

Privacy Statement: Employee

About This Policy

This statement is provided with the intention to comply with your right to be informed under the Data Protection Act, 2018.

This applies to all subsidiaries within the Optimo Care Group.

In this privacy statement we will refer to ourselves as 'we', 'us' or 'our'.

You can get hold of us in any of the following ways:

- by phoning us on 01226 785 911
- by emailing us at optimocomms@optimocare.co.uk
- by writing to us at Optimo Care Group (Head Office), Maple House, Maple Estate, Stocks Lane, Barnsley, S75 2BL.

Data Protection Legislation

We respect your privacy and comply with data protection law whenever we process your data.

The law says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes
- Relevant to the purposes we have told you about
- Accurate and kept up to date.
- Kept only as long as necessary for
- Kept securely.

Data That We Collect And Process

We will hold and process the following:

1. Your personal and contact details including; your name, date of birth, gender, address, telephone numbers and emails
2. Particulars and terms of conditions of your employment including; your job title, salary, benefits
3. Financial information including; your remuneration and benefits, bank details, NI No, tax statements, payslips, annual and statutory leave
4. Particulars of your right to work in the UK
5. Particulars of your qualifications and skills including; references, licences, certificates and training
6. Emergency contact information
7. Particulars of your performance including tasks and attendance
8. Sensitive information including protected characteristics under the Equality Act 2010 for Equal Opportunities monitoring and compliance
9. IT usage information including; email addresses, log-ins, passwords

10. Particulars of processes e.g. disciplinary, grievance, performance management processes undertaken with you
11. Copies of letters and communications between us and you
12. Health records including; fitness for work, medical capability and assessment outcomes
13. DBS records e.g. records of past convictions or records of no previous convictions
14. Criminal Convictions e.g. unspent convictions declared and driving offences
15. Driving licence and information
16. Particulars of former employment including references and salaries.

How The Data Will Be Processed

We are the controller of this information and we are also the processor of this information.

Your data will be obtained and processed in line with legal and contractual requirements.

This data has also been gathered as you are party to a contract of employment with us and in the legitimate interest of assisting us in fulfilling the contractual requirements to supply hours and pay in the course of your employment.

It will also be necessary for us to hold and process this data in the interests of your health, safety and welfare in work.

The officer responsible for the protection of your data is: Richard Walker, CEO

Your data will be used to assign you work, provide you with hours of work, pay you, monitor your performance, write to you with important documents, check your skills, qualifications and experience, appraise your performance and safeguard your health, safety and wellbeing in the workplace.

This is done on the basis of you being a party to a contract of employment and in the legitimate interests to safeguard your health, safety and welfare and the health, safety and welfare of your colleagues, clients and third parties in the workplace.

The failure to provide us with the data may impact upon your recruitment, employment or tasks, duties and responsibilities with your role and/or assignment.

Your name and photograph (where applicable) may be published on our social media accounts and websites for the purposes of marketing.

During our recruitment stage, automated decision making may be used to give preference to applicants who can drive or to fulfil a genuine occupational requirement. Whilst there is no further anticipated automated decision making relating to the data you provide, you have rights where there is automated decision making including profiling. We may only do this where it is necessary for the entry into or performance of a contract, authorised by EU or the UK law or based on your explicit consent. Whilst it is not anticipated that this will occur, where it does, we will give you information about this processing, introduce to you simple ways for you to request human intervention or challenge a decision, and carry out regular checks to ensure that our systems are working as intended.

Who We Share Your Data With

The recipients of your data are us and we anticipate that we may need to share personal data with the following:

- Home Office (e.g. your Name and sponsorship information and any requirements that are stipulated by the Home Office)
- HMRC (e.g. your Name and National Insurance Number)
- Health & Safety Executive (e.g. your Name and Employment Details where there has been a reportable accident or investigation)
- Legal and professional advisers (e.g. your name and employment details where we need advice)
- Tribunals and Courts (e.g. your name, employment details and other personal data which is necessary for the determination of claims where litigation is commenced)
- Regulatory bodies including CQC, police forces and other public service departments, including local authorities, for the purposes of safeguarding our service users (e.g. employment data, particulars of processes)
- Local Authority contracts may require us to share anonymous information with CQC and the UK Government that may be used to aid the analysis of the adult social care sector.

We act within a controlled manner consistent with the interests of the service user and in some circumstances public interest.

It is not anticipated that there will be any other recipients nor any transfers of data to a third country. Accordingly, it is considered that safeguards for the transfer of data to a third country are not necessary - should this change you will be notified.

How Long We Keep Your Data For

We will only retain your personal information for as long as necessary to fulfil the purposes for which it was collected, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Your financial and employment data will be kept for the duration of your employment and for a further period thereafter of 6 years.

This period has been set for the protection of our organisation throughout your employment and for a period thereafter in the event of any employment tribunal claims or breach of contract claims. If such a claim has been filed, the data will be retained for a period of 6 years following resolution of that claim and for 6 years following the resolution of any further claims. This period has been determined under HMRC requirements and for the protection of the organisation in the event of any professional negligence or breach of contract claims in the event we use representation to defend any claims. If your data is subject to an ongoing safeguarding alert, it will be kept open for the length of the alert plus 6 years, or if this refers to a child it will be kept indefinitely, this is set by safeguarding rules.

Your Rights

As part of Data Protection Legislation, you have a number of rights:

Access to Your Data

- You have the right to ask us to confirm that we process your personal data, as well as having the right to request access to/copies of your personal data. You can also ask us to provide a range of information, although most of that information corresponds to the information set out in this fair processing notice.
- We will provide the information free of charge unless your request is manifestly unfounded or excessive or repetitive, in which case we are entitled to charge a reasonable fee. We may also charge you if you request more than one copy of the same information.
- We will provide the information you request as soon as possible and in any event within one month of receiving your request. If we need more information to comply with your request, we will let you know.

Rectification of Your Data

- If you believe personal data we hold about you is inaccurate or incomplete, you can ask us to rectify that information. We will comply with your request within one month of receiving it unless we do not feel it is appropriate, in which case we will let you know why. We will also let you know if we need more time to comply with your request.

Right to be Forgotten

In some circumstances, you have the right to ask us to delete personal data we hold about you. This right is available to you:

- Where we no longer need your personal data for the purpose for which we collected it
- Where we have collected your personal data on the grounds of consent and you withdraw that consent
- Where you object to the processing and we don't have any overriding legitimate interests to continue processing the data
- Where we have unlawfully processed your personal data (i.e. we have failed to comply with GDPR UK)
- Where the personal data has to be deleted to comply with a legal obligation
- There are certain scenarios in which we are entitled to refuse to comply with a request. If any of those apply, we will let you know.

Right to Restrict Processing

In some circumstances, you are entitled to ask us to suppress processing of your personal data. This means we will stop actively processing your personal data, but we do not have to delete it. This right is available to you:

- If you believe the personal data we hold isn't accurate – we will cease processing it until we can verify its accuracy
- If you have objected to us processing the data – we will cease processing it until we have determined whether our legitimate interests override your objection
- If the processing is unlawful
- If we no longer need the data but you would like us to keep it because you need it to establish, exercise or defend a legal claim

Data Portability

You have the right to ask us to provide your personal data in a structured, commonly used and machine-readable format so that you are able to transmit the personal data to another data controller. This right only applies to personal data you provide to us:

- Where processing is based on your consent or for performance of a contract (i.e. the right does not apply if we process your personal data on the grounds of legitimate interests)
- Where we carry out the processing by automated means

We will respond to your request as soon as possible and in any event within one month from the date we receive it. If we need more time, we will let you know.

Right to Object

You are entitled to object to us processing your personal data:

- If the processing is based on legitimate interests or performance of a task in the public interest or exercise of official authority
- For direct marketing purposes (including profiling)
- For the purposes of scientific or historical research and statistics

In order to object, you must have grounds for doing so based on your particular situation. We will stop processing your data unless we can demonstrate that there are compelling, legitimate grounds which override your interests, rights and freedoms or the processing is for the establishment, exercise or defence of legal claims.

If you were asked to provide consent for us to process your personal data, you have the right to withdraw that consent at any time, this will not affect the lawfulness of any processing of your personal data before you withdrew consent.

Right to Complain

If you have any concerns about our handling of your personal data, we'd rather you brought it to our attention initially but you also have the right to lodge a complaint if you believe we have not processed your personal data legally or in line with GDPR to the ICO (Information Commissioner's Office) on 0303 123 1113 or by visiting <https://ico.org.uk/concerns/>