

## **GDPR Privacy Notice Procedure**

### **Purpose**

The Charity is committed to protecting the privacy and security of your personal information.

This privacy notice describes how the Charity collects and uses personal information about you during and after your employment with us. It applies to anyone who works or provides services for the Charity.

Action Medical Research is a “data controller”. This means that the Charity is responsible for deciding how it holds and uses personal information about you. The Charity is required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers, volunteers, contractors and applicants. This notice is not contractually binding on the Charity. The Charity may update this notice at any time.

### **Data protection principles**

The Charity will comply with the relevant data protection legislation. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent manner.
2. Collected only for valid purposes that have been clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes you have been told about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes for which the data is processed.
6. Kept and processed securely.

### **Types of information**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed.

There are types of more sensitive personal data which require a higher level of protection.

The Charity may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.

- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date.
- Location of employment or workplace.
- Copy of driving licence and/or passport.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of any application process).
- Employment records (including job titles, work history, working hours, training records and professional memberships).
- Remuneration history.
- Performance information.
- Disciplinary and grievance information.
- Information about your use of our information and communications systems including email.
- Photographs.

The Charity may also collect, store and use the following more sensitive personal information:

- Information about your health, including any medical condition, health and sickness records.
- Information about criminal convictions and offences.

### **How is your personal information collected?**

The Charity typically collects personal information about employees, workers, volunteers, contractors and applicants through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. The Charity may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

The Charity will also collect additional personal information in the course of job-related activities throughout the period of you working for us.

## **How the Charity uses the information**

The Charity will use your personal information in a manner which complies with the law. Generally speaking, the Charity will use your personal information in the following circumstances:

1. Where you have given consent to processing of personal information.
2. Where we need to in order to perform the contract we have entered into with you.
3. Where we need to in order to comply with a legal obligation.
4. Where it is necessary for the Charity's legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

The Charity may also use your personal information in the following situations, which are likely to be rare:

5. Where we need to protect your interests (or someone else's interests).
6. Where it is needed in the public interest.

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

The situations in which we will process your personal information are listed below.

To help identify the purposes for which the Charity processes or will process your personal information, we have included numbers which correlate to the circumstances identified in the "How the Charity uses the information" section above.

- Making a decision about your recruitment or appointment (3).
- Determining the terms on which you work for us (3).
- Checking you are legally entitled to work in the UK (3).
- Paying you and, if you are an employee, deducting tax and National Insurance contributions (2, 3).
- Where applicable providing death in service insurance, income protection insurance, give as you earn and childcare vouchers (2).
- Liaising with your pension provider (1, 2).
- Administering the contract we have entered into with you (1, 2).
- Business management and planning, including accounting and auditing (4).
- Conducting performance reviews, managing performance and determining performance requirements (2, 4).
- Making decisions about salary reviews and remuneration (2, 4).
- Assessing qualifications for a particular job or task, including decisions about promotions (2, 4).
- Gathering evidence for possible grievance or disciplinary hearings (3, 4).
- Making decisions about your continued employment or engagement (2, 4).

- Making arrangements for the termination of our working relationship (2, 4).
- Education, training and development requirements (2).
- Dealing with legal disputes involving you, or other employees, workers, volunteers, contractors and applicants, including accidents at work (3, 4).
- Ascertaining your fitness to work (2, 3).
- Managing sickness absence (2, 4).
- Complying with health and safety obligations (3).
- To prevent fraud (3, 4).
- To monitor your use of our information and communication systems to ensure compliance with our IT policies (2, 4).
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution (3, 4).
- Equal opportunities monitoring (3, 4).

Some of the above grounds for processing will overlap and there may be several grounds which justify the Charity using your personal information. The ones which have been identified above are the most appropriate. However, there may be other grounds.

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

If you fail to provide certain information when requested, the Charity 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). It is therefore important that you provide the Charity with information which is requested from you.

### **Change of purpose**

The Charity will only use your personal information for the purposes for which it was collected, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If the Charity needs 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.

The Charity may still 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**

There are categories (identified above) of particularly sensitive personal information where higher levels of protection are required. The Charity needs to have further justification for collecting, storing and using this type of personal information.

The Charity may process these categories of personal information in the following circumstances:

1. In some circumstances where explicit written consent is given.
2. Where we need to carry out our legal obligations and in line with our data protection 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 data protection policy.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, the Charity may process this type of information where it is necessary in relation to exercising, establishing or defending 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**

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

- We will use information relating to absence from work, which may include sickness absence or family related leave, in order to comply with legal requirements.
- 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 any relevant benefits.

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

The Charity does not need your consent to use particularly sensitive personal information where such use is in accordance with our written policy for the purposes of carrying out our legal obligations or in order to exercise specific legal (employment) rights. In certain 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. It is up to you whether you give such consent.

## **Information about criminal convictions**

The Charity 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 data protection policy or where you have given your consent.

Less commonly, we may use information relating to criminal convictions where it is necessary to establish or defend legal claims, where it is necessary to protect your vital interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

The Charity does not envisage that it will hold information about criminal convictions.

The Charity 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, the Charity will collect information about criminal convictions as part of the recruitment process (such as undertaking DBS checks) or we may be notified of such information directly by you in the course of you working for us.

### **Automated decision-making**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. The Charity is allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In some circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest. The Charity is also required to put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and you have been notified about this.

The Charity does not envisage that any decisions will be taken about you using automated means. However, we will notify you in writing if this position changes.

### **Data sharing**

The Charity may have to share your data with third parties, including third-party service providers.

In the event that the Charity does share your data with a third party, we will require those third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU.

If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why might you share my personal information with third parties?**

The Charity may share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

## **Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. The following activities are carried out by third-party service providers: [payroll, pension administration, benefits provision and administration, IT services.

## **How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. The Charity does not permit third-party service providers to use your personal data for their own purposes. The Charity only permits them to process your personal data for specified purposes and in accordance with our instructions.

## **What about other third parties?**

The Charity may need to share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or the Charity Commission or to otherwise comply with our legal obligations.

## **Data security**

The Charity has 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.

The Charity has 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. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Director of Finance.

The Charity has 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.

## **Data retention**

### **How long will you use my information for?**

The Charity will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, the Charity considers the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which the personal data is being processed and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances the Charity may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the charity we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

## **Rights of access, correction, erasure, and restriction**

### **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 in connection with personal information**

Under certain circumstances, by law you have the right to:

- Request access to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information the Charity is holding about you and to check that we are lawfully processing it.
- Ask for the personal information that we hold about you to be corrected. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Ask for your personal information to be erased. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- Object to your personal information being processed where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- Ask for the processing of your personal information to be restricted on certain grounds. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Ask for your personal information to be transferred to another party.

If you want to review, verify, correct or request erasure of your personal information, or object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Director of Finance in writing. The Charity will comply with its obligations in line with the time limits required by the legislation.

### **No fee usually required**

You will not usually have to pay a fee to access your personal information (or to exercise any of the other rights). However, the Charity may charge a reasonable fee if your request for access is unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

## **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **Right to withdraw consent**

In circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Director of Finance to let them know. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

The Charity has appointed the Director of Finance to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how the Charity handles your personal information, please contact the Director of Finance.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

## **Changes to this privacy notice**

The Charity reserves the right to update this privacy notice at any time. The Charity will provide you with a new privacy notice when substantial updates are made to the existing notice. We may also notify you in other ways from time to time about the processing of your personal information.