



## Privacy Notice – Applicants, employees and former employees

### Purpose of this privacy notice

This privacy notice serves to meet the obligations of your right to be informed under the United Kingdom General Data Protection Regulation (UKGDPR) which requires that data controllers provide data subjects with privacy information.

Positive Futures is a data controller meaning the organisation determines the purposes and means of processing personal data held about you. A data subject is an identifiable and living individual to whom personal data relates.

Processing personal information involves obtaining, recording, holding or carrying out any operation or set of operations including:

- organisation, adaptation or alteration
- retrieval, consultation or use
- disclosure by transmission, dissemination or otherwise making available
- alignment, combination, blocking, erasure or destruction.

### The categories of personal data obtained

Personal data is any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier e.g. name, identification number, location data or online identifier. Positive Futures processes the following<sup>1</sup> personal data about applicants, employees and former employees<sup>2</sup>:

- Name
- Home address
- Email addresses (personal and work)
- Contact numbers (personal and work)
- Photograph
- Employee ID number
- National Insurance number
- Copies of ID documents
- Emergency contacts' details (name, relationship to employee, address, contact number and email address).

Special category personal data (sensitive personal data) attracts additional protection and includes race, ethnic origin, political opinions, religion, trade union membership, genetics, biometrics (where used for ID purposes), health, sex life and

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<sup>1</sup> This list is not exhaustive.

<sup>2</sup> Please also note that not everything from this list will apply to all applicants, employees and former employees.



## Privacy Notice – Applicants, employees and former employees

sexual orientation. Positive Futures processes the following<sup>3</sup> special category data about you<sup>4</sup>:

- Family, lifestyle and social circumstances information such as:
  - beneficiaries' details in relation to life assurance or other benefits
  - medical history
  - occupational health reports
  - religious belief
  - ethnic origin
  - disability
  - nationality
  - criminal records
  - copies of documents which prove eligibility to work in the UK / immigration status
- Employment-related information such as:
  - job title (current and previous)
  - training records, expense records (including details of out of pocket expenses, details of private cars etc)
  - work history
  - education
  - records of Access NI checks
  - details of membership of professional bodies
  - details of any workplace accidents, exit interviews, reference / statutory information (including mortgage and employment references and forms from government departments)
  - any investigations relating to performance, conduct, violations of law or breaches of company policies
- Benefit-related information such as:
  - pay and benefits
  - bank details
  - pension details
  - information relating to childcare vouchers
  - sickness records and certificates and other documents required for other benefits, such as information relating to pregnancy and age of children etc where applicable
- Employee communication monitoring information i.e. phone, written and electronic communications and records of these
- Information about use of our systems such as the use of our ICT systems and use of electronic devices used by or allocated to staff.

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<sup>3</sup> This list is not exhaustive.

<sup>4</sup> Please also note that not everything from this list will apply to all applicants, employees and former employees.



## Privacy Notice – Applicants, employees and former employees

Your data is held securely in files in our offices, on our computer systems and in our archiving facility.

### **The source of the personal data, details of whether you are under a statutory or contractual obligation to provide the personal data and the retention periods for the personal data**

We obtain this data from you when you complete an application form and monitoring form. Recruitment agencies may also send us data about you on your behalf. We obtain additional data during the recruitment process and pre-employment checks<sup>5</sup>.

If you are employed by us, we will obtain more data about you in the course of your employment.

If you leave our employment, we will hold records that contain your data for no longer than is necessary, as per the retention periods specified in our Records Retention and Disposal Schedule (RRDS).

### **Purposes of processing**

Processing your data allows us to:

- Hire and recruit suitable staff and carry out required pre-employment checks
- Establish, perform, manage and terminate the employment contract, as appropriate
- Communicate with employees regarding work-related matters
- Communicate with employees' emergency contact/s in the event of an emergency, or suspected emergency
- Communicate with ex-employees to update them on changes to our Terms and Conditions of Employment.
- Manage workplace investigations, disciplinary action and grievances
- Manage attendance, performance, development and training
- Manage professional travel and expenses
- Administer and manage payroll and benefits
- Ensure compliance with the requirements of professional bodies, regulatory authorities and Health and Social Care Trusts
- Provide and manage our ICT systems and infrastructure
- Ensure compliance with our policies, procedures and applicable laws (including monitoring communications).
- Provide upon request employment references

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<sup>5</sup> You are under certain statutory and contractual obligations to provide us with your data.



## Privacy Notice – Applicants, employees and former employees

### Lawful basis for processing and the legitimate interests for the processing

Positive Futures process your data for the purposes of legal compliance, in order to fulfil our contractual obligations to you and because we have a legitimate interest in processing your data in order to recruit, manage and develop suitable staff.

### The rights available to individuals in respect of the processing

Depending on the purpose and legal basis for processing your data you will have different rights. Under the UKGDPR, some of your rights are 'qualified' meaning there may be circumstances where some of your rights do not apply.

- You may have the right to access to your data. You can do so by submitting a Subject Access Request Form (available on our website) or by speaking to your Line Manager
- You may have the right to have your data erased
- You may have the right to have the processing of your data restricted
- You may have the right to have your data rectified if it is incorrect or completed if it is incomplete
- You may have the right to data portability meaning you may obtain and reuse the data we hold about you for your own purposes across different services
- You may have the right to object to your data being processed.

### The right to withdraw consent

We rely on your consent to be able to share your data with the Regulation and Quality Improvement Authority (RQIA) for their audit purposes. Arrangements under Article 43 (1) under Article 40 or 41 of Health & Personal Social Services (Quality, Improvement and Regulation NI) Order 2003 state that your personal records can be shared in the following circumstances:

- the information is disclosed in a form which the identity of the individual cannot be ascertained
- the individual consents to the information being disclosed
- the individual cannot be traced despite taking all reasonable steps.

**Please note** that in order for us to comply with the law, there are certain circumstances where we will have to share your personal data with RQIA without your consent. Article 43 (2) of Health & Personal Social Services (Quality, Improvement and Regulation NI) Order 2003 RQIA states that your personal records can be shared:



## **Privacy Notice – Applicants, employees and former employees**

- It is not practicable to disclose the information to RQIA in a form which does not identify you;
- RQIA considers it is necessary due to a serious risk to health and safety
- RQIA considers that it is necessary to do so having regard to risk and urgency of the exercise of their regulatory functions.

We also rely on your consent to be able to process photographic images of you for the purposes of PR & marketing. If you do not sign a Media Consent Form, we will not process images of you for the purposes of PR & marketing.

**You have the right to withdraw your consent at any time and you can do so by speaking to your line manager.**

### **The recipients or categories of recipients of the personal data**

At the application stage, your data is shared with the Human Resources (HR) department, recruitment panel and the relevant line manager of the position to which you are applying.

If you are employed by us, your data will be shared with the HR and Finance departments, your line manager and may also be shared internally on a need to know basis with other support departments.

We may be required to share your data with other employees or external organisations for the purpose of fulfilling our legal, regulatory and contractual obligations or for the defence of or response to litigation.

We may be required to provide upon request employment references. We have a duty to the recipient to provide information that is true, accurate, fair and non-discriminatory.

Positive Futures use data processors who are responsible for processing your data on behalf of Positive Futures such as our HR system providers, archiving facility, training providers and pension providers.

### **The details of transfers of the personal data to any third countries or international organisations**

We do not transfer any of your data to third countries or international organisations.

### **The details of the existence of automated decision-making, including profiling**



## Privacy Notice – Applicants, employees and former employees

We do not process your data for the purposes of automated decision-making, including profiling.

### **The name and contact details of our organisation / representative / data protection officer**

For further information, contact the Information Manager at:

- Head Office, 2b Park Drive, Bangor, BT20 4JZ
- 028 9147 5720
- [dataprotection@positive-futures.net](mailto:dataprotection@positive-futures.net)
- <https://www.positive-futures.net/contact-us>

### **The right to lodge a complaint with a supervisory authority**

You have the right to lodge a complaint with the Information Commissioner's Office (ICO) if you are concerned about Positive Futures' information rights practices. Visit <https://ico.org.uk/concerns/> for further information or call their helpline on 0303 123 1113.