

STAFF PRIVACY NOTICE

Mid and North East Essex Mind (MNEEM) collects and processes personal data relating to its employees to manage the employment relationship. The charity is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

What information does the organisation collect?

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

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the organisation;
- information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information of any criminal record disclosed via DBS;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;
- details of trade union membership; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The charity collects this information in a variety of ways. For example, data is collected through application forms or CVs; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the charity collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

Data is stored in a range of different places, including in your personnel file, in the charity's HR management systems and in other IT systems (including the organisation's email system).

Why does Mid and North East Essex Mind process personal data?

The charity needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer pension entitlements.

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 an employee'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. For the majority of positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the charity has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the organisation 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 for succession planning 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 organisation 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.

Where the charity relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes).

Where the charity processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring.

Who has access to data?

Your information will be shared internally, including with members of the HR and recruitment team, your line manager, managers in the business area in which you work.

The charity shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service. The charity may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

The charity also shares your data with third parties that process data on its behalf in connection with payroll, the provision of IT services and the provision of occupational health services.

The charity will not transfer your data to countries outside the European Economic Area.

How does the organisation protect data?

The charity takes the security of your data seriously. The charity has internal policies 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 employees in the performance of their duties.

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 are obliged to implement appropriate technical and organisational measures to ensure the security of data.

For how long does the organisation keep data?

The organisation will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are:

- Hiring and applicant data is held for 6 months. This is the period of time during which a discrimination claim could be brought against the charity. Data collected during a recruitment process is important for defending any of these potential claims.
- Data relating to PAYE, maternity pay or SMP (statutory mandatory pay) need only be kept for 3 years after leaving the charity, as this is how long the HMRC may be interested in the information for conducting reviews or audits.
- Data such as personal records, performance appraisals, employment contracts, etc. are held on for 6 years after leaving the charity. This is partly because of potential tribunals for the 3-month risk period during which terminated employees can bring a claim against the charity, but it could be used for defending a county court or high court claim, which can occur many years down the line. Under the GDPR, the condition for processing would be legal obligation, or legitimate interest.

Your rights

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

- access and obtain a copy of your data on request via a Subject Access 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;
- object to the processing of your data where the charity is relying on its legitimate interests as the legal ground for processing; and
- ask the charity to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

- If you would like to exercise any of these rights, please contact the Business Support Officer or HR Officer.
- If you believe that the charity has not complied with your data protection rights, you can complain to the Information Commissioner.

What if you do not provide personal data?

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 other information, this will hinder the charity's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

Automated decision-making

Employment decisions are not based solely on automated decision-making.