

Privacy Notice for Staff and Job Applicants

Introduction

This privacy notice explains how and why MacIntyre (“we”) process personal information about you and your rights in relation to that information. This notice applies to people who apply to work with us, volunteers and our staff (“you”). This notice does not form part of any contract of employment or indicate any intention of creating a legal relationship and we may update this notice at any time.

MacIntyre is usually the “Data Controller” of your information for the purposes of data protection law but there may also be other organisations such as software providers for our recruitment or such as occupational health services which will be “data processors” of your personal information.

Our Named Representative

Our named representative for data protection purposes is Claire Toombs (Finance Director /Senior Information Risk Owner) who can be contacted in relation to any queries regarding data protection at data.protection@macintyrecharity.org or at FAO Claire Toombs, Data Protection Team, Seebeck House, 1 Seebeck Place, Knowlhill, Milton Keynes, MK5 8FR.

Data Protection Principles

We are committed to processing your data in compliance with data protection law which says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The Kind of Information We Hold About You

The personal information which we expect to collect and process is likely to include but not be restricted to the following:

- Contact details (work and personal) such as name, address, email, mobile and telephone numbers;
- Social networking profiles if relevant to recruitment or employment matters;
- Psychometric test information;
- UK right to work documentation such as passport and visas;
- Date of birth;
- Gender, race or ethnicity, religious beliefs, sexual orientation and political opinions;
- Marital status and dependants, next of kin and emergency contact information;
- National Insurance information;
- Driving licence and car insurance details;
- Recruitment information (including referee details and reference responses, previous employment information, absence and sickness information, performance and conduct information, education and training information/qualifications, outside interests or hobbies, and other similar information included in a CV or cover letter or as part of the application process);
- Information about criminal convictions and offences;
- Employment records with us (including job titles, work history, working hours, work location, training records and professional memberships, salary and benefit and pension information, trade union membership, related dates);
- Performance and conduct information (including disciplinary details);
- Grievance information;
- Absence information (including annual leave, sickness, family leave etc.);
- Information about your health, including any medical condition, health and sickness records and vaccination status;
- Information about any disability that would be required to support you to attend interview, or to consider reasonable adjustments for you in the workplace;
- Genetic information and biometric data;
- Bank account details, payroll records and tax status information;
- CCTV footage and other information obtained through electronic means such as swipe card records;
- Information about your use of our information and communications systems;
- Photographs.

Special Category Data and Criminal Offence Data

Some of the above information we collect about you will include “special category data” which is more sensitive and is therefore given more protection. This includes information about the following:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health (including vaccination status);
- sex life; or
- sexual orientation.

More protection is also given to the following category of data due to its sensitive nature:

- Criminal Offences and convictions

This means; we will only process this more sensitive information in the lists above where necessary, ensure it is only seen by those who have to see it and it will be kept secure.

Who is Collecting Your Data and Who it is Shared With

Generally, we will be collecting the information about you but there are certain limited circumstances where information about you may be collected from, provided to and used by other organisations (“third parties”). Information about you may be collected from and provided to the following organisations:

- Our outsourced recruitment tracking system to process job applications we receive;
- Recruitment agencies which may provide candidate details to us;
- Our outsourced psychometric testing provider;
- Online Job Boards;
- The Disclosure and Barring Service (DBS);
- Our occupational health, rehabilitation services and Employee Assistance programme providers;
- Our outsourced payroll and HR system provider;
- Our Learning Management System;
- HMRC, regulatory authorities including local authorities and safeguarding teams, CQC, Care Inspectorate Wales, OFSTED and other government or similar departments to comply with our legal obligations (these official bodies may in turn share your information with other public bodies where there is a lawful and legitimate reason to do so; to find out more, ask to see a copy of their own ‘privacy notices’);
- Solicitors, courts and tribunals where necessary for establishing and defending legal claims;
- Organisations that support reward and recognition schemes (for example pension providers My Rewards);
- Other third parties where we have a legitimate reason to share it, such as professional advisors and service providers who have the necessary safeguards in place to protect your information (eg financial auditors, pension administrators);
- Sometimes we may involve people we support and/or their family members or advocates as part of the recruitment interview panel. These people will see your application to work with MacIntyre.

Why we collect and use your information

We collect the information above in order to decide on the best people to recruit to work with us, to enable us to perform our duties under the contract of employment, to comply with our legal obligations to you and to regulatory bodies and government bodies. The following are situations in which we are likely to, but not be restricted to, processing your information:

- Making a decision about your recruitment or appointment;
- Ascertaining your fitness to work and supporting any reasonable adjustments identified;
- Checking you are legally entitled to work in the UK;
- Checking you are permitted to work where vaccination is a requirement of deployment
- Paying you, including deducting any relevant tax and National Insurance contributions;
- Providing benefits to you such as pension arrangements, My Rewards, Occupational Health support, Employee Assistance Programme;
- Liaising with your pension provider;
- Conducting salary reviews, performance reviews, managing performance and determining performance requirements;
- Assessing qualifications and/or skills for a particular job or task, including decisions about internal transfers and promotions;



- Complying with health and safety obligations;
- Preventing abuse, fraud or other illegal activities
- Managing sickness and other types of absence;
- Investigating and determining matters in relation to conduct and employment concerns, including Disciplinary and Grievance issues;
- Education, training and development requirements;
- Monitoring your use of our information and communication systems to ensure compliance with our Confidentiality and IT policies;
- Ensuring network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution;
- Business management and planning, including accounting and auditing;
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work;
- Monitoring, reviewing and better understanding employee relations matters, equality and diversity of employment, employee retention and turnover rates/reasons;
- Making arrangements for and understanding your reasons for leaving.

The grounds for processing your personal information

There are a number of lawful reasons for processing the information detailed above in relation to our recruitment process and in the employment of our staff. The main lawful reasons are:

- It is necessary to perform any contract with you;
- It is necessary to comply with legal obligations, for example employment law, social security law and regulatory requirements (for example to meet our safeguarding obligations);
- It is necessary for our legitimate interests, safe recruitment and effective performance in a learning disability and related environment;
- To establish or defend any legal claims;
- It is necessary to protect the vital interests of you or somebody else;
- It is necessary for reasons of public interests or for official purposes (for example monitoring equal opportunity and diversity of employment);
- In a few circumstances with your explicit written consent (for example when obtaining occupational health or medical advice);

How long we will process your information for

We will only keep your information for as long as necessary to meet our contractual, regulatory and legal obligations. Details of how long we keep the different kinds of information we process is set out in our data retention schedule which is available from our named representative (see start of this Privacy Notice).

Your rights under data protection law

You have certain rights relating to your information which are detailed below:

1. To be informed about the collection and use of your information which we have set out in this privacy notice.
2. To ask for access to your own personal information through a "Subject Access Request". We will respond to your request within 1 month or, if not able to do so, we will explain why we need to extend the time needed to respond to you.
3. To have any inaccurate information we hold about you corrected.
4. To delete information about you in certain circumstances.
5. To stop us using your personal information for certain purposes.
6. To provide information you have given us about yourself in a portable format.
7. To object to us processing your data in certain circumstances.
8. To be provided with information about any automated decision making and profiling.

If you wish to exercise any of your rights, please contact our named representative (see start of this Privacy Notice).

Where You Can Raise Concerns or Find Further Information

If you have any questions regarding data protection or this Privacy Notice or if you are unhappy with how we are processing your data or then please contact our named representative (see start of this Privacy Notice). Alternatively, if we cannot resolve your concerns then you have the right to complain to the Information Commissioners Office:

- Online at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>;
- Telephone: 0303 123 113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF