

# HR Privacy Notice (Employees, Contractors & Workers)

## Scope

This document refers to personal data, which is defined as information concerning any living person (a natural person who hereafter will be called the Data Subject) that is not already in the public domain. The General Data Protection Regulation (GDPR), which is EU wide and far more extensive than its predecessor the Data Protection Act, along with the Privacy and Electronic Communications Regulations (PECR), seek to protect and enhance the rights of EU data subjects. These rights cover the safeguarding of personal data, protection against the unlawful processing of personal data and the unrestricted movement of personal data within the EU and its storage within the EEA.

This notice applies to current and former employees, workers and contractors.

**1** – The British College of Osteopathic Medicine, based at Lief House, 3 Sumpter Close, London NW3 5HR, which hereafter for the purposes of this Privacy Notice will be referred to as 'BCOM' or 'the College', is pleased to provide the following information:

## 2 - Who we are

BCOM is a specialist osteopathic education institution, provided undergraduate and postgraduate osteopathic education, and outpatient osteopathic care.

## 3 - Personal Data

For the purposes of staff employment, the College may collect and process personal data, including 'special category' or 'sensitive' data. We hold many types of data about you, including:

- Your personal details including your name, address, date of birth, email address, phone numbers
- Your photograph
- Biography
- Gender
- Marital status
- Dependants, next of kin and their contact numbers
- Medical or health information including whether or not you have a disability
- Information used for equal opportunities monitoring about your sexual orientation, religion or belief and ethnic origin
- Information included on your CV including references, education history and employment history
- Documentation relating to your right to work in the UK
- Bank details
- Tax codes
- National insurance number / Unique Tax payer Reference Number
- Professional Registrations / Membership details
- Qualification documents
- Continuous professional development (CPD) documents or records
- Training details
- Indemnity Insurance records
- Current and previous job titles, job descriptions, pay grades, pension entitlement, hours of work and other terms and conditions relating to your employment with us, HMRC / Payroll records
- Letters of concern, formal warnings and other documentation with regard to any disciplinary proceedings
- Internal performance information including measurements against targets, formal warnings and related documentation with regard to capability procedures, appraisal forms / Key performance indicators
- Leave records including annual leave, family leave, sickness absence etc
- Details of your criminal record
- CCTV footage

# HR Privacy Notice (Employees, Contractors & Workers)

- Any accidents connected with work
- Timesheet / Swipe records

We collect data about you in a variety of ways and this will usually start when we undertake a recruitment exercise where we will collect the data from you directly. This includes the information you would normally include in a CV or a recruitment cover letter, or notes made by our recruiting officers during a recruitment interview. Further information will be collected directly from you when you complete forms at the start of your employment, for example, your bank and next of kin details. Other details may be collected directly from you in the form of official documentation such as your passport, birth certificate or other right to work evidence.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references or DBS Checks.

Personal data is kept in personnel files or within the Company's HR and IT systems i.e. in paper and electronic format. Access to your personal information is limited to College staff who have a legitimate interest in it for the purpose of carrying out their contractual duties, and our use of your personal information will not be excessive.

In addition to this, the College may process some information about you that is classed as 'sensitive' or 'special category' personal data, and which requires additional protections. This includes information that you may have declared concerning your ethnicity, sexual orientation, religious beliefs or health/disability that we use for planning and monitoring purposes, or in order to provide care, help or suitable adjustments. Access to, and the sharing of, your 'sensitive' personal data are controlled very carefully. You will normally be given further details about our use of any such data when we collect it from you.

## **4 - Legal basis for processing any personal data**

The College will process your personal information for a range of contractual or statutory purposes. The law on data protection allows us to process your data for certain reasons only:

- In order to perform the employment contract that we are party to
- In order to carry out legally required duties
- In order for us to carry out our legitimate interests
- To protect your interests and
- Where something is done in the public interest.

All of the processing carried out by us falls into one of the permitted reasons. Generally, we will rely on the first three reasons set out above to process your data. For example, we need to collect your personal data in order to:

- Carry out the employment contract that we have entered into with you and
- Ensure you are paid.

We also need to collect your data to ensure we are complying with legal requirements such as:

- Ensuring tax and National Insurance is paid
- Carrying out checks in relation to your right to work in the UK or criminal record check (where applicable) and
- Making reasonable adjustments for disabled employees.

We also collect data so that we can carry out activities which are in the legitimate interests of the Company. We have set these out below:

- Making decisions about who to offer initial employment to, and subsequent internal appointments, promotions etc
- Making decisions about salary and other benefits
- Providing contractual benefits to you

# HR Privacy Notice (Employees, Contractors & Workers)

- Maintaining comprehensive up to date personnel records about you to ensure, amongst other things, effective correspondence can be achieved and appropriate contact points in the event of an emergency are maintained
- Effectively monitoring both your conduct and your performance and to undertake procedures with regard to both of these if the need arises
- Offering a method of recourse for you against decisions made about you via a grievance procedure
- Assessing training needs
- Implementing an effective sickness absence management system including monitoring the amount of leave and subsequent actions to be taken including the making of reasonable adjustments
- Gaining expert medical opinion when making decisions about your fitness for work
- Managing statutory leave and pay systems such as maternity leave and pay etc
- Business planning and restructuring exercises
- Dealing with legal claims made against us
- Preventing fraud
- Ensuring our administrative and IT systems are secure and robust against unauthorised access

We must process special categories of data in accordance with more stringent guidelines. Most commonly, we will process special categories of data when the following applies:

- You have given explicit consent to the processing
- We must process the data in order to carry out our legal obligations
- We must process data for reasons of substantial public interest
- You have already made the data public.

We will use your special category data:

- For the purposes of equal opportunities monitoring
- In our sickness absence management procedures
- To determine reasonable adjustments

We do not need your consent if we use special categories of personal data in order to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain particularly sensitive data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

## **Criminal conviction data**

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage, however, may also be collected during your employment. We use criminal conviction data in the following ways:

- To assess applicants' suitability for certain roles that meet the 'exempted question' criteria and/or those that may involve working in a regulated activity

We rely on the lawful basis of Revised Code of Practice for DBS to process this data.

## **If you do not provide your data to us**

One of the reasons for processing your data is to allow us to carry out our duties in line with your contract of employment. If you do not provide us with the data needed to do this, we will be unable to perform those duties e.g. ensuring you are paid correctly. We may also be prevented from confirming, or continuing with, your employment with us in relation to our legal obligations if you do not provide us with this information e.g. confirming your right to work in the UK or, where appropriate, confirming your legal status for carrying out your work via a criminal records check.

# HR Privacy Notice (Employees, Contractors & Workers)

## 5 – Disclosure

Your data will be shared with colleagues within the Company where it is necessary for them to undertake their duties. This includes, for example, your line manager for their management of you, the HR department for maintaining personnel records and the payroll department for administering payment under your contract of employment.

We share your data with third parties in order to obtain references as part of the recruitment process, payroll processing, pension administration, benefits administration, insurance / legal cover etc. We may also share your data with third parties as part of a Company sale or restructure, or for other reasons to comply with a legal obligation upon us.

We do not share your data with bodies outside of the European Economic Area.

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such. Details can be found in our Data Transfer Security Policy.

Where we share your data with third parties, we provide written instructions to them to ensure that your data are held securely and in line with GDPR requirements. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

## 8 - Retention Policy

In line with data protection principles, we only keep your data for as long as we need it for, which will be at least for the duration of your employment with us though in some cases we will keep your data for a period after your employment has ended. Retention periods can vary depending on why we need your data. Please refer to the HR Records Management policy for details.

## 9 - Data storage

All data is held in the United Kingdom.

## 10 - Your rights as a data subject

At any point whilst BCOM are in possession of, or processing your personal data, all data subjects have the following rights:

- Right of access – you have the right to request a copy of the information that we hold about you.
- Right of rectification – you have a right to correct data that we hold about you that is inaccurate or incomplete.
- Right to be forgotten – under certain circumstances, you can ask for the data we hold about you to be erased from our records.
- Right to restriction of processing – where certain conditions apply you have a right to restrict the processing.
- Right of portability – under certain circumstances, you have the right to have the data we hold about you transferred to another organisation.
- Right to object – under certain circumstances, you have the right to object to certain types of processing such as direct marketing.
- Right to object to automated processing, including profiling – you also have the right not to be subject to the legal effects of automated processing or profiling\*.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so. In the event that BCOM refuses your request under rights of access, we will provide you with a reason as to why, which you have the right to legally challenge. At your request BCOM can confirm what information it holds about you and how it is processed.

# HR Privacy Notice (Employees, Contractors & Workers)

If you wish to exercise any of the rights explained above, please contact HR department.

*\* No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.*

## 11 - You can request the following information:

- Identity and the contact details of the person or organisation (BCOM) that has determined how and why to process your data.
- Contact details of the data protection officer, where applicable.
- The purpose of the processing as well as the legal basis for processing.
- If the processing is based on the legitimate interests of BCOM and information about these interests.
- The categories of personal data collected, stored and processed.
- Recipient(s) or categories of recipients that the data is/will be disclosed to.
- How long the data will be stored.
- Details of your rights to correct, erasure, restrict or object to such processing.
- Information about your right to withdraw consent at any time.
- How to lodge a complaint with the supervisory authority (ICO).
- Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether you are obliged to provide the personal data and the possible consequences of failing to provide such data.
- The source of personal data if it wasn't collected directly from you.
- Any details and information of automated decision making, such as profiling, and any meaningful information about the logic involved, as well as the significance and expected consequences of such processing.

## 12 - To access what personal data is held, identification will be required

BCOM will accept the following forms of identification (ID) when information on your personal data is requested: a copy of your driving licence, passport, birth certificate and a utility bill not older than three months. A minimum of one piece of photographic ID listed above and a supporting document is required. If Osteopaths is dissatisfied with the quality, further information may be sought before personal data can be released. All requests should be made to [dpo@bcom.ac.uk](mailto:dpo@bcom.ac.uk) or by phoning +44 (0) 207 435 6464 or writing to us at the address further below.

## 13 Complaints

In the event that you wish to make a complaint about how your personal data is being processed by Osteopaths you have the right to complain to us. If you do not get a response within 30 days, you can complain to the ICO.

The details for each of these contacts are:

Data Protection Officer Telephone 0207 435 6464 or email: [dpo@bcom.ac.uk](mailto:dpo@bcom.ac.uk)

## ICO

Wycliffe House, Water Lane, Wilmslow, SK9 5AF Telephone +44 (0) 303 123 1113 or email: <https://ico.org.uk/global/contact-us/email/>