charity.

If you would like to exercise any of these rights or if you believe that the Charity has not complied with your data protection rights, please contact Sophie Clayton, Head of HR ([Sophie.clayton@bransbyhorses.co.uk](mailto:Sophie.clayton@bransbyhorses.co.uk)) in the first instance. You can then escalate your complaint to the Information Commissioner, if you do not feel that we have been able to rectify the issue.

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

As a job applicant, you are under no statutory or contractual obligation to provide data to the charity during the recruitment process. However, if you do not provide the information, the charity may not be able to process your application properly or at all.

As an employee, you have some obligations under your employment contract to provide the charity 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 charity with data in order 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.

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

### EMPLOYEE CONFIRMATION

Employees are asked to confirm that they have read this Statement. This confirmation should be returned to HR to be held on their personnel file.

**I confirm that I have read and understood the Privacy Statement - Employee Data and that the Charity processes my personal data to fulfil its contractual and legal obligations and where there is a legitimate interest as outlined above.**

<b>Employee Name</b>	
<b>Employee Signature</b>	
<b>Date</b>	