

UK GDPR POLICY FOR APPLICANTS & EMPLOYEES

1. General

In accordance with the UK General Data Protection Regulation (UK GDPR), we have implemented this policy to inform you, as prospective and current employees of our Company, of the types of data we process about you. We also include within this policy the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.

2. Data Protection Principles

Under UK GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- a. processing is fair, lawful and transparent
- b. data is collected for specific, explicit, and legitimate purposes
- c. data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- d. data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- e. data is not kept for longer than is necessary for its given purpose
- f. data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures.

3. Types of Data Held

We keep several categories of personal data on our prospective and current employees in order to carry out effective and efficient processes. We keep this data in recruitment files, our Personnel files and we also hold the data within our computer systems.

Specifically, we hold a combination of the following types of data:

- a. personal details such as name, address, phone numbers;
- b. name and contact details of your next of kin;
- c. your photograph;
- d. your gender, marital status, information of any disability you have or other medical information;
- e. right to work documentation e.g.; passport, birth certificate, settled status;
- f. information on your race and religion for equality monitoring purposes;
- g. GP contact details;
- h. National Insurance number
- i. Bank details
- j. information gathered via the recruitment process such as that entered into a CV or included in a CV cover letter;
- k. references from former employers;
- l. details on your education and employment history etc;
- m. driving licence;
- n. training certificates;
- o. DBS checks / criminal convictions.

4. Collecting Your Data

You provide several pieces of data to us directly during the recruitment exercise.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references or credit reference agencies.

Should you be successful in your job application, we will gather further information from you, for example, your bank details and next of kin details, once your employment begins.

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5. Lawful Basis for Processing

The law on data protection allows us to process your data for certain reasons only.

The information below categorises the types of data processing we undertake and the lawful basis we rely on.

Activity requiring your data	Lawful basis
Making reasonable adjustments for disabled employees	Legal obligation
Making recruitment decisions in relation to both initial and subsequent employment e.g. promotion	Our legitimate interests
Making decisions about salary and other benefits	Our legitimate interests
Making decisions about contractual benefits to provide to you	Our legitimate interests
Assessing training needs	Our legitimate interests
Dealing with legal claims made against us	Our legitimate interests
Preventing fraud	Our legitimate interests

6. Special Categories of Data

In data protection law, 'special category data' means personal data that needs more protection because it's sensitive. The special categories of personal data are:

- a. Racial or ethnic origin;
- b. Political opinions;
- c. Religious or philosophical beliefs;
- d. Trade union membership;
- e. Genetic data;
- f. Biometric data for the purpose of uniquely identifying a natural person;
- g. Data concerning health; or
- h. Data concerning a natural person's sex life or sexual orientation.

We carry out processing activities using special category data:

- a. for the purposes of equal opportunities monitoring
- b. to determine reasonable adjustments

Most commonly, we will process special categories of data when the following applies:

- a. you have given explicit consent to the processing
- b. we must process the data in order to carry out our legal obligations
- c. we must process data for reasons of substantial public interest
- d. you have already made the data public.

7. Failure to Provide Data

Your failure to provide us with data may mean that we are unable to fulfil our requirements for entering into a contract of employment with you. This could include being unable to offer or continue your employment, or administer contractual benefits.

8. Criminal Conviction Data

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage, however, may also be collected during your employment. We use criminal conviction data to determine your suitability, or your continued suitability for the role, or specific elements of the role.

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9. Who We Share Your Data With

Personnel within our company who have responsibility for Employees will have access to your data which is relevant to their function. All personnel with such responsibility have been trained in ensuring data is processed in line with GDPR.

Data is shared with third parties for the following reasons:

- a. Payroll
- b. Specialists in Human Resource Support
- c. Pension
- d. HR Management Software
- e. Employee Benefits
- f. RIDDOR
- g. Training and development
- h. Insurance providers

We may also share your data with third parties if we have a legitimate interest, or for other reasons to comply with a legal obligation upon us. We have a data processing agreement in place with such third parties to ensure data is not compromised. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

We do not share your data with bodies outside of the UK unless legally obliged to do so.

10. Protecting Your Data

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such.

11. Retention Periods

We only keep your data for as long as we need it for, which will be at least for the duration of your employment with us though in some cases we will keep your data for a period after your employment has ended. Some data retention periods are set by the law. Retention periods can vary depending on why we need your data, as set out below:

Records	Documentation	Retention Period
Insurance	Insurance Claims	7 years
Payroll	All Payee Records	6 years + current year
Tachograph	Drivers Tachographs	24 months
Driving License	Employee Driving License	2 years
Accident	Near Miss Forms	4 years
	Accident/Incident/RIDDOR Reports	Lifetime
HR	Personnel records	Employment period plus 6 years
	Health surveillance records	40 years from last date
	Pre-employment Health Questionnaires	During Employment plus 3 years
	Job applications & CV's	6 months

12. Individual Rights

You have the following rights in relation to the personal data we hold on you:

- a. the right to be informed about the data we hold on you and what we do with it;
- b. the right of access to the data we hold on you. More information on this can be found in our separate policy on Subject Access Requests (ref A26);
- c. the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as 'rectification';
- d. the right to have data deleted in certain circumstances. This is also known as 'erasure' or 'the Right to be forgotten';
- e. the right to restrict the processing of the data;
- f. the right to transfer the data we hold on you to another party. This is also known as 'portability';
- g. the right to object to the inclusion of any information;
- h. the right to regulate any automated decision-making and profiling of personal data.

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13. Consent

Where you have provided consent to our use of your data, you also have the right to withdraw that consent at any time. This means that we will stop processing your data.

14. Making a complaint

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner (ICO). You can contact the ICO at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone on 0303 123 1113 (local rate) or by 'Live Chat' at <https://ico.org.uk/global/contact-us/>

15. Data Protection Compliance

The Operations Director is the responsible person for monitoring compliance with the GDPR and other data protection laws, our data protection policies, awareness-raising and training.

Rob Fluckiger

Rob Fluckiger
Group Managing Director