

Appendix D

Eastway Care Ltd

STAFF PRIVACY NOTICE

A Privacy Notice is a statement explaining how we collect, use, retain and disclose personal information which we hold about you. This notice also explains what rights you have to control how we use your information. We are legally required to provide this information to you in accordance with the Data Protection Act, 2018 (which incorporates the requirements of the General Data Protection Regulations (GDPR), 2016).

We consider the processing of your personal data to be necessary for:

- 1) The performance of our contractual obligations to you and your contractual obligations to us, and to enable us both to exercise rights under our contract;
- 2) To comply with our legal obligations for example to check your entitlement to work in the UK, to deduct tax, to comply with health and safety laws, to enable you to take periods of leave to which you are entitled, to facilitate equal opportunities monitoring and the meeting of regulatory obligations to bodies such as the CQC and LA Commissioning.

What information do we process about you?

- Your name, contact details and other personal details such as your date of birth, marital status, next of kin and emergency contacts.
- Your initial application and subsequent applications for promotion e.g. references and bank details.
- Immigration and right to work status information (for example, visa details, passport details).
- Details relating to your employment including role title, line manager, place of work, working hours, salary, benefits and the terms and conditions of your employment.
- Details of your schedule (days of work and working hours) and attendance and hours at work including time sheets.
- Details of your qualifications, skills, registrations, experience with previous employers (including references).
- Information about your remuneration, including salary, pay history, pay slips and P60 information, annual review history and proposed and actual adjustments to pay.
- Tax status, including where relevant results of HMRC employment status check and tax code.
- Details of any interest in and connection with any intermediary through which your services are supplied.
- Correspondence and other information relating to access to staff support facilities and wellbeing services.
- Leave taken by you e.g. holiday, sickness, family leave, medical appointments, other types of leave and, and the reasons for this.
- Performance development review records including induction portfolios, training and development records, competency assessments, performance improvement plans, supervision, disciplinary or grievances and related correspondence.
- Health and safety related incident/accident reports involving you including those related to safeguarding either in the form of whistleblowing accounts, witness statements or allegations.
- Consultation information and related correspondence relating to any redundancy processes and organisational or staffing restructures to which you may have been subject.
- Details relating to any declarations made by you about outside work interests or conflicts of interest.
- Details relating to any gifts and hospitality you may have received of your role.
- Car registration and insurance details and car parking data (if relevant);
- Exit Interviews and correspondence relating to your resignation and other leaver processes.
- Your Company credit card use (where applicable).
- General information and responses relating to employee, worker or contractor and management queries and cases.

We also collect personal data about you from third parties e.g. references supplied by former employers or occupational health reports.

Your personal data is held both electronically and in paper format and is stored in a range of different places, including in your personnel file, in the our HR IT system, spreadsheets, health and safety record systems, local service filing systems and in other IT systems e.g. our email system.

In addition we may share relevant information with the following external agencies:

- 1) Our accountants, who process our payroll.
 - 2) Our insurers where claims that involve you may be made by a third party.
 - 3) The Care Quality Commission who may audit personnel files to ensure that we are complying with best practice in recruitment, selection and management of staff.
 - 4) Our purchasing Local Authorities who for contract purposes may require evidence that we are complying with best practice in recruitment, selection and management of staff, or where safeguarding concerns arise that concern you and your acts and/or omissions.
 - 5) The relevant executive agencies or non-departmental public bodies, for example, UK Visas and Immigration, HM Revenue and Customs and the Health and Safety Executive.
 - 6) Organisations which provide training, accredit programmes or award quality marks.
 - 7) Transport providers.
 - 8) Benefit and Pension providers.
 - 9) Consultants.
 - 10) Your next of kin or appointed person as identified by you on your Personal Data Form.
- We do not share your data with external organisations for marketing their products or services. We do not sell your personal data to third parties under any circumstances, or permit third parties to sell on the data we have shared with them.

Internal:

Your data is shared with only those Eastway staff who need access to deliver and support the purposes described above.

We ensure we have appropriate data sharing agreements in place before sharing your personal data with any other data controllers.

Your Rights

- 1) To access the personal information we hold about you. This is known as a Subject Access Request. To do so you must make a request in writing to your service manager who will supply you with this information within 30 days. For more information please refer to our Data Management Policy.
- 2) To correct inaccuracies in the data we hold about you.
- 3) To have your personal data erased. This is a limited right which applies, among other circumstances, when the data is no longer required or the processing has no legal justification. There are also exceptions to this right, such as when the processing is required by law or in the legitimate interest of Eastway and its business.
- 4) To object to the processing of your personal data for marketing purposes. We will not use your data for marketing purposes unless we have obtained your specific consent to this.
- 5) To object to the processing of your personal data when that processing is based on specific criteria such as the public interest or other legitimate interests, unless we have compelling lawful grounds to continue.
- 6) To restrict the processing of your personal data. This is a limited right which will apply in specific circumstances and for a limited period.
- 7) To ask for the transfer of your data electronically to a third party.
- 8) Where the legal basis for us processing your personal data is your consent, to withdraw that consent at any time.

We store your details for the following periods of time after which it will be securely destroyed:

Staff personal data retained by Eastway for 7 years after the last entry:

Next of Kin and Death In Service details. National Insurance Number.

Previous and current job/college/school details. CV's.

Qualifications and Certificates.

Equal opps monitoring around gender and ethnicity.

Bank details.

Pension details.

Salary details.

Benefits details including sick and maternity. Holiday records.

Staff personal data retained by Eastway for 15 years after the last entry:

Title, full name, home address, telephone numbers, email and DOB. Position i.e. post, permanent, part-time, bank, apprentice or student. Previous convictions.

Right to Work in the UK.

DBS.

Correspondence.

Sickness and other absence records. Training records.

Disciplinary records.

Supervision records.

Performance Improvement Plans. Observations.

Grievances.

Staff personal data retained by Eastway indefinitely:

Senior Executive records

Works Council minutes
Inland Revenue records
Assessments under Health and Safety Regulations Reasonable Adjustments.
Impairment or disability details. Medical Records

Special Category (Sensitive) Data

Some information we hold about you is described as special category, this is because it is more sensitive, and so needs more protection. For example, information about:

- Race.
- Ethnic origin.
- Politics.
- Religion.
- Trade union membership.
- Genetics.
- Biometrics (where used for ID purposes).
- Health.
- Sex life.
- Sexual orientation.
- Criminal convictions.

Special categories of sensitive personal information require higher levels of protection. We may process such data in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out any legal obligations.
3. Where it is needed in the public interest, such as for equality monitoring.

Less commonly, we may process this special category data where it is needed in relation to legal claims, or where it is needed to protect your interests (and you are not capable of giving your consent) or where you have already made the information public.

In an HR context we would process this data in the following ways:

1. Using information about your physical or mental health or disability status to ensure that you are fit for work, to ensure your health and safety in the workplace, to manage sickness absence, to administer benefits, and to consider any potential reasonable adjustments and support you if you have any health concerns. All health related information is stored securely, is only accessible by those with a legitimate interest to view that data such as Occupational Health, HR and your line manager and, if being sent in electronic format must be password protected;
2. Using information related to leaves of absence including sickness absence or family related leave, to comply with our legal obligations;
3. Using information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual orientation, to ensure meaningful equality monitoring and reporting; adherence to your rights under the Equality Act, 2010
4. Using information relating to criminal convictions may be used where the law allows us to do so e.g. as part of the recruitment checking process.

Personal data relating to criminal convictions will be retained securely, access will be strictly controlled and we will not hold it for longer than required.

Contact and Queries

If you would like more information or you have any queries relating to this notice please contact your Service Management.

If you wish to complain

If you wish to make a complaint about how your data is being or has been processed, please contact the Managing Director.

You also have a right to complain to the Information Commissioner's Office (ICO) about the way in which we process your personal data. You can make a complaint using the ICO's website.

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