

# Privacy Notice for Employees

## What we need

Hjaltland Housing Association Limited (Hjaltland) will be a "controller" of the personal information that you provide to us at the outset of your employment through a range of ways, including:

- Job vacancy application forms,
- Contract of employment,
- References,
- Induction,
- Employee HR files,
- Payroll & pension details.

Throughout your employment with Hjaltland, we may ask you for the following personal information:

- contact details
  - name,
  - address,
  - email address,
  - date of birth / birth certificate,
  - National Insurance number,
  - marital status,
  - gender,
- payment details
  - bank account number,
  - sort code,
  - tax details,
  - pension details,
- equality information
  - disability,
  - support needs,
  - race,
  - ethnicity,
  - sexual orientation,
- health information
  - pregnancy / paternity,
  - health records,
- next of kin details
  - emergency contact,
  - conflict of interests,
  - details relating to Entitlements, Payments and Benefits policy,
- employment details
  - dates of employment / employment history,
  - training undertaken,
  - salary scales,
  - complaints,
  - disciplinary and grievance information,
  - warnings,
  - absence and attendance records,
  - medical records where required,
  - occupational therapy reports,

- passport information,
- right to work documentation,
- performance,
- qualifications,
- professional memberships,
- information about use of IT systems,
- photographs,
- criminal convictions and offences,
- PVG,
- driving licence,
- insurance.

Some of the information we collect about you may include Special Categories of Personal Data (as defined by the data protection legislation).

## **Why we need your personal information**

### Contractual purposes

We need to collect your personal information so that we can manage the business and meet our obligations as an employer under your contract of employment. We will use your personal information for the following purposes:

- administration of your contract of employment,
- recruitment and selection,
- ensure that the information Hjalmland holds on you is kept accurate and up-to-date,
- deal with and employee/employer related disputes that may arise,
- manage performance through assessment and analysis to help improve the operation of the business,
- prevent, detect and prosecute fraudulent, criminal or other inappropriate behaviour,
- comply with legal obligations (HMRC/Pensions/etc.),
- make payments (salary),
- record evidence of training or membership of professional bodies, and
- ensure the safety and security of you and others.

If you do not provide us with all of the personal information that we need to collect then this may affect our ability to manage your employment.

### Legal obligations

We are under a legal obligation to process certain personal information relating to our employees for the purposes of complying with our obligations under:

- employment protection and health and safety legislation and statutory codes of practice, such as those issued by Acas,
- the Protection of Vulnerable Groups (Scotland) Act 2007 to check that our employees are able to undertake regulated work with children and vulnerable adults,
- the Equality Act 2010, which requires us to process personal information to make reasonable adjustments where necessary, and
- other legal, regulatory and corporate governance obligations and our duty of care to you as an employee.

### Legitimate purposes

We also process your personal information in pursuit of our legitimate interests to:

- issue internal communications to employees relating to employee benefits and initiatives,

- undertake research to improve our operations, and
- manage our employees in accordance with good practice.

Where we process your personal information in pursuit of our legitimate interests, you have the right to object to us using your personal information for the above purposes. If you wish to object to any of the above processing, please contact us. If we agree and comply with your objection, this may affect our ability to undertake the tasks above for your benefit.

#### Use of special categories of personal data

We are required to use your personal information relating to your health, racial or ethnic origin, religious beliefs, sexual orientation, and criminal offences or convictions:

- Equality monitoring purposes as required by the Scottish Housing Regulator. We will process such personal information to identify and keep under review the existence or absence of equality of opportunity or treatment between groups of people within the same categories to promote or maintain equality within Hjaltland,
- where we have a function under law and it is in the public interest,
- to prevent or detect any unlawful acts,
- to assess your working capacity as an employee, and
- comply with the terms of our insurance.

#### Other uses of your personal information

We may ask you if we can process your personal information for additional purposes. For example, in the newsletter, on the website, etc., and will use any additional personal information in accordance with this privacy notice or provide you with an additional privacy notice.

### **Who we share your personal information with**

We may be required to share personal information with statutory or regulatory authorities and organisations to comply with statutory obligations. Such organisations include the Scottish Housing Regulator, Health & Safety Executive, HMRC, BACS, Bottomline, FCA, and Pensions Trust for the purposes of, for example, regulatory requirements, tax, payroll, and pensions.

We may also share personal information with our professional and legal advisors for the purposes of taking advice and in the event of proposed or actual legal claims.

Hjaltland may be required to publish personal information to meet the Scottish Housing Regulator's regulatory requirements or our legal obligations under the freedom of information legislation. Hjaltland will only publish your personal information where we believe it is lawful.

Hjaltland employs third party suppliers to provide services, including IT, payroll, Internal and External Auditors. These suppliers may process personal information on our behalf as "processors" and are subject to written contractual conditions to only process that personal information under our instructions and protect it.

In the event that we do share personal information with external third parties, we will only share such personal information strictly required for the specific purposes and take reasonable steps to ensure that recipients shall only process the disclosed personal information in accordance with those purposes.

### **How we protect your personal information**

Your personal information is stored in a secure, lockable filing room and on our electronic filing system and servers based in the UK and is accessed by our employees for the purposes set out above.

Where your personal information is transferred outwith the EU, we will provide you with information regarding the safeguards that we have put in place with the recipient country to protect your personal information.

## **How long we keep your personal information**

We will only keep your personal information for as long as necessary to comply with our employment law obligations and to safeguard Hjalmland in the event of any claims, complaints, litigation, enquiries or investigations during or following the termination of your employment. Unless you ask us not to, we will review and possibly delete your personal information in line with the document retention tables included within our Data Protection policy.

We will keep certain personal information of employees for longer in order to confirm your identity and how long you were an employee of Hjalmland. We need to do this to allow us to provide a reference for you to a future employer or in the event of a claim against Hjalmland.

We have document retention tables included within our Data Protection policy that set out the periods for retaining and reviewing all information that we hold. The tables set out different retention periods and you can request a copy at any time.

## **Monitoring Usage**

Hjalmland may from time to time monitor employees' use of telephone, e-mail or Internet.

This will be done to:

- assist in establishing facts which need to be known for a specific purpose,
- investigate any suspected or alleged criminal activity,
- ensure Hjalmland's systems work effectively (including the prevention of virus infiltration, or
- determine any suspected or alleged abuse of Hjalmland's policies.

Any employee who receives inappropriate email, or is aware of inappropriate use of IT, should report it to their line manager for further investigation.

## **Your rights**

You can exercise any of the following rights by writing to our Data Protection Officer at 2 Harbour Street, Lerwick, ZE1 0LR ([mail@hjalmland.org](mailto:mail@hjalmland.org)). We have appointed Harper Macleod LLP as our Data Protection Officer.

Your rights in relation to your personal information are:

- you have a right to request access to the personal information that we hold about you by making a "subject access request",
- if you believe that any of the personal information that we hold about you is inaccurate or incomplete, you have a right to request that we correct or complete your personal information,
- you have a right to object to and/or request that we restrict the processing of your personal information for specific purposes,
- if you wish us to delete the personal information that we hold about you, you may request that we do so, and
- if you would like to obtain the personal information that we hold about you to reuse it for your own purposes, you may request that we do so.

Any requests received by Hjalmland will be considered under applicable data protection legislation. If you remain dissatisfied, you have a right to raise a complaint with the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk)

