

# Data Protection: Privacy Notice (Employees)

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## Chronology of amendments/additions

25 May 2018	Policy live
3 December 2019	Updated to reflect DBS policy for handling of certificate information
4 June 2020	Updated to reflect data utilisation for COVID-19
9 August 2021	Updated to reflect change of reference from 1 January 2021 to UK GDPR

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## 1. Introduction

This Notice sets out the obligations of The Isle of Wight College regarding data protection and the rights of staff (“data subjects”) in respect of their personal data under EU Regulation 2016/679 General Data Protection Regulation (“GDPR”). Since 1 January 2021 the UK’s data privacy law is now known as UK GDPR.

The UK GDPR defines “personal data” as any information relating to an identified or identifiable natural person (a “data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

This Notice sets the College’s obligations regarding the collection, processing, transfer, storage, and disposal of personal data.

The College is committed not only to the letter of the law, but also to the spirit of the law and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom it deals.

## 2. Notice about how we use your personal information

We are the data controller of personal information about you. We are the Isle of Wight College. Our address is The Isle of Wight College, Medina Way, Newport, Isle of Wight, PO30 5TA.

Our Data Protection Officer is Dawn Smart. If you have any questions about this policy or the ways in which we use your personal information, please contact our Data Protection Officer at the above address or via [dawn.smart@iwcollege.ac.uk](mailto:dawn.smart@iwcollege.ac.uk).

This privacy notice has been prepared in accordance with the General Data Protection Regulation (EU) 2016/679 (**‘GDPR’**) and the Data Protection Act 2018.

This notice sets out how we use your personal information as your employer or when you apply for a job with us and in particular:

- the information that you give us
- the uses made of your personal information
- the legal basis on which we collect and use your personal information
- how long we keep your personal information
- how we share your personal information, and
- your rights over your personal information.

### 3. The information that you give us

We will collect personal information from you when you **apply** for a job with us. This will include your: name; address; phone number; email; date of birth; DofE number; NI number; current employment details including job title, start and end dates; current salary, notice period, reason for leaving; all past employment details; education and qualification details; other information on interests, skills and experience relevant to the job role; whether you are related to any personnel of the College or Governing Body; references; special arrangement details for interview; criminal record details; Disclosure Barring Service (DBS) check, including European Economic Area (EEA) check; Prohibition from Management check; Prohibition from Teaching check; Check of Barred List/List 99; and Pre-employment Health Questionnaire/Medical Report. When completing a DBS application form we will also provide you with a copy of the DBS Privacy Policy which explains how they will handle and use your personal information and we will ask you to confirm you have received this policy by signing a declaration as follows: I have read the Standard/Enhanced Check Privacy Policy for applicants <https://www.gov.uk/government/publications/dbs-privacy-policies> and I understand how DBS will process my personal data and the options available to me for submitting an application.”

We will collect personal information from you when you are a new starter and become an **employee** of the College and during your employment. This will be your: name; marital status; previous surname(s); address; date of birth; occupation/department; type of employment; phone number; email addresses; NI number; start date; next of kin and contact details; bank details; pension details; statement about employment; student loan details; offer letters; employment terms and conditions; changes to your terms and conditions; certifications/qualifications, disciplinary, grievance, capability, job descriptions, sickness absences, maternity/paternity/adoption information; accidents and injuries at work; working time information; annual leave records; recruitment information; photo; payroll details; data on personal characteristics which is used for anonymised equality data monitoring including gender, date of birth, ethnicity, religion/belief and sexual orientation; flexible working; exit interviews; return to work notifications; parental leave request forms; appraisal/ performance; bank account number; sort code; disqualification information; sickness absences; medical information including risk assessments and medical reports which you have consented to.

### 4. The uses made of your personal information

We will use your personal information set out above as follows:

- for the recruitment process and for carrying out pre-employment checks
- for safeguarding students
- for checking your identity and right to work in the UK
- for checking your qualifications
- to keep an audit trail of the checks we have made and our relationship with you in case of employment claims

- to set up payroll and pension and to reimburse expenses
- for dealing with HMRC
- for communicating with you, including for marketing purposes, and
- for carrying out our role as your employer or potential employer.

We treat your personal information with confidentiality and we do not use it for any other purposes.

Due to COVID-19 and to ensure the health and safety of all staff, the college holds limited information which is voluntarily provided relating to reasons why and individual may be vulnerable as set out in government guidance. This is used to help inform the operational deployment and working arrangements for staff and to ensure risk assessments are in place where necessary.

## 5. The legal basis on which we collect and use your personal information

We collect and use your personal information on the basis that it is necessary for performing our employment contract with you, or it is necessary to take steps before entering into the contract with you. We also collect and use your personal information on the basis that we need to do so in order to comply with our legal obligations.

Where we collect your special category personal information, we do this on the basis that it is necessary for the purposes of carrying out our obligations in the field of employment law. Special categories of personal data are personal data that reveal a person's racial or ethnic origin, political opinions, religions or philosophical beliefs, trade union membership, criminal records and genetic data (i.e. information about their inherited or acquired genetic characteristics, information about their physical, physiological or behavioural characteristics (such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation).

## 6. How long we keep your personal information

We will not keep your personal information for longer than we need it for the purposes we have explained above.

When you apply for a job with us, but your application is unsuccessful, we will keep your personal information for no more than 6 months.

When you are an employee, we will keep your personal information for as long as you work with us and then after you leave, we will keep all of your personal information for 6 years. In addition, information relating to your name, employment dates, national insurance number, job title, disciplinary record including safeguarding matters and reason for leaving employment (e.g. voluntary resignation) for 25 years.

## 7. How we share your personal information

We may share the personal information that you give us with the following organisations (or types of organisation) for the following purposes.

**Organisation / type of organisation:**

HMRC, Department for Work and Pensions, Teachers' Pension Scheme, Local Government Pension Scheme, Disclosure and Barring Service, Department for Education, Isle of Wight Council, Awarding bodies.

**Purpose:**

Tax administration, pension administration, professional teaching qualification checks, safeguarding checks and safeguarding monitoring, qualification delivery and assessment.

We may also share your personal information with third parties who provide services to the College.

**Organisation / type of organisation:**

Occupational Health Provider (NHS)

**Service:**

Employee health advice.

## 8. How we transfer your personal information outside of Europe

We do not store or transfer your personal data outside of Europe.

## 9. Your rights over your personal information

You have a number of rights over your personal information, which are:

- the right to make a complaint to the Information Commissioner's Office (ICO) if you are unhappy about the way your personal data is being used – please refer to the ICO's website for further information about this (<https://ico.org.uk/>)
- the right to ask us what personal information about you we are holding and to have access to a copy of your personal information
- the right to ask us to correct any errors in your personal information
- the right, in certain circumstances such as where our use of your personal information is based on your consent and we have no other legal basis to use your personal information, to ask us to delete your personal information
- the right, in certain circumstances such as where we no longer need your personal information, to request that we restrict the use that we are making of your personal information

- the right, in certain circumstances, to ask us to review and explain our legitimate interests to you, and
- the right, where our use of your personal information is carried out for the purposes of an agreement with us and is carried out by automated means, to ask us to provide you with a copy of your personal information in a structured, commonly-used, machine-readable format.

## 10. Disclosure and Barring Service – handling of DBS certification information

### 10.1 General principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, The Isle of Wight College complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the UK General Data Protection Regulation (UK GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

### 10.2 Storage and access

Certificate information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### 10.3 Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### 10.4 Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### 10.5 Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

## **10.6 Disposal**

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

## **10.7 Acting as an umbrella body**

Before acting as an umbrella body (an umbrella body being a registered body which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of certificate information in full compliance with the [code of practice](#) and in full accordance with this policy.

We will also ensure that any body or individual, at whose request applications for DBS certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

## **11. Changes to our privacy policy**

We keep our privacy policy under regular review. Any changes we make to our privacy policy in the future will be detailed in the policy itself on the staff computer network and College website ([www.iwcollege.ac.uk/jobs](http://www.iwcollege.ac.uk/jobs)).