

**Employee and recruitment privacy notice (compliant with the GDPR)**

**Data Controller**: Cumbria Chamber of Commerce, Broadacre House, 16-20 Lowther Street, Carlisle, CA3 8DA

The Chamber collects and processes personal data relating to its employees to manage the employment relationship and is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

**What information is collected?**

The Chamber collects and processes a range of information about you. This includes:

* your name, address and contact details, including email address and telephone number, date of birth and gender;
* the terms and conditions of your employment;
* details of your working conditions
* details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the Chamber;
* information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
* details of your bank account, national insurance and tax number;
* information about your marital status, next of kin, dependants and emergency contacts;
* information about your nationality and entitlement to work in the UK;
* information about your criminal record, where appropriate;
* details of your schedule (days of work and working hours) and attendance at work;
* details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
* details of any disciplinary or grievance procedures in line with retention schedules and which you have been involved, including any warnings issued to you and related correspondence;
* details of any investigations and witness statements made in which you have been involved;
* assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
* information about medical or health conditions and Occupational Health reports, including whether or not you have a disability for which the Chamber may need to make reasonable adjustments and/or declared;
* details of trade union membership;
* information pertaining to personal circumstances, including disabilities; and
* equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.
* assessment reports relating to further education and development.
* copies of qualification certificates gained, attendance of courses and evaluation records.
* copies of projects, research and associated development activities.
* copies of attendance at wellbeing events including participation records of wellbeing activities.
* copies of agreements relating to staff benefits and/or salary sacrifice schemes.
* Health and safety related documents: risk assessments, accident reports and claims.

The Chamber collects this information in a variety of ways. For example, data is collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the Chamber collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

Data is stored in a range of different places, including in your personnel file, in the Chamber’s management systems and in other IT systems (including the email system).

**Why does the Chamber process personal data?**

The Chamber needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer, for example, benefit, pension and insurance entitlements.

In some cases, the Chamber needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the Chamber has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the Chamber to:

* run recruitment and promotion processes;
* maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
* operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
* operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
* operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
* obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
* operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the Chamber complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
* ensure effective general HR and business administration;
* provide references on request for current or former employees;
* respond to and defend against legal claims;
* to pay you
* to provide statistical and any other relevant information to Government and non-Government bodies;
* to communicate information to you; and
* maintain and promote equality in the workplace.
* operate and keep a record of development activity to ensure compliance with health and safety requirements, ensure a skilled workforce exists, defence against legal claims, audit for transparency of budget spend operate and maintain a record relating to wellbeing initiatives to ensure health and safety requirements, audit of budget allocation, defence against legal claims.

Where the Chamber relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers, and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes). Information about trade union membership is processed to allow the Chamber to operate check-off for union subscriptions.

Where the Chamber processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that the Chamber uses for these purposes is anonymised and is collected with the expressed consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

**Who has access to data?**

Your information will be shared internally, including with members of the HR, payroll team, your manager, managers in the business area in which you work or those managers dealing with issues relating to yourself, and IT staff if access to the data is necessary for performance of their roles.

The Chamber shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service. In these circumstances the data will be subject to confidentiality arrangements.

The Chamber also shares your data with third parties that process data on its behalf in connection with payroll, such as HMRC, for the provision of benefits, such as pensions, training and development and the provision of occupational health services.

The Chamber will not transfer your data to countries outside the European Economic Area.

**How does the Chamber protect data?**

The Chamber takes the security of your data seriously. The Chamber has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. Our measures include implementing appropriate access controls, investing in the latest Information Security Capabilities to protect the IT environments we leverage, and ensuring we encrypt, pseudonymise and anonymise personal data wherever possible.

Where the Chamber engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

**For how long does the Chamber keep data?**

The Chamber will hold your personal data compliant with legal retention periods or, if applicable, the duration of your employment. The periods for which your data is held after the end of employment will be compliant with legal relevant retention periods. We will actively review the personal data we hold and delete it securely, or in some cases anonymise it, when there is no longer a legal business need for it to be retained.

**Your rights**

As a data subject, you have a number of rights. You can:

* access and obtain a copy of your data and relevant privacy information on request;
* require the Chamber to change incorrect or incomplete data;
* require the Chamber delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
* object to the processing of your data where the Chamber is relying on its legitimate interests as the legal ground for processing; and
* ask the Chamber to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the Chamber’s legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact your manager.

If you believe that the Chamber has not complied with your data protection rights, you can complain to the Information Commissioner.

**What if you do not provide personal data?**

You have some obligations under your employment contract to provide the Chamber with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. Evidence of qualifications gained at the recruitment stage is required to substantiate aspects of your application. You may also have to provide the Chamber with data in order to exercise your statutory rights, such as, in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as, contact details, your right to work in the UK and payment details, have to be provided to enable the Chamber to enter a contract of employment with you. If you do not provide other information, this will hinder the Chamber's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

**Automated decision-making**

Employment decisions are not based solely on automated decision-making.

HR Analytics may be used to look at the traits of the workforce, in particular; the value of individual knowledge, skills and experience of individuals and teams. This is also known as human capital analytics.

HR analytics enables HR and their major stakeholders to measure and report key workforce concepts, such as performance, well-being, productivity, innovation and alignment. This in turn enables more effective evidence-based decisions by strategic business functions. HR analytics enables HR teams to demonstrate the impact that HR policies and processes have on workforce and organisational performance, and can be used to demonstrate return-on-investment and social-return-on-investment for HR activity. Business managers are increasingly interested in how to use HR concepts more effectively, and so HR analytics is an important way in which HR teams can evaluate and improve people and business performance.

**Law relating to this document**

General Data Protection Regulation (2016/679 EU)

Data Protection Bill