

King's College London Students' Union

Employee, worker and contractor GDPR privacy notice

10 May 2018

Privacy notice

This notice explains how King's College London Students' Union (referred to in this notice as **we, us** or **our**) collects and uses personal data about existing and former employees, workers and contractors for employment/engagement related purposes.

This notice covers the following:

What is personal data?

How do we collect personal data?

What personal data do we collect?

How do we use your personal data?

What is the legal basis that permits us to use your personal data?

What happens if you do not provide the personal data that we request?

How do we share your personal data?

How do we keep your personal data secure?

When do we transfer your personal data overseas?

For how long do we keep your personal data?

Your rights in relation to your personal data

Complaints

The **Table** at the end of this notice provides an overview of the personal data that we collect, the purposes for which we use that data, the legal basis which permits us to use it and the rights that you have in relation to your personal data.

This notice does not form part of any contract of employment or other contract to provide services. We keep this privacy notice up to date, so if there are any changes to the way in which your personal data is used this privacy notice will be updated and we will notify you of the changes.

Contact details

Our contact details are as follows:

Address: Macadam Building, Surrey Street, London. WC2R 2NS
Telephone: 020 7848 1588

What is personal data?

Personal data is any information that tells us something about you. This could include information such as your name, contact details, date of birth, medical information and bank account details.

How do we collect personal data?

We collect personal data about you from various sources including:

- from you when you contact us directly through the application and recruitment process or during your employment/engagement;
- from other people when we check references or carry out background checks – if we do this we will inform you during the recruitment process of the exact checks that are carried out;
- any personal data we obtain from searching public records, such as the Electoral Roll, to help us verify your identity; and
- we also collect information about job-related activities through the course of your employment/engagement with us.

What personal data do we collect?

We collect the following categories of personal data about you:

- Personal contact details such as name, title, address, telephone number and personal email addresses
- Date of birth
- Gender
- Equal opportunities monitoring information such as ethnicity, religion, disability and sexual orientation
- Marital status and dependents
- Next of kin and emergency contact information
- National insurance number
- Bank account details, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Start and end date of employment/engagement
- Location of employment or workplace
- Copy of your driving licence if we provide you with a company car or if you need to drive as part of your employment/engagement
- Recruitment information (including copies of right to work documentation, qualifications, references and other information in your CV or cover letter or otherwise provided as part of the application process)
- Copies of identification documents such as your passport and driving licence
- Employment/engagement records (including job titles, work history, working hours, training records and professional memberships)
- Compensation history
- Performance information (including appraisals)

- Disciplinary and grievance information (whether or not you are the main subject of those proceedings)
- CCTV footage and other information obtained through electronic means such as swipecard records
- Information about your use of our information and communication systems
- Photographs and video footage
- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Information about your health, including any medical condition, health and sickness records
- Information about criminal convictions and offences committed by you

How do we use your personal data?

We use your personal data for the following purposes:

- To make decisions about your recruitment and appointment
- To determine the terms on which you work/provide services for us
- To check you are legally entitled to work in the UK
- To pay you and, if you are an employee, to deduct tax and national insurance contributions
- To provide benefits to you, including pension
- To liaise with your pension provider
- To administer the contract we have with you
- For business management and planning purposes, including accounting and auditing
- To conduct performance reviews, manage performance and determine performance requirements
- To make decisions about salary reviews and compensation
- To assess your qualifications for a particular job or task, including decisions about promotions
- To decide whether and how to manage your conduct
- To gather evidence for possible grievance or disciplinary hearings (in relation to you or someone else)
- To make decisions about your continued employment or engagement
- To make arrangements for the termination of our working relationship
- For education, training and development
- To deal with legal disputes involving you or other employees, workers or contractors, including accidents at work

- For regulatory purposes
- To ascertain your fitness for work
- To manage sickness absence
- To comply with health and safety obligations
- To prevent and detect fraud or other criminal offences
- To monitor compliance with our policies and our contractual obligations, including the use of our information and communication systems to ensure compliance with our IT policies
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- To conduct data analytics studies to review and better understand employee retention and attrition rates
- To carry out equal opportunities monitoring
- For insurance purposes
- To provide a reference upon request from another employer/third party
- To comply with employment law, immigration law, health and safety law, tax law and other laws which affect us

We do not take automated decisions about you using your personal data or use profiling in relation to you.

What is the legal basis that permits us to use your personal data?

Under data protection legislation we are only permitted to use your personal data if we have a legal basis for doing so as set out in the data protection legislation. We rely on the following legal bases to use your information for employment related purposes:

Where we need your personal data to perform the contract we have entered into with you.

- Where we need to comply with a legal obligation.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

In more limited circumstances we may also rely on the following legal bases:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest or for official purposes.

The Table at the end of this notice provides more detail about the personal data that we use, the legal basis that we rely on in each case and your rights.

Some personal data is classified as "special" data under data protection legislation. This includes information relating to health, racial or ethnic origin, religious or philosophical beliefs, political opinions, sex life, sexual orientation and trade union membership. This personal data is more sensitive and we need to have further justifications for collecting, storing and using this type of personal data. There are also additional restrictions on the circumstances in which we are permitted to collect and use criminal conviction data. We may process special categories of personal data and criminal conviction information in the following circumstances:

- In limited circumstances with your explicit consent, in which case we will explain the purpose for which the personal data will be used at the point where we ask for your consent.
- We will use information about your physical and mental health or disability status to comply with our legal obligations, including to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- We will use information about your race or ethnic origin, religious or philosophical beliefs, your sexual life or sexual orientation to ensure meaningful equal opportunity monitoring and reporting – the legal basis of this processing is that it is in the public interests to carry out diversity monitoring.
- We will comply with employment law obligations.

What happens if you do not provide the personal data that we request?

We need some of your personal data in order to perform our contract with you. For example, we need to know your bank details so that we can pay you. We also need some personal data so that we can comply with our legal obligations. For example, we need information about your health and fitness to work to comply with our health and safety obligations.

Where personal data is needed for these purposes if you do not provide it we will not be able to perform our contract with you and may not be able to offer employment/engagement or continue with your employment/engagement. We explain when this is the case at the point where we collect personal data from you.

How do we share your personal data?

We share your personal data in the following ways:

- With other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.
- Where we use third party services providers who process personal data on our behalf in order to provide services to us. This includes IT systems providers and IT contractors, payroll providers and pension administration providers.
- We will share your personal data with regulators, , where we are required to do so to comply with our regulatory obligations.
- We will share your personal data with third parties where we are required to do so by law. For example, we are required to provide tax-related information to HMRC.
- We may share your personal data with an individual who has a close relationship with you in the event you are unable to perform your employment/engagement duties because of ill health or for any other similar reason and where we have ensured we have obtained the necessary documentation to ensure the third party is authorised to have access to your personal data.
- If we sell any part of our business and/or integrate it with another organisation your details may be disclosed to our advisers and to prospective purchasers or joint venture partners and their advisers. If this occurs the new owners of the business will only be permitted to use your personal data in the same or similar way as set out in this privacy notice.

Where we share your personal data with third parties we ensure that we have appropriate measures in place to safeguard your personal data and to ensure that it is solely used for legitimate purposes in line with this privacy notice.

How do we keep your personal data secure?

Your personal data will be stored in the Recruitment/Personnel/Employee Relations/Learning and Development folders that the HR department can access it. Your data is also stored on Carval for processing

The storage and e-mail systems have firewalls, virus-checking, security updates, encryption and password protection, regular back-ups, secure removal before disposing of old computers and anti-spyware tools. Hard copy documents may be generated as part of a HR process are scanned and hard copies confidentially destroyed.

We will ensure access to personal data is restricted to employees working within our group on a need to know basis. Training will be provided to any employees working within the group who need access to your personal data to ensure it is secured at all times.

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When do we transfer your personal data overseas?

We do not send your personal data outside of the European Economic Area.

For how long do we keep your personal data?

As a general rule we keep your personal data for the duration of your employment and for a period of 8 years after your employment/engagement ends. However, where we have statutory obligations to keep personal data for a longer period or where we may need your personal data for a longer period in case of a legal claim, then the retention period may be longer.

Your rights in relation to your personal data

You have a number of rights in relation to your personal data, these include the right to:

- be informed about how we use your personal data;
- obtain access to your personal data that we hold;
- request that your personal data is corrected if you believe it is incorrect, incomplete or inaccurate;
- request that we erase your personal data in the following circumstances:
 - if we are continuing to process personal data beyond the period when it is necessary to do so for the purpose for which it was originally collected;
 - if we are relying on consent as the legal basis for processing and you withdraw consent;
 - if we are relying on legitimate interest as the legal basis for processing and you object to this processing and there is no overriding compelling ground which enables us to continue with the processing;
 - if the personal data has been processed unlawfully (i.e. in breach of the requirements of the data protection legislation);
 - if it is necessary to delete the personal data to comply with a legal obligation;
- ask us to restrict our data processing activities where you consider that:
 - personal data is inaccurate;
 - our processing of your personal data is unlawful;

- where we no longer need the personal data but you require us to keep it to enable you to establish, exercise or defend a legal claim;
- where you have raised an objection to our use of your personal data;
- request a copy of certain personal data that you have provided to us in a commonly used electronic format. This right relates to personal data that you have provided to us that we need in order to perform our agreement with you and personal data where we are relying on consent to process your personal data;
- object to our processing of your personal data where we are relying on legitimate interests or exercise of a public interest task to make the processing lawful. If you raise an objection we will carry out an assessment to determine whether we have an overriding legitimate ground which entitles us to continue to process your personal data;
- not be subject to automated decisions which produce legal effects or which could have a similarly significant effect on you.

If you would like to exercise any of your rights or find out more, please contact data@kclsu.org. The Table at the end of this notice provides more detail about the personal data that we use, the legal basis that we rely on in each case and your rights.

Complaints

If you have any complaints about the way we use your personal data please contact data@kclsu.org who will try to resolve the issue. If we cannot resolve your complaint, you have the right to complain to the data protection authority in your country (the Information Commissioner in the UK).

Table: quick check of how we use your personal data

Purpose	Personal data used	Legal basis	Which rights apply?*
Recruitment decisions	Personal contact details, national insurance number, recruitment information, employment records, and compensation history.	Legitimate interest. It is in our interests to ensure we recruit the best possible candidates in order to achieve our business goals and objectives.	The generally applicable rights plus the right to object.
Right to work checks	Information relating to your right to work status, national insurance number, passport number, nationality, tax status information, and personal contact details.	Legitimate interest. It is in our interests to ensure that those who work for us have the right to work in the UK as well as to establish the statutory excuse to avoid liability for the civil penalty for employing someone without the right to undertake the work for which they are employed.	The generally applicable rights plus the right to object.
Performance reviews and appraisals, salary reviews and promotion decisions	Compensation history, performance history, disciplinary and grievance information and salary.	Contractual necessity and legitimate interest. It is in our interests as well as the interest of our employees/workers/contractors to have performance and salary/fee reviews to ensure employees/workers/contractors are being adequately compensated which will in turn motivate them to deliver a high standard of work, ultimately having a positive impact on achieving our business goals.	The generally applicable rights plus the right to object.
Administration of your contract and benefits,	Compensation history, national insurance number, personal contact information, bank	Contractual necessity.	The generally applicable rights plus the right to data portability.

including payment of salary/fee and expenses	account details, payroll records and tax status information, start and end date of employment/engagement and date of birth.		
Administration of pension schemes	Compensation history, national insurance number, personal contact information, bank account details, payroll records and tax status information, start and end date of employment/engagement, date of birth and contribution entitlements.	Legal obligation, contractual necessity and legitimate interest. It is in our interests to adequately incentivise our employees to motivate them to deliver a high standard of work, ultimately having a positive impact on achieving our business goals. It is in the interests of the trustees/scheme administrator to be able to effectively run the pension scheme.	The generally applicable rights plus the right to data portability and the right to object.
Compliance with our statutory duties to ensure a safe place of work and to ensure that you are fit for work	Information about your health, including any medical condition, health and sickness records and location of employment or workplace.	Legal obligation.	The generally applicable rights only.
Management of sickness absence	Personal contact details, employment/engagement records (sickness hours/days) and information about your health.	Legal obligation and contractual necessity.	The generally applicable rights plus the right to data portability.
To monitor compliance with our policies	Personal contact details, information about your use of our information and communication systems, CCTV footage and other information obtained through electronic means such as swipecard records, disciplinary and grievance information and performance information.	Legitimate interest. It is in our interests to ensure employees/workers/contractors are complying with our policies as non-compliance with policies can result in termination of employment/engagement, ultimately affecting our day to day operations and business plans.	The generally applicable rights plus the right to object.

Fraud and crime prevention	Information about criminal convictions and offences committed by you, personal contact details and CCTV footage and other information obtained through electronic means such as swipecard records.	Public interest and legitimate interest. It is in our interests as well as the interests of our employees/workers/contractors to ensure the prevention of fraud and crime is monitored. This will ensure a safe workplace for all.	The generally applicable rights plus the right to object.
Diversity monitoring	Gender, marital status and dependents, location of employment or workplace and information about your race or ethnicity, religious belief and sexual orientation.	Public interest.	The generally applicable rights plus the right to object.
Disciplinary and grievance procedures	Personal contact details, disciplinary and grievance information and performance information.	Legitimate interests. It is in our legitimate interests to manage the performance of employees and ensure that disciplinary action is taken where appropriate.	The generally applicable rights plus the right to object.
To deal with legal disputes	Personal contact details, employment/engagement records, compensation history, performance information, disciplinary and grievance information, photographs, CCTV footage and other information obtained through electronic means and information about criminal convictions and offences committed by you.	Legitimate interest. It is in our interests to process personal data to make and defend legal claims to ensure that our legal rights are protected.	The generally applicable rights plus the right to object.
Business management and business planning	Information about your use of our information and communication systems, employment/engagement records, location of workplace, salary and benefit information and personal contact details.	Legitimate interests. It is in our interests to undertake this processing to ensure we can improve any business operations which will ultimately improve the overall quality of work/the workplace. Employees/workers/contractors will	The generally applicable rights plus the right to object.

		ultimately benefit as the workplace and its procedures may be strengthened.	
Exit management at the end of your employment/engagement	Personal contact details, payroll records, tax status information, end date of employment/engagement, and employment/engagement records.	Legitimate interest. It is in our interests as well as the interests of our employees/workers/contractors to undertake exit management steps to ensure the employees/workers/contractors can express any feedback to us which we can consider and decide whether to implement to improve the workplace for other employees/workers/contractors. The organisation has a statutory obligation to communicate with HMRC financial details.	The generally applicable rights plus the right to object.

*The following generally applicable rights always apply: right to be informed, right of access, right to rectification, right to erasure, right to restriction and rights in relation to automated decision making. For more detail about your rights and how to exercise them please see **Your rights in relation to your personal data**