



THE ISLE OF GIGHA HERITAGE TRUST

Employers Privacy Policy

Author signature

S Bannatyne

Date

12-06-2020

Chair of IGHT Board signature

Ga Wdo

Date

16-06-2020

Revision History

Version	Section	Page	Detail Amended	Amended By	Date
1	All	All	New policy for GDPR compliance	S Bannatyne	April 2020

Contents

- i. Introduction
- ii. Data Protection Principles
- iii. Personal data that we process
- iv. How we collect your personal data
- v. How we use your personal data
- vi. Purposes for which we process your personal data
- vii. How we use Sensitive Data
- viii. Criminal Convictions
- ix. Transfers to third parties
- x. Data Security
- xi. Data Retention
- xii. Rights of access, correction, erasure and restriction
- xiii. Right to withdraw consent
- xiv. Identity and Contact details for the controller

i. INTRODUCTION

The Isle of Gigha Heritage Trust and subsidiary companies Gigha Trading Ltd, Gigha Renewable Energy Ltd and Gigha Green Power Ltd (“we” or “us”) take the privacy and security of your personal data very seriously.

In this privacy notice, we set out how we collect and use your personal data before, during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all current and former employees, workers and contractors and it does not form part of any employment contract or any other services contract with us.

We may update this notice at any time and we may provide you with additional privacy notices from time to time.

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.

ii. DATA PROTECTION PRINCIPLES

We will comply with data protection law including the 6 principles of GDPR which are:

1. To process your personal data lawfully, fairly and in a transparent way.
2. To collect your personal data only for valid purposes that we have advised you about and to not use your personal data in any way that is incompatible with those purposes (unless we have notified you and explained the lawful ground that allows us to do so).
3. To only process your personal data to the extent necessary for the purposes we have advised you about.
4. To keep your personal data accurate and kept up to date.
5. To keep your personal data only as long as necessary for the purposes we have told you about.
6. To keep your personal data secure.

iii. PERSONAL DATA THAT WE PROCESS

Personal data means any information about an individual from which that person can be identified. It does not include anonymous data where the identity has been removed.

There are “special categories” of more sensitive personal data which require a higher level of protection such as your ethnicity and whether you are a member of a trade union.

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

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
 - Date of birth.
 - 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 licence (if applicable).
- 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).
- Details of your existing and previous salary.
- Performance information.
- Disciplinary and grievance information.
- CCTV footage and other information obtained through electronic means.
- Photographs.
- Information about your use of our information and communications systems.

We may also collect, store and use the following “special categories” of more sensitive personal information (only if this is relevant to your employment status):

- Information about your health, including any medical condition, health and sickness records.
- Information about criminal convictions and offences.

iv. HOW WE COLLECT YOUR PERSONAL DATA

We collect personal data about you through the recruitment process, either directly from you or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

When you start your employment with us, you will directly provide us with certain personal data such as your bank account details and emergency contact information.

We may collect further personal data about you in the course of your employment through the implementation of any HR Relation Policies e.g. Disciplinary or in the course of managing your employment e.g. HMRC (PAYE), pension policy, Accountants, IT Support, OSCR (charities regulator).

Isle of Gigha Heritage Trust and its subsidiary companies do not provide company mobile phones to

employees. You may be asked by colleagues to share your personal number to speed up communication and improve the efficiency of business processes e.g. a list of employee contact numbers may be collated and held in the office. By agreeing to this policy, you are willing to share your phone number for business purposes where appropriate with colleagues. If you do not wish to consent to this, please speak to your line manager.

Isle of Gigha Heritage Trust and its subsidiary companies regularly take photos of events and of business activities that are used to promote the business on digital media. By agreeing to this policy, you are willing for your image to be shared online and in promotional materials. If you do not wish to consent to this, please speak to your line manager.

We may collect further personal data about you in the course of your employment.

v. HOW WE USE YOUR PERSONAL DATA

We will only process your personal data if we have a lawful ground for processing such data. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the employment contract between us or any other contract between us.
2. Where we need to comply with a legal obligation e.g. HMRC, Pensions, payroll, etc.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
4. Where we need to assess and analyse information to help improve the operation of, and manage the performance of, our business.
5. Where we need to communicate with employees who do not have a company allocated email address or company mobile phone.
6. Where we have a responsibility to prevent, detect and prosecute fraud and other crimes.

We may also use your personal data in the following situations, but these are not likely:

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

vi. PURPOSES FOR WHICH WE PROCESS YOUR PERSONAL DATA

We will process your personal data for the following purposes:

- 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 certain benefits to you.
- 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 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 decide not to provide us with certain personal data that we have requested, we may not be able to perform contracts between us (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).

We may from time to time use your personal data without your knowledge or consent where this is required or permitted by law.

vii. HOW WE USE SENSITIVE DATA

"Special categories" of sensitive personal data require higher levels of protection than non-sensitive data. In order to process such sensitive data we need to have further justification. We will not seek to collect sensitive data unless there is a legal base for doing so.

We may process special categories of personal data in the following circumstances:

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

Occasionally, we may process sensitive personal data 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.

We will use your sensitive personal data in the following ways:

- In relation to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- In relation to 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.
- To ensure meaningful equal opportunity monitoring and reporting.

viii. CRIMINAL CONVICTIONS

We may only process data 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.

Rarely, we may use your personal data relating to criminal convictions where necessary in relation to legal claims, where it is necessary 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.

ix. TRANSFERS TO THIRD PARTIES

We may have to share your personal data with third parties, including third-party service providers for example because it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Third party providers may carry out the following services: insurance; financial support; IT support; legal services, Government agencies.

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

We require third parties to respect the security of your data and to treat it in accordance with the law. They must act only in accordance with our instructions and they agree to keep your personal data confidential and secure.

x. DATA SECURITY

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

xi. DATA RETENTION

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.

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.

After your employment has terminated your payroll records will be kept for 6 years in accordance with legal requirements. Personnel files will be kept for 6 months to allow time for grievances or disputes to be resolved.

xii. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

It is important that the personal data we hold about you is accurate and up to date. Please keep us informed if your personal information changes.

Under GDPR you have the:

- **Right to be Informed** about the collection and use of personal data, the purpose for processing, retention periods and who the data will be shared with.
- **Right of 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.
- **Right to 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.
- **Right to 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).

- **Right to 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 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.
- **Right to 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 office@gigha.org.uk

You will not have to pay a fee to access your personal data or to exercise any of the other rights under data protection laws. 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.

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.

You have the right to lodge a complaint to the Information Commissioners' Office if you believe that we have not complied with the requirements of the GDPR or Data Protection Act 2018 with regard to your Personal Data.

xiii. 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 email shona@gigha.org.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.

xiv. IDENTITY AND CONTACT DETAILS FOR THE DATA CONTROLLER

The Isle of Gigha Heritage Trust is the controller of data for the purposes of the GDPR and Data Protection Act 2018.

If you have any concerns as to how your data is processed, you can contact office@gigha.org.uk.

Please also refer to the 'General Data Protection Regulation' Policy.

History of Amendments

Version	Section	Page	Detail Amended	Amended By	Date
1	All	All	New Policy for GDPR compliance	S Bannatyne	April 2020

