

# Autism Hampshire GDPR Employee Privacy Notice

## Introduction

The General Data Protection Regulations (GDPR) is in effect from 25th May 2018.

As an employee of Autism Hampshire this gives you rights with respect to how your personal data is stored and used by Autism Hampshire.

Our current policies and procedures are compliant with the new legislation and employee information is used for legitimate business purposes and kept and stored in a confidential manner.

Notwithstanding, we would like to inform you of the following;

## How your information will be used

1. As your employer, Autism Hampshire needs to keep and process information about you for normal employment purposes. The information we hold and process will be used for our management and administrative use **only**. They are held both electronically and on manual individual personnel files stored securely.

We will keep and use it to enable us to run the organisation and manage our relationship with you effectively, lawfully and appropriately, during the recruitment process, whilst you are working for us, at the time when your employment ends and after you have left. This includes using information to enable us to comply with the employment contract, to comply with any legal requirements, pursue the legitimate interests of the organisation and protect our legal position in the event of legal proceedings.

If you do not provide this data, we may be unable in some circumstances to comply with our obligations and we will tell you about the implications of that decision.

2. As an organisation that provides services to vulnerable adults and children, we may sometimes need to process your data to pursue our legitimate business interests, for example; administrative purposes, reporting safeguarding or reporting potential crimes. We will never process your data where these interests are overridden by your own interests.
3. Much of the information we hold will have been provided by you, but some may come from other internal sources, such as your manager, or in some cases, external sources, such as referees.
4. The sort of information we hold includes your application form and references, your contract of employment and any amendments to it; correspondence with or about you, for example:
  - letters to you about a job change or a change to hours/location change;
  - at your request, a letter to your mortgage company confirming your salary; information needed for payroll, benefits and expenses purposes;
  - contact and emergency contact details;
  - records of holiday, sickness and other absence;
  - information needed for equal opportunities monitoring policy;

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- records relating to your career history, such as training records, supervisions and performance management;
  - grievance records
  - disciplinary or safeguarding information
5. You will, of course, inevitably be referred to in organisation documents and records that are produced by you and your colleagues in the course of carrying out your duties. You should refer to the Data Protection Policy which is available on Sharepoint or in paper format in your workplace.
6. Where necessary, we may keep information relating to your health, which could include reasons for absence and GP reports and notes. This information will be used in order to comply with our health and safety and occupational health obligations – to consider how your health affects your ability to do your job and whether any adjustments to your job might be appropriate.

We will also need this data to administer and manage statutory and organisation sick pay and critical health insurance.

7. Where we process special categories of information relating to your age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy / maternity, race, sex, sexual orientation, religion/belief or trade union membership, we will always obtain your explicit consent to those activities unless this is not required by law or the information is required to protect your health in an emergency.

Where we are processing data based on your consent, you have the right to withdraw that consent at any time.

8. We will also process your personal information where there is a legitimate interest.

This includes processing your personal data on the following systems:

| <b>System</b>             | <b>Why we process your data on this system?</b> | <b>Is your personal data needed on this system?</b> | <b>What will this system do with your personal data?</b> |
|---------------------------|---|---|--|
| Breathe HR                | Recruitment and employment.                     | Yes, to manage your employment.                     | Data will be held within Breathe HR.                     |
| Star Payroll              | Employment.                                     | Yes, to pay you for work undertaken.                | Data will be held within Star Payroll.                   |
| Ben Pal Pension Portal    | Employment.                                     | Yes, if you are paying into the pension scheme.     | Data will be held within the Pension portal.             |
| National Minimum Data Set | Legal requirement linked to CQC inspections.    | Yes, this is a legal requirement.                   | Data is shared with government bodies like the CQC.      |
| AE Financial Services     | Death in service insurance                      | Yes, to receive death in service insurance.         | Data is shared with the insurer who is providing cover.  |

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9. In addition, we monitor computer use to ensure electronic material or subjects searched are in line with the service needs for Autism Hampshire. We also keep records of your hours of work via our Rota Management system – Rota Cloud.
10. Other than as mentioned above, we will only disclose information about you to third parties if we are legally obliged to do so or where we need to comply with our contractual duties to you, for instance, we may need to pass on certain information to pension schemes.
11. We have in place safeguards including training for staff on information governance, regular internal audits and keeping policies and procedures up to date to ensure the security of your data.
12. On leaving our employment (or not being engaged in work as a Supply Worker) your personal data will be stored for the periods detailed in our Record Retention and Destruction Policy. This is generally 6 years after leaving then your records will be safely destroyed. Records need to be retained for HMRC (for 3 years) and other safeguarding, post-employment legal proceedings and reference requests. Your pension records will be retained permanently.
13. If in the future we intend to process your personal data for a purpose other than that which it was collected we will provide you with information on that purpose and any other relevant information.

### **Subject access requests**

14. Autism Hampshire recognises that individuals have the right to access their personal data and supplementary information and will comply with the one-month timeframe for responses set down in the GDPR. As a general rule, a copy of the requested information will be provided free of charge although we reserves the right to charge a fee of £20 when a request is manifestly unfounded or excessive, particularly if it is repetitive. If this proves necessary, the person concerned will be informed of their right to contest our decision with the supervisory authority (the Information Commissioner's Office (ICO)).

### **Your rights**

15. Under the General Data Protection Regulation (GDPR) and The Data Protection Act 2018 (DPA) you have a number of rights with regard to your personal data. You have the right to;
  - request from us access to and rectification or erasure of your personal data:
  - restrict processing, object to processing as well as in certain circumstances the right to data portability;.
  - having provided consent for the processing of your data (in certain circumstances) to withdraw that consent at any time which will not affect the lawfulness of the processing before your consent was withdrawn.

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- to lodge a complaint to the Information Commissioners' Office if you believe that we have not complied with the requirements of the GDPR or Data Protection Act with regard to your personal data.

### **Identity and contact details of controller and data protection lead**

16. **Autism Hampshire** is the controller and processor of data for the purposes of the DPA and GDPR.

17. If you have any concerns as to how your data is processed you can contact:

### **Contact & Enquiries**

#### **HR & Payroll Lead**

T. 01489 880881 ext. 211

E. [humanresources@autismhampshire.org.uk](mailto:humanresources@autismhampshire.org.uk)

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