

Employee GDPR Privacy Notice and Policy May 2018

1. INTRODUCTION

The Dell is a registered charity and provides OFSTED registered childcare for children aged 3-12 years of age. We collect information about you as our employees and volunteers to allow us to carry out our business. This privacy notice provides you with details of how The Committee of The Dell (“we” “our” “us”) as Trustees of The Dell Out of School Club (“the Company”) collect and Process your Personal Data, as an employee.

“Personal Data” is any information identifying a living, identifiable individual, excluding any anonymous data but including any sensitive Personal Data. Such data can be factual such as a name, email address, date of birth or national insurance number; or an opinion or reference about a person’s actions or behaviour.

“Processing” or “Process” means any activity involving the use of Personal Data whether that is obtaining, holding, recording or carrying out any operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. It includes the transmission or transferring Personal Data to third parties.

For the purposes of safeguarding and processing criminal convictions and offence data responsibly, this data is treated in the same manner as special categories of personal data, where we are legally required to comply with specific data processing requirements.

The Business /HR Manager together with the Managers of each setting (Morgans and Abel Smith) and Finance and Bookings Officers act on behalf of The Committee of The Dell as the data controllers and are responsible for your Personal Data, including determining when, why and how to Process Personal Data. For General Data Protection Regulations our email address is thedellhertford@hotmail.com . Our postal address is The Dell Out of School Club c/o Morgans School Morgans Rd Hertford Herts SG13 8DR.

If you are not happy with any aspect of how we collect and use your data, you have the right to complain to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We should be grateful if you would contact us first if you do have a complaint so that we can try to resolve it for you. It is very important that the information we hold about you is accurate and up to date. Please let us know if at any time your personal information changes by emailing us at thedellhertford@hotmail.com

2. BACKGROUND

This policy has been written in accordance with the principles and safeguards set out in the General Data Protection Regulation (EU) 2016/679 (“GDPR”) We adhere to the principles relating to the Processing of Personal Data set out in GDPR which require Personal Data to be:

- (A) Processed lawfully, fairly and in a transparent manner (Lawfulness, Fairness and Transparency).
- (b) Collected only for specified, explicit and legitimate purposes (Purpose Limitation).

(c) Adequate, relevant and limited to what is necessary in relation to the purposes for which it is Processed (Data Minimisation). (d) Accurate and where necessary kept up to date (Accuracy).

(e) Not kept in a form which permits identification of Data Subjects for longer than is necessary for the purposes for which the data is Processed (Storage Limitation).

(f) Processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful Processing and against accidental loss, destruction or damage (Security, Integrity and Confidentiality).

(g) Not transferred to another country without appropriate safeguards being in place.

(H) made available to individuals such as to allow them to exercise certain rights in relation to their Personal Data (Data Subjects rights and requests).

3. HOW WE USE YOUR PERSONAL DATA

We will only use your Personal Data when legally permitted. The most common uses of your Personal Data are:

- Where we need to perform the contract between us in accordance with our terms of employment if you are an employee.
- 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.
- Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal ground for processing your Personal Data, other than in relation to sending marketing communications to you via email or text message.

You have the right to withdraw consent to marketing at any time by emailing us at thedellhertford@hotmail.com

Purposes for Processing your Personal Data

Set out below is a table describing the Personal Data we hold – why we hold it, the legal grounds on which we will process your data, how it is stored and who has access to it? We also detail how long we will retain the data you have provided.

Data	What is the data used for	Lawful reason for keeping data	Where did it come from	Who is it shared with	Where is it stored	Access	Consent required	How long do we keep it
Application forms or CV supplied as part of the recruitment process	Shortlisting and finding suitable candidates for our positions	Legitimate interest	Job applicant or now current employees	Senior staff & Trustees	HR file in locked cupboard in HR home office Copies on site.	Managers	No	For successful candidates 2 years post-employment end. Unsuccessful applicants 2 years
Recruitment and selection decision and related correspondence including offer/regret letters.	Safeguarding Suitability to work with young children Selection outcomes	Legitimate interest	Employer	Senior staff & Trustees Selection decisions may be shared with OFSTED	HR file in locked cupboard in HR home office Copies held on site for OFSTED	Managers	No	As above
Contract of employment Including name, hours, rate of pay/salary. (or volunteer agreement)	Contract of employment or volunteer agreement	Legitimate interest	HR/signed by employee	Employee and Payroll	HR files in locked cupboard in HR home office & PC Copies on site & at Finance office in locked cupboard and PC	Managers and finance manager	No	6 years

Data	What is the data used for	Lawful reason for keeping data	Where did it come from	Who is it shared with	Where is it stored	Access	Consent required	How long do we keep it
<p>New starter forms Including Date of Birth Address Contact numbers Medical issues/health concerns National insurance no Bank details Emergency contact details</p>	<p>Setting the employee up on payroll Being able to contact the employee about work related matters. Emergency contacts in case of emergency Medical and health issues to allow reasonable adjustments Bank details so we can pay Set up pension scheme. Arrange tax and NI payments.</p>	Legitimate interest	Employee	Payroll Payroll Pensions DWP and HMRC	Locked cabinet filed at club after induction before being handed to Finance Manager and held securely at Rapier group via paper and safe PC Contact telephone numbers held on Dell phone Emails held on secure Dell OSC laptops.	Managers and finance manager	No	In accordance with payroll/HMRC information see below
<p>DBS Disclosure checks with TMG CRB plus staff disqualification declarations</p>	<p>Statutory obligation Safeguarding</p>	Special Category Legitimate interest	Employer generated link using employee email.	Managers School OFSTED	1 database hard copy on each site locked cupboard but accessed only by HR & Club	HR Manager Club Manager as password users	No	Disclosures numbers held until employment ends and then removed from the database.

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					Managers. Located through a secure server website "Online Disclosures" giving legitimate authority for staff to collect such data			
Car registration no	Notification to school	Consent	Employee	Employee School	On site locked cupboard	Manager	No	After leaving Disposal by secure data shredding services. Deletion from server
References for The Dell (employee references)	Safe Recruitment	Legitimate interest	Third party such as past employers.	OFSTED. HR/ snr staff	HR files/PC held in HR home office	HR Manager	Yes	After leaving Disposal by secure data shredding services. Deletion from server
References by The Dell as employer.	Allow staff to apply for other jobs	Consent	The Dell	Prospective employer	HR files/PC held in HR home office	HR Manager	Yes	3 years after employment has ended.

Data	What is the data used for	Lawful reason for keeping data	Where did it come from	Who is it shared with	Where is it stored	Access	Consent required	How long do we keep it
					Prospective employer			Disposal by secure data shredding services. Deletion from server
Performance data including supervisions appraisals and disciplinary notes	Allow regular reviews and staff performance	Legitimate interest	Employer and employee	Managers Trustee Ofsted	Locked filing cupboard at club	Managers and HR Manager Trustees	No	3 years Disposal by secure data shredding services. Deletion from server
Work permits <16	Regulation	Legitimate interest	Individual and HCC and The Dell	Employee	Locked filing cupboard at club		No	Till employee turns 16. Disposed of by shredding
Training records and certificates	Compliance with Ofsted registration	Legitimate interest	Third party Employee Managers	Ofsted Gov Compliance e. i.e. Food Hygiene	Locked filing cupboard at club	Manager	No	Till expired or 5 years if still in employee. Can be disposed of in the year after leaving Disposal by secure data shredding services. Deletion from server

Data	What is the data used for	Lawful reason for keeping data	Where did it come from	Who is it shared with	Where is it stored	Access	Consent required	How long do we keep it
Contractual change letters and requests and general staff correspondence	Contract of employment	Legitimate interest	HR Manager or employee	Managers Finance Manager Payroll Pensions DWP Pensions	HR Files/PC held in HR home office	H. R Manager Bookings and Finance Manager	No	5 years Disposal by secure data shredding services. Deletion from server
Staff photos	Permission sought encourage first names only	Consent	Employer/ Employee/ Facebook	Public	Public noticeboard NB suggest first names only to be GDPR compliant	Anyone	No	On leaving Disposal by secure data shredding services. Deletion from server
Staff registers/rotas/sign in sheets	Detailing planned and actual hours of work so we can calculate pay Record of whose in building	Legitimate interest	Employer Finance & Bookings and Managers	All staff	Locked cupboard Nb staff rota needs to be filed away and not on view unless first names only are used	Staff only	No	As part of payroll process 6 years. Disposal by secure data shredding services. Deletion from server
Payroll information shared with ABCO including Name Contact details DOB Right to work Ethnicity	To abide by HMRC payroll rules and you contract of employment	Legitimate interest	Employee	HMRC Nest Sage Abco payroll	On server at Rapier password protected (server GDPR compliant and locked room	Fiancé and bookings officer/HR Manager	No	Six years plus 1 year post employment. Disposal by secure data shredding services.

Information we obtain from other sources.

On occasions we receive information from other sources such as a recruitment website e.g. indeed or via a recruitment agency i.e. Teach in Herts. Where we obtain information from other sources we will ensure we comply with the above GDPR principles

Marketing communications

We will never share your Personal Data with any third party for marketing purposes.

4. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your Personal Data with the parties set out below for the purposes set out in the table in paragraph 2 above:

- OFSTED or any government department involved with the safe operation of our business e.g. H&S executive, Food Standards Agency EHO. And for DBS checks. Etc.
- Service providers who provide IT and system administration services.
- Professional advisers including OFSTED, HCC and those who provide consultancy, and other business related service to The Dell.
- HM Revenue & Customs, regulators, The Department of Work and Pensions and other authorities based in the United Kingdom and other relevant jurisdictions who require reporting of Processing activities in certain circumstances.
- Third parties to whom in the future we may sell, transfer or merge parts of our business or assets.

We require all third parties to whom we transfer your data to respect the security of your Personal Data and to treat it in accordance with the law. We only allow such third parties to Process your Personal Data for specified purposes and in accordance with our instructions.

5. INTERNATIONAL TRANSFERS

Not applicable to employees as we don't transfer any staff data to any international countries.

6. DATA SECURITY

We have put in place appropriate security measures to prevent your Personal Data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your Personal Data to those employees, agents, contractors and other third parties who have a business need to know such data. They will only Process your Personal Data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected Personal Data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

7. DATA RETENTION

We will only retain your Personal Data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for Personal Data, we consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorised use or disclosure of your Personal Data, the purposes for which we Process your Personal Data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law we must keep basic information about our clients (including Contact, Identity, Financial and Transaction Data) for six years after they cease being clients for tax purposes.

In some circumstances you can ask us to delete your data and it is our responsibility to make sure that any Personal Data we retain is accurate. So, if you would like us to erase your data (to the extent that we are able) or there are any changes to your data which means what we currently hold is inaccurate, please do let us know.

Any data that we dispose of is done in a secure fashion by shredding or professional data shred.

8. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your Personal Data. These include the right to:

The right to be informed about the personal data being processed

The right to access to your Personal Data.

The right to object to the processing of your personal data

The right to restrict the processing of your personal data

The right to correct your personal data

The right to erasure of your Personal Data

The right to portability of your personal data,

In exercising your individual rights you should understand that in some situations we may be unable to fully meet your request. For example if you make a request for us to delete all your personal data, we may be required to retain some data for taxation, and for regulatory and other statutory purposes.

You can see more about these rights at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If you wish to exercise any of the rights set out above, please email us at thedellhertford@hotmail.com.

You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal Data (or to exercise any of your other rights). This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within 30 days. Occasionally it may take us longer than this if your request is particularly complex or you have made several requests. In this case, we will notify you and keep you updated.