



## **Privacy Notice for employees, workers and contractors – Neg Earth Lights Limited – 07 June 2018**

### **Overview:**

At Neg Earth Lights Limited we take your privacy seriously and will only use your personal information for essential legal and employment purposes.

This Privacy Notice outlines what data we collect, how we collect it, for what purposes we use it, and how we ensure the security and privacy of this information. We pledge to handle your data fairly and legally at all times.

It applies to all employees, workers and contractors.

### **Purpose of this Privacy Notice:**

Neg Earth Lights Limited is a “data controller” (collectively referred to as “Neg Earth Lights Limited”, “we”, “us” or “our” in this Privacy Notice. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this Privacy Notice.

This Privacy Notice applies to current and former employees, workers or contractors. This Privacy Notice does not form part of any contract of employment or other contract to provide services. We may update this Privacy Notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

It is important that you read and retain this Privacy 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 and what your rights are under the data protection legislation.

### **Data protection principles:**

We will comply with data protection law. This 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 type of information we hold about you:**

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 certain types of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation. Information about criminal convictions also warrants this higher level of protection.

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

<b>Type of data</b>	<b>Examples</b>
Personal contact details	Addresses, telephone numbers, and email addresses (business and personal).
Identity details	First name, maiden name, last name, username or similar identifier, title, date of birth, gender, copy of driving licence (if applicable for the role), copy of passport, photographs.
Family details	Marital status and dependants, next of kin and emergency contact information.
Financial details	National Insurance number, bank account details, payroll records and tax status information.
Employment details	Salary, annual leave, pension and benefits information, start date and (if different) the date of continuous employment, leaving date and your reason for leaving, location of employment or workplace
Recruitment information	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	Job titles, work history, work hours, holidays, training records and professional memberships, compensation history, performance information, disciplinary and grievance information, licences and training/skills certificates.
Monitoring information	CCTV footage – used solely for the security of the building and employees. We do not use this to support our core business
Self-employed details (if applicable)	Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied, insurance details (both public liability insurance and professional indemnity insurance) and A1 Forms (for tax purposes). In addition we collect professional certification.

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

<b>Type of data</b>	<b>Examples</b>
Health information	Information about your health, including any medical condition, health and sickness records, including: <ul style="list-style-type: none"><li>▪ responses to health questionnaire and dietary requirements;</li><li>▪ details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and</li><li>▪ where you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.</li></ul>

Protected characteristics	Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
Convictions	Information about criminal convictions and offences. Additionally, and in particular, driving convictions relating to Company vehicles and business use of personal vehicles.

### **How is your personal information collected:**

We collect personal information about employees, 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 legitimately need the following information from you, to include; proof of identity, emergency contact information, certificates, licence, insurances, health and dietary together with any performance related monitoring documentation / communications. We may sometimes collect additional information from third parties including former employers, credit reference agencies, HMRC, Child Support Agency, Student Loans or other background check agencies.

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

### **How we will use information about you:**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for legitimate interests pursued by us or a third party and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest.

### **Situations in which we will use your personal data:**

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

<u>Situation</u>	<u>Purpose</u>
Making a decision about your recruitment or appointment.	Performance of contract
Determining the terms on which you work for us.	Performance of contract
Checking you are legally entitled to work in the UK.	Compliance with a legal obligation
Paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs).	Compliance with a legal obligation

<u>Situation</u>	<u>Purpose</u>
Providing the following benefits to you: Healthcare, pension, business travel insurance, on site gym.	Performance of contract
Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties.	Compliance with a legal obligation
Liaising with the trustees or managers of a pension arrangement operated by your pension provider and any other provider of employee benefits.	Performance of contract
Administering the contract we have entered into with you.	Performance of contract
Business management and planning, including accounting and auditing.	Compliance with a legal obligation
Conducting performance reviews, managing performance and determining performance requirements.	Performance of contract
Making decisions about salary reviews and compensation.	Performance of contract
Assessing qualifications for a particular job or task, including decisions about promotions.	Performance of contract
Gathering evidence for possible grievance or disciplinary hearings.	Performance of contract
Making decisions about your continued employment or engagement.	Performance of contract
Making arrangements for the termination of our working relationship.	Performance of contract
Education, training and development requirements.	Performance of contract
Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.	Compliance with a legal obligation
Ascertaining your fitness to work.	Compliance with a legal obligation
Managing sickness absence.	Performance of contract
Complying with health and safety obligations.	Compliance with a legal obligation
To prevent fraud.	Performance of contract
To monitor your use of our information and communication systems to ensure compliance with our IT policies.	Performance of contract
To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.	Performance of contract
Equal opportunities monitoring.	Performance of contract

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

## **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) or we will not be able to process your application successfully (such as needing evidence of qualifications or work history).

## **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 have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data, this can be found in our Security Policy. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations or exercise rights in connection with employment.
- Where it is needed in the public interest, such as for equal opportunities monitoring.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

## **Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

- 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 including statutory maternity pay, statutory sick pay, pensions and permanent health insurance.
- 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.

## **Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## **INFORMATION ABOUT CRIMINAL CONVICTIONS**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

We envisage that we will hold 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 we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in the following ways:

- *[Driving offences]*
- Financial fraud

We are allowed to use your personal information in this way for compliance with our legal obligations. *[set out lawful basis for using conviction data]*. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

### **Automated decision making and profiling:**

We use automated decision making as part of our overall recruitment process together with personal development and team building internally. You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

### **Data Protection for Recruitment Procedures:**

Neg Earth Lights Limited will collect and process the personal information of applicants who apply for work with us (whether as an employee, worker or contractor). We collect and process the personal information for the purposes of the application procedure and recruitment exercise.

In addition to the collection methods set out in the section "How is your personal information collected", we may collect and process the personal information electronically. For example via e-mail correspondence or by means of a web form on the website. On occasions CV's may be personally delivered to us.

If a contract of employment or for services is a conclusion of the process, the submitted data will be stored for processing in line with our Data Retention Policy and any applicable legal requirements. Alternatively, if no contract is concluded, the data will be erased two months after the refusal decision, provided there are no other legal reasons which mean we need to retain the data e.g. compliance with specific legislation.

### **Data sharing and transfers:**

We may have to share your data with third parties, including third-party service providers or customers or clients and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

It may sometimes be necessary to transfer your personal information outside the EEA.

Any transfers made will be in compliance with applicable data protection law and 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 will 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" include third-party service providers (including contractors and designated agents) and our customers or clients and other entities in our group. The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, IT, legal and maintenance services, recruitment, travel bookings and courier services.

We will share personal data regarding your participation in any pension arrangement operated by a group company with the trustees or scheme managers of the arrangement in connection with the administration of the arrangements.

### **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 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 might you share my personal information with other entities in the group?**

We will share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.

### **What about other third parties?**

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

We share your personal data with our customers or clients to administer the contract between us and the customer or client, e.g. account management and provision of services to the customer or client.

We may also need to share your personal information with a regulator or to otherwise comply with the law. This may include sharing data with law enforcement agencies, courts or tribunals, making returns to HMRC, disclosures to insurers, disclosures to stock exchange regulators and disclosures to shareholders such as directors' remuneration reporting requirements.

### **Transferring information outside the EEA**

We will transfer the personal information we collect about you to countries outside the EEA in order to perform our contract with you. Depending on the country, there may or 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 or 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: entered into standard data protection clauses adopted by the Commission with the third party who is located outside of the EEA. If you require further information about this protective measure, you can request it from the [gdpr@negearth.co.uk](mailto:gdpr@negearth.co.uk).

### **Personal Data Retention Period:**

We will not retain your personal information for longer than is legally necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Different retention periods apply to different types of personal information and are outlined in our Data Retention Policy which is available in the Employee Handbook which is provided on joining and is available on the desktop. However the longest we will normally hold your personal data is 7 years after leaving the Company.

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.

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 our Data Retention Policy and any applicable laws and regulations.

### **Rights of the data subject:**

#### **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.

#### **Your rights in connection with personal information**

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

- **Right of confirmation:** obtain confirmation as to whether or not personal data concerning you is being processed by us.
- **Right of access:** request access to your personal information (commonly known as a “data subject access request”). You have the right to obtain a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Right to rectification:** request correction of the personal information that we hold about you. You have the right to have incomplete or inaccurate personal information which we hold about you corrected.
- **Right to erasure (right to be forgotten):** request erasure of your personal information. You have the right 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).
- **Right to object:** 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.

- **Right to restrict processing:** request the restriction of processing of your personal information. You have the right 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.
- **Right to transfer (data portability):** request the transfer of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact [gdpr@negearth.co.uk](mailto:gdpr@negearth.co.uk) in writing.

### **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.

### **Right to withdraw consent:**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact [gdpr@negearth.co.uk](mailto:gdpr@negearth.co.uk). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Questions or Complaints:**

If you have any questions about the content of this Privacy Notice or how we handle your personal information or you wish to exercise any of your rights set out above, please contact [gdpr@negearth.co.uk](mailto:gdpr@negearth.co.uk).

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:

*Information Commissioners Officer Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 SAF*

*Telephone: 0303 123 1113 email [casework@ico.org.uk](mailto:casework@ico.org.uk)*

### **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.