
DURHAM\$U

Employee, Applicants, Trustees and Contractors Data Privacy Notice

Approved September 2018

Introduction

Durham Students' Union ("we", "our", "us" or "the Union") promises to respect any personal data you share with us, or that we get from other organisations and keep it safe. We aim to be clear when we collect your data and not do anything you wouldn't reasonably expect.

We are committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you before, during and after your working relationship with us, in accordance with data protection legislation. It applies to all applicants, employees, workers and contractors.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

If you have any questions regarding our Privacy Notice and our use of your personal data, or would like to exercise any of your rights, please get in touch via the following information:

Email us at su.dataprotection@durham.ac.uk

Call us at: 0330 111 0013

Who are we?

We are Durham Students' Union, with a registered address at Dunelm House, New Elvet, Durham, DH13AN. For the purposes of UK Data Protection Law, we are registered with the ICO.

We have appointed an external Data Protection Officer to oversee Data Protection at Durham SU, and this is Angjela Molla from Hope and May.

What information we hold about you and how we collect it

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). There are "special categories" of more sensitive personal data which require a higher level of protection.

The kind of information we hold about you

We may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.

- Start date.
- Location of employment or workplace.
- Copy of driving license – for relevant staff.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, training records and professional memberships).
- Performance information.
- Disciplinary and grievance information.
- Information about your use of our information and communications systems.
- Photographs
- Personal data posted or shared on both personal and professional social media accounts as relevant to employment
- Data about your membership of one of our student groups or campaigns

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness records.
- Information about criminal convictions and offences.

How we collect your personal information

We typically collect personal information about employees, applicants, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

When we collect data as you use our WEBSITES

Like most websites, we use "cookies" to help us make our site – and the way you use it – better. Cookies mean that a website will remember you. They're small text files that sites transfer to your computer (or phone or tablet). They make interacting with a website faster and easier – for example by automatically filling your name and address in text fields. , and all the cookies we use our functional only, and don't store your data for marketing purposes There are more details in our [Cookies Statement](#).

In addition, the type of device you're using to access our website and the settings on that device may provide us with information about your device, including what type of device it is, what specific device you have and what operating system you're using. Your device manufacturer or operating system provider will have more details about what information your device makes available to us.

How we will use your personal information

We need all the categories of information in the list above (see the kind of information we hold about you) primarily to allow us to perform our contract with you and to enable us to comply with legal obligations and safe recruitment practices. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below:

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing the following benefits to you: ability to buy leave; flexible working; pension; company maternity, paternity and adoption pay; performance related pay; training and development opportunities; free eye test and some funding towards new glasses; free parking permit (this list is not exhaustive of benefits and services which may develop from time to time).
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Business management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with customers and other third parties to whom your identity and background information is important. For example, if you are to work on their premises or because of a proposed merger, acquisition or joint venture.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.

- Equal opportunities monitoring.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

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

How we use particularly sensitive personal information

Special categories of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information for the following purposes:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

Information about criminal convictions

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or where we need that information because of your role. We may be notified of such information directly by you in the course of you working for us.

Lawful basis for processing

We mainly use 'contractual obligation' as a lawful basis for processing personal data for employees, job applicants and freelancers. We mainly use 'legitimate interest' for trustees. We may also have legal obligation in order to process and share your data, for example we need to share salary information to HMRC or use some of your data to enrol a new employee on a pension scheme.

We may rely on our legitimate interest for processing activity such as keeping supervision and appraisal records; using your image, bio and videos/pictures of the organisations' events where you may appear on our website or marketing/fundraising materials to promote the charity.

Some special categories of personal data, such as information about health or medical conditions is processed in order to carry out employment law obligations (such as those in relation to colleagues with disabilities and for health and safety purposes). We may also process other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief for the purposes of equal opportunities monitoring, but only with your explicit consent.

In rarer situations, we may also use your personal information where we need to protect your vital interests (or someone else's vital interests), or where it is needed in the public interest or for official purposes (for example, an immigration enquiry).

Data Sharing

We may have to share your data with third parties, including customers, third-party service providers and partners. We require third parties to respect the security of your data and to treat it in accordance with the law. We may transfer your personal information outside the EU for any of the purposes described in this notice. If we do, you can expect a similar degree of protection in respect of your personal information.

Why might you share my personal information with third parties?

We may share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. The following activities are carried out by third party service providers: payroll, pension administration, benefits provision and administration, IT services, occupational health, student staff employment tools, accounting systems and online banking.

What about other third parties?

Personal Data in relation to your salary is shared with HMRC as part of our legal obligation. We may share your personal information with other third parties, for example with training and consultation providers to support your development and improve our organisation. We may also need to share your personal information with a regulator or to otherwise comply with the law.

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information under the general law or

in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions. When sharing information with third parties, we have data sharing, processor agreements or contracts in place to ensure data is not compromised.

Transferring information outside the EU

We may transfer the personal information we collect about you to the countries outside the EU in order to perform our contract with you. There may not be an adequacy decision by the European Commission in respect of those countries. This means that the countries to which we transfer your data may not be deemed to provide an adequate level of protection for your personal information.

However, to ensure that your personal information does receive an adequate level of protection we have put in place the following appropriate measure[s] to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection:

- We only use globally recognised organisations who have made commitments and reached specific ISO standards in data security.
- Require all third party sharing to be undertaken with a valid contract only
- Require all third parties to be auditable by our data protection officer

Where personal data is stored outside of the UK and the EEA, safeguards to protect personal data may include but are not limited to the UK Addendum used in conjunction with the EU Standard Contractual Clauses (SCCs), or UK International Data Transfer Agreement (IDTAs). Such safeguards will be subject to Transfer Risk Assessments (TRAs).

If you require further information about these protective measures, you can request it from the Data Protection Officer or it is available on the staff intranet.

Data Retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

We will keep employee data for the duration of your employment/engagement with us, and in some cases we will keep your data for a period of 6 years after your employment/engagement has ended. If you've applied for a vacancy but your application hasn't been successful, we will keep your data only for 12 months.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

Please get in touch by contacting us using the details above if you want to know more about retention periods.

Data subject rights

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- Be informed as to how we use your data and under what lawful basis we carry out any processing. This Privacy Notice sets this information out however if you would like further information, please get in touch.
- Request access to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Portability - You can ask us to provide you or a third party with some of the personal information that we hold about you.
- Withdraw consent - where you have provided consent to our use of your data, you also have the right to withdraw that consent at any time. This means that we will stop processing your data.

If you want to exercise any of your rights, please contact us using the contact details above.

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Data protection officer

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact us using the details above. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. They can be contacted by at 0303 123 1113 or you can write to them at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact the Data Protection Officer.

I, _____ (employee/worker/contractor name), acknowledge that on _____ (date), I received a copy of Durham Students' Union Privacy Notice for employees, workers and contractors and that I have read and understood it.

Signature:

Name: