



GDPR HR Privacy Notice

For Future, Current and Former Employees

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1. Introduction

Robertson collects and processes personal information, or personal data, relating to its employees to effectively manage the working relationship. Robertson also collects relevant information from job applicants to allow future working relationships to be created. This personal information may be stored on paper or in electronic format.

As an employer, we are committed to being transparent about how we handle your personal information, protecting the privacy and security of your personal information and meeting our data protection obligations under the General Data Protection Regulation (GDPR) and the Data Protection Act 1998. The purpose of this privacy notice is to make you aware of how and why we collect and use your personal information within HR both during and after your working relationship with Robertson. We are required under the GDPR to notify you of the information contained in this privacy notice.

Robertson has put in place a Group wide [Data Protection Policy](#) which is overseen by Ian Clark, Group Executive Director – Audit & Compliance.

This privacy notice applies to all job applicants, current and former employees. It is non-contractual and does not form part of any employment contract or any other contract for services.

If you have any questions about this privacy notice or about how we handle your personal information, please contact us at dpo@robertson.co.uk.

2. Data Protection Principles

Under the GDPR, there are six data protection principles that Robertson must comply with and these are outlined within the Group [Data Protection Policy](#).

3. What types of personal information do we collect about you?

Personal information is any information about an individual from which that person can be directly or indirectly identified. It doesn't include anonymised data, i.e. where all identifying particulars have been removed. There are also "special categories" of personal information, and personal information on criminal convictions and offences, which requires a higher level of protection because it is of a more sensitive nature. The special categories of personal information comprise information about an individual's race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic and biometric data.

Robertson collects and processes, a range of personal information about you. This includes:

- Data items about you as a person, e.g. name, contact details, date of birth and national insurance number
- Data about your skills, qualifications, education and employment history, e.g. dates of employment, terms and conditions of employment, professional memberships, appraisal details, training records, any disciplinary or grievance records and any termination of employment records.
- Data requested for legal or regulatory purposes, e.g. proof of eligibility to work in the UK, criminal record checks, credit reference checks, biometric records and driving licence checks.
- Data relating to financial information, e.g. salary information, bank account details, entitlement to financial benefits and pension information.
- Data relating to Health and Wellbeing, e.g. annual leave and other leave records, Occupational Health records and Health Surveillance records.

Robertson may also collect, store and process the following special categories of your personal information:

- information about your health, including any medical condition, whether you have a disability which Robertson needs to make reasonable adjustments to accommodate, sickness absence records, (including details of the reasons for sickness absence being taken), medical reports and related correspondence
- information about your racial or ethnic origin, religious or philosophical beliefs and sexual orientation
- trade union membership
- information about criminal convictions and offences

4. How do we collect your personal information?

Robertson may collect personal information about employees in a variety of ways. It is collected during the recruitment process, either directly from the applicant or sometimes from a third party such as an employment agency. We may also collect personal information from other external third parties such as references from former employers, information from background check providers, information from credit reference agencies and criminal record checks from the Disclosure and Barring Service (DBS) or Disclosure Scotland.

We will also collect additional personal information throughout the period of your working relationship with us. This may be collected in the course of your work-related activities. Whilst some of the personal information you provide to us is mandatory and/or is a statutory or contractual requirement, some of it you may be asked to provide to us on a voluntary basis. We will inform you whether you are required to provide certain personal information to us or if you have a choice in this.

Your personal information may be stored in different places, including in your personnel file, the HR Database (PeopleCare), Robertson's Online People system (to be launched in 2018) and in other IT systems such as the email system. These systems are secure and only those who require access to carry out their job role within Robertson are allowed access to this information.

5. Why do we collect your personal information?

We will only process your personal information in ways that the law permits. These are known as the legal bases for processing. We will process your personal information in one or more of the following circumstances:

- to allow Robertson to operate the employment contract or contract for services we have entered into with you.
- where we need to comply with a legal obligation.
- where it is necessary for our legitimate interests (or those of a third party), and your interests or your fundamental rights and freedoms do not override our interests.

We may also occasionally use your personal information where required to protect your vital interests (or someone else's vital interests).

We need all the types of personal information listed under Section 3 primarily to enable us to perform our contract with you and to enable us to comply with our legal obligations. In some cases, we may also use your personal information where it is necessary to pursue our legitimate interests (or those of a third party). Our legitimate interests include: performing or exercising our obligations or rights under the direct relationships that exists between Robertson and you as its employee; pursuing our business by employing (and rewarding) employees; performing effective administration and ensuring the smooth running of the business; ensuring the security and effective operation of our systems and network; protecting our confidential information; and conducting due diligence on employees. We believe that you have a reasonable expectation, as our employee, that we will process your personal information in order to fulfil our obligations to you under your contract of employment and to create or maintain a working relationship with you.

The purposes for which we are processing, or will process, your personal information are to:

- Enable recruitment processes, e.g. processing of your data is required to assess your suitability for a role or to maintain contact throughout a recruitment process.
- Comply with statutory or legislative requirements, e.g. processing documentation provided by you such as proof of right to work in the UK or assessing details of a disability to ensure our duty of care as an employer is applied.
- Enable effective workforce management, e.g. processing appraisals or performance management actions to ensure appropriate training and support is in place or to process leave records to allow staffing ratio management.
- Administer the contract and associated benefits, e.g. processing bank details to ensure payment of salary or processing contact information to a third-party supplier to allow a company car to be arranged.
- Maintain accurate employee records, e.g. processing emergency contact information if required or to maintain up-to-date contact details for correspondence.

Please note that we may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law.

6. What if you fail to provide personal information?

If you fail to provide certain personal information when requested or required, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations. You may also be unable to exercise your statutory or contractual rights.

7. Why and how do we use sensitive personal information?

We will only collect and use your sensitive personal information, which includes special categories of personal information and information about criminal convictions and offences, when the law allows us to.

Some special categories of personal information, i.e. information about your health or medical conditions and trade union membership, and information about criminal convictions and offences, is processed so that we can perform or exercise our obligations or rights under employment law or social security law and in line with our data protection policy. Information about health or medical conditions may also be processed for the purposes of assessing the working capacity of an employee or medical diagnosis, provided this is done under the responsibility of a medical professional subject to the obligation of professional secrecy, e.g. a doctor, and again in line with our data protection policy.

Due to the nature of the services we provide, we sometimes have a requirement to carry out relevant criminal record checks. We only process these where explicit consent is given. In this case, we will provide you with details of the personal information we require and the reason we need it, so that you can properly consider whether you wish to consent or not. It is entirely your choice whether to consent and your consent can be withdrawn at any time.

The purposes for which we are processing, or will process, these special categories of your personal information, are to:

- assess your suitability/eligibility for employment, engagement or promotion
- comply with statutory and/or regulatory requirements and obligations
- comply with our duty of care requirements as an Employer
- administer the contract we have entered into with you
- ensure compliance with your statutory and contractual rights

- maintain a record of sickness absence and/or your fitness for work
- enable effective workforce management through Human Resource and business administration

Where Robertson processes other special categories of personal information, i.e. information about your racial or ethnic origin, religious or philosophical beliefs and sexual orientation, this is done for the purposes of equal opportunities monitoring and in line with our data protection policy. Personal information that Robertson uses for these purposes is either anonymised or is collected with your explicit written consent, which can be withdrawn at any time. It is entirely your choice whether to provide such personal information.

We may also occasionally use your special categories of personal information, and information about any criminal convictions and offences, where it is needed for the establishment, exercise or defence of legal claims.

8. Change of purpose

We will only use your personal information for the purposes for which we collected it, unless this information is anonymised for statistical purposes. If we need to use your personal information for a purpose other than that for which it was collected, we will provide you, prior to that further processing with information about the new purpose, we will explain the legal basis which allows us to process your personal information for the new purpose and we will provide you with any relevant further information. We may also issue a new privacy notice to you.

9. Who has access to your personal information?

Your personal information may be shared internally within Robertson, including with members of the HR department, the Payroll department, your line manager, other managers in the department in which you work, Company Directors/ Business Leaders, Health & Safety and other Group employees, if access to your personal information is necessary for the performance of their roles.

Robertson may also share your personal information with third-party service providers (and their designated agents), including:

- external organisations for the purposes of conducting pre-employment reference and background checks
- benefit providers and benefits administration, including insurers
- pension scheme provider and pension administration
- occupational health providers including Drug and Alcohol collection agents
- external training providers
- external IT services
- external fleet management services
- external auditors
- potential clients as part of bid submissions
- professional advisers, such as lawyers and accountants

Robertson may also share your personal information with other third parties in the context of a potential sale or restructuring of some or all of its business. In those circumstances, your personal information will be subject to confidentiality undertakings.

We may share your personal information with third parties where it is necessary to administer the contract we have entered into with you, where we need to comply with a legal obligation, or where it is necessary for our legitimate interest (or those of a third party).

We may also need to share your personal information with a regulator or to otherwise comply with the law.

10. How does Robertson protect your personal information?

Robertson has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business requirement in order to perform their job duties and responsibilities. You can obtain further information about these measures from the Group Executive Director – Audit & Compliance, you can also refer to the Group [Data Protection Policy](#).

Where your personal information is shared with third-party service providers, we require all third parties to take appropriate technical and organisational security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal information for specified purposes and in accordance with our written instructions and we do not allow them to use your personal information for their own purposes.

Robertson also has in place procedures to deal with a suspected breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are legally required to do so.

11. For how long does Robertson keep your personal information?

Robertson will only retain your personal information for as long as it is necessary to fulfil the purposes for which it was collected and processed, including for the purposes of satisfying any legal, tax, health and safety, reporting or accounting requirements.

Robertson will generally hold your personal information for the duration of your employment or engagement. The exceptions are:

- any personal information supplied as part of the recruitment process will not be retained if it has no bearing on the ongoing working relationship
- registration as part of our talent pool where you have provided consent (reviewed regularly) for your personal information to be retained and processed as part of any future recruitment exercises across the Group, your consent can be withdrawn at any time and if so, your personal information would be removed from our talent pool
- if you have provided a speculative CV for consideration for any relevant recruitment exercises, your personal information may be retained and processed as per the above, with your consent and may be shared with various managers across the Group
- personal information about criminal convictions and offences collected in the course of the recruitment process will be deleted once it has been verified through a DBS or Disclosure Scotland criminal record check, unless, in exceptional circumstances, the information has been assessed by Robertson as relevant to the ongoing working relationship
- it will only be recorded whether a DBS or Disclosure Scotland criminal record check has yielded a satisfactory or unsatisfactory result, unless, in exceptional circumstances, the information in the criminal record check has been assessed by Robertson as relevant to the ongoing working relationship
- if it has been assessed as relevant to the ongoing working relationship, a DBS or Disclosure Scotland criminal record check will nevertheless be deleted after the specified time frame as required by the relevant legislation but normally no longer than 6 months, or once all management processes in relation to assessment have reached a conclusion, whichever is the earlier

- disciplinary, grievance and performance capability records will only be retained until the expiry of any warning given (but a summary of the disciplinary, grievance or performance management record will still be maintained for the duration of your employment)
- medical records sought throughout your employment

Once you have left employment or your employment has been terminated, we will generally hold your personal information for the relevant time periods after the termination of your employment or engagement, but this is subject to: (a) any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records, and (b) the retention of some types of personal information for up to 7 years to protect against legal risk, e.g. if they could be relevant to a possible legal claim. We will retain basic salary and benefits information, for seven years after the termination of your employment or engagement. Overall, this means that we will 'thin' the file of personal information that we hold on you one year after the termination of your employment or engagement, so that we only continue to retain for a longer period what is strictly necessary.

Personal information submitted for use in any recruitment exercises, to be retained in a talent pool or by way of a speculative submission will be kept, with your consent for a period of up to 4 years.

Further details on retention periods for the personal data retained and processed is contained within the HR Data Risk Assessment and Retention Schedule which is available on request or can be viewed on the Robertzone.

Personal information which is no longer to be retained will be securely and effectively destroyed or permanently erased from our IT systems and we will also require third parties to destroy or erase such personal information where applicable. Furthermore, where you have previously provided consent to the processing of specific personal information and you then wish to withdraw your consent then the relevant personal information pertaining to that consent will be removed and destroyed and further processing will cease.

In some circumstances we may anonymise your personal information so that you can no longer be identified. In this case, we may retain such information for a longer period.

12. Your rights in connection with your personal information?

It is important that the personal information we hold about you is accurate and up-to-date. Please keep us informed if your personal information changes, e.g. you change your home address, during your working relationship with Robertson so that our records can be updated. Robertson cannot be held responsible for any errors in your personal information in this regard unless you have notified Robertson of the relevant change.

As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- request access to your personal information – this is usually known as making a data subject access request and it enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- request rectification of your personal information – this enables you to have any inaccurate or incomplete personal information we hold about you to be corrected
- request the erasure of your personal information (known as the right to be forgotten) – this enables you to ask us to delete or remove your personal information where there's no compelling reason for its continued processing, e.g. it's no longer necessary in relation to the purpose for which it was originally collected

- restrict the processing of your personal information – this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy
- object to the processing of your personal information – this enables you to ask us to stop processing your personal information where we are relying on the legitimate interests of the business as our basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground
- data portability – this gives you the right to request the transfer of your personal information to another party so that you can reuse it across different services for your own purposes

If you wish to exercise any of these rights in relation to the data held within your personnel record, please contact us at dpo@robertson.co.uk. We may need to request specific information from you in order to verify your identity and check your right to access the personal information or to exercise any of your rights. This is a security measure to ensure that your personal information is not disclosed to any person who has no right to receive it.

In the limited circumstances where you have provided your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. This will not affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact us at dpo@robertson.co.uk. Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legal basis for processing.

If you believe that Robertson has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

13. Transferring personal information outside the European Economic Area

Robertson will aim not to transfer your personal information to countries outside the European Economic Area where possible. The recording systems used within HR to store or process personal information will be managed and processed under the governance of the GDPR as agreed with our suppliers.

14. Automated decision making

Automated decision making occurs when an electronic system uses your personal information to make a decision without human intervention. We do not envisage that any employment decisions will be taken about you based solely on automated decision making, including profiling. However, we will notify you in writing if this position changes.

15. Changes to this privacy notice

Robertson reserves the right to update or amend this privacy notice at any time, including where Robertson intends to further process your personal information for a purpose other than that for which the personal information was collected or where we intend to process new types of personal information. We will issue you with a new privacy notice when we make significant updates or amendments. We may also notify you about the processing of your personal information in other ways.

16. Contact

If you have any questions about this privacy notice or how we handle your personal information, please contact us at dpo@robertson.co.uk.