

Skills for Care Ltd

Fair Processing Notice – Employees and Candidates

When we process your personal data we are required to comply with the General Data Protection Regulation 2016 (“**GDPR**”) and the Data Protection Act 2018 (“**DPA**”). GDPR and the DPA are together referred to in this policy as the “**Data Protection Legislation**”.

Your personal data includes all the information we hold that identifies you or is about you, for example, your name, email address, postal address, date of birth, location data and in some cases opinions that we document about you. It also includes any sensitive information that we may hold about you, such as medical and health records (known as “special categories of data” in GDPR).

Everything we do with your personal data counts as processing it, including collecting, storing, amending, transferring and deleting it. We are required to comply with the Data Protection Legislation to make sure that your information is properly protected and used appropriately.

This fair processing notice provides information about the personal data we process, why we process it and how we process it.

Our responsibilities

Skills for Care Ltd (“**Skills for Care**”) is the data controller of the personal data you provide. We have appointed Mark Hyslop as our Data Protection Officer and he will have day to day responsibility for ensuring we comply with the Data Protection Legislation and dealing with any requests we receive from individuals exercising their rights under the Data Protection Legislation.

Why do we process your personal data?

- **Employees**

We process your personal data for HR, employment and administrative purposes. We need your personal data to make sure you have all you need to be able to work at Skills for Care, to make sure you are safe and secure at work and to make sure you receive all the benefits to which you are entitled.

The Employment Rights Act 1996 requires us to obtain certain personal data from you, such as your name. Without it we may be unable to offer you employment. We may need other personal data from you to be able to enter into a contract with you and provide you with all the information you need. Again, if we do not receive that personal data from you, we may be unable to offer you employment or fulfil our obligations to you as your employer

Although we may have previously processed some or all of your personal data on the grounds of consent (usually obtained within your employment contract), from the 25 May 2018 we process most of your information on the grounds of our legitimate interests (i.e. our employment of you and fulfilling our obligations as your employer). We may also rely on the fact that we need to process your personal data to fulfil our contract with you or to comply

with a legal obligation. If we process special categories of data about you we will usually do so on the basis that the processing is necessary as part of your employment with us.

If none of the grounds set out above applies, we will obtain separate consent from you to the processing of your personal data. You can withdraw your consent at any time. This won't affect the lawfulness of any processing we carried out prior to you withdrawing your consent.

- **Candidates**

We process the personal data you provide to us, including information within your application, CV and/or covering letter, to determine whether we are able to offer you employment and to progress or reject your application. We process this information on the grounds of our legitimate interests.

If you become an employee of Skills for Care, we will retain your personal data in line with the provisions set out in the remainder of this privacy policy. If you are unsuccessful, we will retain your application, CV and/or covering letter and any other personal data you provided to us for 12 months from the date you started your application in case any other suitable roles arise in which we think you may be interested, or in case you have any questions about our decision. After that date, your personal data will be permanently deleted or destroyed.

Who will receive your personal data?

We only transfer your personal data to the extent we need to as part of your employment with us. Recipients of your personal data include:

- payroll providers;
- insurers;
- banks;
- HMRC;
- healthcare providers;
- the hosted data centre we use;
- third parties that provide benefits and perks to you;
- third parties holding events that you wish to attend; and
- our customers, clients and suppliers.

We don't transfer your personal data outside of the EEA.

How long will we keep your personal data?

If you are an employee of Skills for Care, we will retain your personal data for 7 years from the date your employment with us terminates. We retain your information for this period in case any issues arise following the end of your employment or in case you have any queries about the period in which you were employed by us. Your information will be kept securely at all times. Following the end of the 7 year period, your files and personal data we hold about you will be permanently deleted or destroyed.

What are your rights?

Whether you are an employee or a candidate, you benefit from a number of rights in respect of the personal data we hold about you. We have summarised your rights below, and more information is available from the Information Commissioner's Office website (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>).

These rights apply for the period in which we process your data, i.e. where you are an employee, for the duration of your employment and 7 years beyond termination and where you are an unsuccessful candidate, for 12 months from the date we make our decision about your application.

1. Access to your data

You have the right to ask us to confirm that we process your personal data, as well as access to and copies of your personal data. You can also ask us to provide a range of information, although most of that information corresponds to the information set out in this fair processing notice.

We will provide the information free of charge unless your request is manifestly unfounded or excessive or repetitive, in which case we are entitled to charge a reasonable fee. We may also charge you if you request more than one copy of the same information.

We will provide the information you request as soon as possible and in any event within one month of receiving your request. If we need more information to comply with your request, we'll let you know.

2. Rectification of your data

If you believe personal data we hold about you is inaccurate or incomplete, you can ask us to rectify that information. We will comply with your request within one month of receiving it, unless we don't feel it's appropriate in which case we'll let you know why. We'll also let you know if we need more time to comply with your request.

3. Right to be forgotten

In some circumstances, you have the right to ask us to delete personal data we hold about you. This right is available to you:

- where we no longer need your personal data for the purpose for which we collected it;
- where we have collected your personal data on the grounds of consent and you withdraw that consent;
- where you object to the processing and we don't have any overriding legitimate interests to continuing processing the data;
- where we have unlawfully processed your personal data (i.e. we have failed to comply with GDPR); and
- where the personal data has to be deleted to comply with a legal obligation.

There are certain scenarios in which we are entitled to refuse to comply with a request. If any of those apply, we'll let you know.

4. Right to restrict processing

In some circumstances you are entitled to ask us to suppress processing of your personal data. This means we will stop actively processing your personal data but we don't have to delete it. This right is available to you:

- if you believe the personal data we hold isn't accurate – we'll cease processing it until we can verify its accuracy;
- if you have objected to us processing the data – we'll cease processing it until we have determined whether our legitimate interests override your objection;
- if the processing is unlawful; or
- if we no longer need the data but you would like us to keep it because you need it to establish, exercise or defend a legal claim.

5. Data portability

You have the right to ask us to provide your personal data in a structured, commonly used and machine-readable format so that you are able to transmit the personal data to another data controller. This right only applies to personal data you provide to us:

- where processing is based on your consent or for performance of a contract (i.e. the right does not apply if we process your personal data on the grounds of legitimate interests); and
- where we carry out the processing by automated means.

We'll respond to your request as soon as possible and in any event within one month from the date we receive it. If we need more time, we'll let you know.

6. Right to object

You are entitled to object to us processing your personal data:

- if the processing is based on legitimate interests or performance of a task in the public interest or exercise of official authority;
- for direct marketing purposes (including profiling); and/or
- for the purposes of scientific or historical research and statistics.

In order to object, you must have grounds for doing so based on your particular situation. We will stop processing your data unless we can demonstrate that there are compelling legitimate grounds which override your interests, rights and freedoms or the processing is for the establishment, exercise or defence of legal claims.

Automated decision making

Automated decision making means making a decision solely by automated means without any human involvement. This would include, for example, an online credit reference check

that makes a decision based on information you input without any human involvement. It would also include the use of an automated clocking-in system that automatically issues a warning if a person is late a certain number of times (without any input from HR, for example).

We don't carry out any automated decision making using your personal data.

Your right to complain about our processing

If you think we have processed your personal data unlawfully or that we have not complied with GDPR, you can report your concerns to the supervisory authority in your jurisdiction. The supervisory authority in the UK is the Information Commissioner's Office ("ICO"). You can call the ICO on 0303 123 1113 or get in touch via other means, as set out on the ICO website - <https://ico.org.uk/concerns/>.

Any questions?

If you have any questions or would like more information about the ways in which we process your data, please contact mark.hyslop@skillsforcare.org.uk.