

## Fair Processing Notice for Employees

### 1. Introduction

The Finchley Charities collects and uses employees' personal data for a variety of reasons and this notice explains what information we collect, when and why we collect it, and how we use it.

**Personal data** refers to any information about an individual from which they can be identified whether directly or indirectly; the **processing** of personal data is defined as the collection, recording, storage, consultation, erasure or destruction of data.

### 2. Policy Context

The Finchley Charities (hereinafter "we" or "us") is committed to protecting the rights of individuals with respect to the processing of their personal data.

In doing so, we adhere to the Data Protection Act 2018 (DPA), the General Data Protection Regulation (EU) 2016/679 (GDPR) and to any domestic laws subsequently enacted.

We are registered as a **data controller** with the Information Commissioner's Office (ICO) under registration number **Z5827503** and we are the data controller of any personal data that you – the **data subject** – provide to us.

### 3. Data Protection Officer (DPO)

The Central Services & Compliance Manager is assigned as our **Data Protection Officer (DPO)** and any questions relating to this notice and our privacy practices should be directed to them in person, by phone, email or in writing.

### 4. Lawful Basis for Processing Employees' Personal Data

Article 6, Part 1, of the GDPR outlines six conditions under which personal data can be processed and, following an assessment by the Data Protection Officer, we have adopted five of these conditions as a lawful basis for processing employees' personal data:

**6 (1) b** *“Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.”*

For example, we need to hold bank details in order to pay staff salaries.

**6 (1) c** *“Processing is necessary for compliance with a legal obligation to which the controller is subject.”*

We have a legal obligation to pay tax and contribute to a pension scheme on behalf of staff.

**6 (1) d** *“Processing is necessary in order to protect the vital interests of the data subject or of another natural person.”*

In the event of an emergency, we may need to pass on medical details to paramedics / hospital staff.

**6 (1) e** *“Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.”*

We need to liaise with HMRC to pay tax on behalf of staff

**6 (1) f** *“Processing is necessary for the purposes of the legitimate interests pursued by the controller...”*

Our main purpose is to provide sheltered housing to our residents. In doing so, we need to employ staff and process their personal data – a legitimate interest.

## **5. Special Category Data**

What was known as **sensitive personal data** under the DPA is now defined as **special category data** under GDPR and includes categories such as health and medical conditions, ethnicity, sexual orientation, politics, religion, trade union membership, sex life, genetics and biometrics.

We will process special category data under the same conditions outlined in Section 4 above and will also satisfy two conditions of Article 9, Part 2 of the GDPR:

**9 (2) c** *“Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.”*

**9 (2) d** *“Processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body... and on condition*

*that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects.”*

## **6. Personal Data Collected**

In the course of our activities as an employer we collect and process the following personal and special category for employees:

- (a) Full name and address, phone number/s and email address.
- (b) Date of birth.
- (c) NI number.
- (d) Qualifications.
- (e) Gender.
- (f) Nationality.
- (g) Marital status.
- (h) Name, address and contact details of 1<sup>st</sup> next of kin and 2<sup>nd</sup> next of kin (or primary contacts).
- (i) Sickness records and Fit Notes.
- (j) Bank account details.
- (k) Copy of photo ID eg. passport / driving licence for confirming right to work and DBS processing.
- (l) DBS certificate.
- (m) Medical conditions / allergies.

### **We collect and use the above personal data for:**

- i. Administration of contracts of employment.
- ii. Salary payments.
- iii. Recruitment and selection; DBS processing.
- iv. Pensions, staff benefits, appraisals, training and development.
- v. Membership of professional bodies.
- vi. To contact next of kin / primary contacts in the event of an emergency.
- vii. To pass on any medical conditions / allergies to paramedics / hospital staff in the event of an emergency.

## 7. Sharing of Personal Data

Employee's personal data may be processed by approved third parties in order to carry out the activities listed in Section 6. We engage and/or share information with the following third parties, all of whom are bound by DPA and GDPR legislation:

- Payroll provider
- Pension provider
- Healthcare benefits provider
- IT provider
- DBS checking provider

Your information will only be processed within the UK and EEA.

## 8. Security of Personal Data

Personal data is stored as both hard copy and electronically and the security of employee's data is very important to us.

All hard copies are stored in a locked cabinet in the Central Services office, accessible only to the Chief Executive and the Central Services & Compliance Manager. The Housing Services and Property Services Managers have limited access, appropriate to their line-management duties.

All employee personal data held electronically is stored on our computer server in a restricted access folder. This is fully accessible only to the Chief Executive and Central Services & Compliance Manager. The Housing Services and Property Services Managers have limited access to sub-folders, appropriate to their line-management duties.

Our computer server is accessible via devices protected by strong passwords which are changed regularly. No personal data is stored on the local hard drive of any device or on any external storage device.

## 9. Subject Access Request

You have the right during and after your employment to request access to the personal data we hold about you – this is referred to as a **subject access request**. This request should be made by email or in writing to the Data Protection Officer.

You may also ask us to correct, delete, or remove information that is irrelevant or inaccurate. If we can agree to that request, it will be actioned. If we cannot, we will explain our reasons to you in writing.

## **10. Retention of Personal Data**

Employees' personal data is held in line with our Data Retention Policy, as outlined in our Data Protection Policy, available to all staff via the server or from the Data Protection Officer.

## **11. Information Commissioner's Office**

If you are not happy with the way in which we have processed your personal data then you have the right to complain to the Information Commissioner's Office (ICO) at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**Tel:** 0303 123 1113

**Website:** <https://ico.org.uk/concerns/>

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## **Fair Processing Notice for Employees**

### **Acknowledgement**

I acknowledge that I have received a copy of The Finchley Charities' Fair Processing Notice for Employees and that I have read and understood it.

Signed .....

Name.....

Date.....

**(Please detach and return to the Data Protection Officer)**