

Spinnaker Contract Services Ltd collects and processes personal data relating to its employees to manage the employment relationship. The organisation 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 organisation 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 about your criminal record;
- 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, 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; and
- Equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The organisation may collect this information in a variety of ways. For example, data might be collected through application forms, CVs or resumes; 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 emergency contact forms); from correspondence with you; or through interviews, meetings or other assessments.

The organisation seeks information from third parties with your consent only. Data will be stored in a range of different places, including in your personnel file, in the organisation's HR management systems and in other IT systems (including the organisation's email system).

## Why does the organisation process personal data?

The organisation 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 benefits such as pension and insurance entitlements.

In some cases, the organisation 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.

In other cases, the organisation 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 list the appropriate points and expand on them as necessary:

- 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.

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).

Where the organisation 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. Data that the organisation uses for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

### **Who has access to data?**

Your information may be shared internally, with members of HR and payroll, your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

The organisation 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 organisation 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 organisation also shares your data with third parties that process data on its behalf, in connection with payroll.

Your data will not be transferred to countries outside the European Economic Area (EEA) for the purposes of providing you with work-finding services. The EEA comprises the EU member states plus Norway, Iceland and Liechtenstein.

### **How does the organisation protect data?**

The organisation takes the security of your data seriously. The organisation 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 organisation 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 set out below:

*Record types*

### *Accident books, accident records/reports*

Statutory retention period: 3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21).

(See below for accidents involving chemicals or asbestos).

Statutory authority: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. Special rules apply concerning incidents involving hazardous substances (see below).

### *Accounting records*

Statutory retention period: 3 years for private companies, 6 years for public limited companies.

Statutory authority: Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006.

### *Income tax and NI returns, income tax records and correspondence with HMRC*

Statutory retention period: not less than 3 years after the end of the financial year to which they relate.

Statutory authority: The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631).

### *Medical records and details of biological tests under the Control of Lead at Work Regulations*

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676).

### *Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)*

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

### *Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates*

Statutory retention period: (medical records) 40 years from the date of the last entry; (medical examination certificates) 4 years from the date of issue.

Statutory authority: The Control of Asbestos at Work Regulations 2002 (SI 2002/2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)

### *Medical records under the Ionising Radiations Regulations 1999*

Statutory retention period: until the person reaches 75 years of age, but in any event for at least 50 years.

Statutory authority: The Ionising Radiations Regulations 1999 (SI 1999/3232).

### *National minimum wage records*

Statutory retention period: 3 years after the end of the pay reference period following the one that the records cover.

Statutory authority: National Minimum Wage Act 1998.

### *Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)*

Statutory retention period: 5 years from the date on which the tests were carried out.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

### *Records relating to children and young adults*

Statutory retention period: until the child/young adult reaches the age of 21.

Statutory authority: Limitation Act 1980.

### *Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity*

Statutory retention period: 6 years from the end of the scheme year in which the event took place.

Statutory authority: The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103)

### *Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence*

Statutory retention period: 3 years after the end of the tax year in which the maternity period ends.

Statutory authority: The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended.

### *Wage/salary records (also overtime, bonuses, expenses)*

Statutory retention period: 6 years.

Statutory authority: Taxes Management Act 1970.

### *Working time records*

Statutory retention period: 2 years from date on which they were made.

Statutory authority: The Working Time Regulations 1998 (SI 1998/1833).

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

- Access and obtain a copy of your data on request;
- Require the organisation to change incorrect or incomplete data;
- Require the organisation to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing; and
- Object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing

If you would like to exercise any of these rights, please contact HR.

If you believe that the organisation has not complied with your data protection rights, you have the right to raise your concerns with the Information Commissioner on 0303 123 1113 or at <https://ico.org.uk/concerns/>.

### *Complaints*

If you wish to complain about this privacy notice or any of the procedures set out in it please contact: Paul Mulholland (Managing Director) – 02392 698053.

### **What if you do not provide personal data?**

You have some obligations under your employment contract to provide the organisation 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 organisation 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 organisation to enter a contract of employment with you. If you do not provide other information, this will hinder the organisation's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

Where you have consented to the organisation processing your personal data and sensitive personal data, you have the right to withdraw that consent at any time by contacting Victoria Amey (HR & Administration Manager) – 02392 698053 or [Victoria@spinnakercontractservices.co.uk](mailto:Victoria@spinnakercontractservices.co.uk).