

Privacy notice for personnel

PENDINE IS COMMITTED TO PROTECTING THE PRIVACY AND SECURITY OF YOUR PERSONAL INFORMATION. THIS PRIVACY NOTICE DESCRIBES HOW WE COLLECT AND USE PERSONAL INFORMATION ABOUT YOU DURING AND AFTER YOUR WORKING RELATIONSHIP WITH US, IN ACCORDANCE WITH THE GENERAL DATA PROTECTION REGULATION (GDPR).

In this notice, whenever you see the words ‘we’, ‘us’, ‘our’ and ‘Pendine’, it refers to Pendine Park Care Organisation Ltd (our ICO registration number is Z2840886), and its subsidiary companies, which includes the training company Pendine Academy of Social Care Ltd (ICO registration number ZB549159), which also trades under the brand name Smartcare Training. Whenever you see the words ‘you’ and ‘your’, it refers to current and former employees, workers, and contractors.

This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time, and if we do, we will notify all current employees. All current Pendine Privacy Notices will also be available on our website, at www.pendinepark.com/privacy.html

1. Our Responsibilities and Data Protection Principles

Pendine is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. Data protection legislation requires us to let you know about this information, so it is important you read this privacy notice (and any other privacy notice we may provide on specific occasions) so that you are aware of how and why we are using this information.

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 anyway 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.

2. The kind of information we hold on you...

Personal data, or personal information, means any information about an individual that can identify that individual. 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.

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

| CATEGORY | DATA TYPES |
|------------------------------------|---|
| Personal Details | Name, title, date of birth, gender, and body measurements (for uniforms) |
| Contact Details | Address, telephone numbers and personal email address |
| Emergency Contact Details | Name of emergency contact, their relationship to you and contact details |
| Payroll Information | National Insurance number, bank account details, payroll records, tax status, salary, annual leave, compensation history, pension, and benefits information |
| Employment Contract Details | Start date, location of employment or workplace, contracted status, job title, work history, working hours and absence records, NMC PIN Number and expiry date |
| Training Records | Qualifications and education, training records, appraisal records, supervision records, Welsh and other language ability, and professional memberships |
| Recruitment information | Copies of eligibility to work in the UK and Health and Social Care Sector documentation including ID and nationality, results of Disclosure Barring Service and Employer Checking Service checks, references and other information on a CV, cover letter, application form, interview records or as part of the application process |
| Driving information | Copy of driving licence and motor insurance details |
| Performance Details | Performance information, disciplinary and grievance information |
| Electronic Information | CCTV footage and other information obtained through electronic means such as clocking in systems and information about your use of our information and communications systems |
| Photographs | For identification purposes and advertising/media (this is optional) |

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

| CATEGORY | DATA TYPES |
|----------------|---|
| Sensitive data | Nationality |
| | Information about your health including medical, health and ante/postnatal status |
| | Biometric data (finger pad recognition) |
| | Information/results of checks about criminal convictions and offences |

3. How we collect your personal information

We collect personal information about employees, workers, and contactors initially through the application and recruitment process directly from candidates or sometimes from an employment agency. We also collect additional information from:

- Our staff (during the interview process)
- Named referees during the application process
- The government’s Disclosure and Barring Service in respect of criminal convictions
- The government’s Employer Checking Service (if applicable) in respect of eligibility to work in the UK

We will also collect personal information:

- In the course of job-related activities throughout the time you work for us
- Data from third parties that is publicly accessible including social media.
- CCTV footage from CCTV cameras within communal areas that are clearly marked. We do this for the purposes of crime prevention and prosecution, for identifying accidents, incidents, and disputes and to safeguard residents, staff, and visitors. The footage has strict protocols for retention, viewing purposes and usage with strict access rights allowing only designated people to view and access. Footage may be shared with the Police.

4. 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, as listed above in point 2, in the following circumstances:

1. To carry out the contract we have with you
2. Where we need to comply with a legal obligation.
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.

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.

5. Situations in which we will use your personal information

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 and within health and social care
- Complying with health and safety obligations
- Complying with our legal obligations as a health and social care provider
- Complying with our legal obligations as an employer
- Paying you and, if you are an employee, deducting tax and National Insurance contributions
- Contacting you to provide you with information about your pay, i.e., payslips and P46s
- Providing the following benefits: any sickness benefits; education/training reimbursement; professional body membership; indemnity insurances and the provision of branded uniforms
- Liaising with your pension provider and HMRC
- Liaising with a potential mortgage provider or landlord to prove employment and pay rates (if requested)
- Making decisions about salary reviews and compensation
- Administering the contract we have entered into with you
- Ascertaining your fitness to work
- Assess the need for any adaptations to your working contract or conditions to enable you to perform your duties
- Managing sickness and absence
- To support you through any personal difficulties such as health issues or bereavement
- Contacting you to ensure a continuous service is provided to our clients (i.e., shift management)
- Education, training, and development requirements
- Contacting you to inform you of your forthcoming training sessions
- Conducting performance reviews, managing performance, and determining performance requirements
- Conducting supervision sessions
- Assessing qualifications and experience for a particular job or task, including decisions about promotions
- Liaising with training providers and professional bodies in relation to your training and education
- 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
- Providing factual details on reference requests from future/other employers, where you have provided them with our details
- Dealing with legal disputes involving you, or other employees, workers, and contractors, including accidents at work
- Viewing CCTV footage from identified communal areas for crime prevention and prosecution, identifying accidents and incidents and safeguarding purposes.
- Business management and planning, including accounting and auditing
- Marketing and advertising our business through use of videos, photographs, and testimonials (see below)
- 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

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

Videos, Photographs, and Testimonials

We use videos and photographs from events and written testimonials about our services on our website and within our marketing materials. If you are part of a crowd or group of people in a photograph or video that we publish, and cannot be identified easily, we do not require your consent. However, if you are present when such photographs or video footage are being taken, and you do not wish to be part of the footage, please tell the photographer or the staff member organising the footage, so they can act accordingly.

If we wish to identify you (such as use a caption with the photograph or video), or the photograph or video just contains you or is of a small group of people including you, we will explain why we are using your image, what it is being used for and who might look at the image and ask for your consent beforehand (if you do not wish to consent then we will not include you in the photograph/video). If we use an agency to take the photographs or video footage, we will ensure the agency obtains the correct permission.

If you provide us with a written testimonial about our services that we wish to publish publicly and include your name with the testimonial, we will inform you of why we are using it, what it is being used for and who might look at it and we will ask for your consent to use the testimonial.

6. 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, clients and visitors).

7. 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.

8. How we will 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 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 relation to your employment with us and in line with our data protection policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with our data protection policy.

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.

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

| CATEGORY | DATA TYPES |
|--|---|
| Absence data including sickness, absence or family related leaves | To comply with employment and other laws, to administer any related benefits and to monitor and manage sickness and absence |
| Physical or mental health, or disability status | To ensure your health and safety in the workplace, assess your fitness to work and to provide appropriate workplace adjustments. Providing this information is optional and your consent is sought for these purposes. |
| Nationality | To check your eligibility to work in the UK |
| Biometric Information –finger pad recognition | To enable us to calculate your hours worked and administer your wages. |
| Vaccine data (i.e., Hep B, Flu and Covid-19) and Covid-19 positive status / symptoms. | To enable us to carry out our legal duties to support and provide care for our vulnerable residents and assess and mitigate risks associated with viral and other infectious diseases. |

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.

However, we do ask for your consent and give you a method of opting out of providing information about your health and medical conditions (with the exception of vaccine and Covid-19 data). Where we have asked for this information, we have provided details of why this information is required and what will be done with it, so you can decide if you wish to provide this information or not.

In limited circumstances, we may approach you for your written consent to allow us to process other 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.

9. 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. Less commonly, we may use information relating to criminal convictions where it is 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.

Due to the nature of our business, we do have access to information about criminal convictions. We will collect information about criminal convictions as part of the recruitment process, if we are notified of such information directly by you in the course of you working for us and through our legal obligation to make further checks during the course of you working for us.

We will use information about criminal convictions and offences to take such information into account when determining your suitability for the job during the recruitment process and on a continuing basis throughout the time of you working for us.

All job roles at Pendine are concerned with the provision of health and social care services to vulnerable adults. These job roles are listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 so are eligible for an Enhanced Disclosure Check from the Disclosure and Barring Service. Job roles involving "hands-on health or social care" such as Nurses, Care Practitioners and Hairdressers (where the criteria for the frequency of such contact is met), are also specified on the Police Act 1997 (Criminal Records) Regulations and so are eligible for an Enhanced Disclosure and Barred List Check from the Disclosure and Barring Service.

We have an obligation to carry out ongoing checks about your criminal convictions and offences under the Regulation and Inspection of Social Care (Wales) Act 2016.

10. Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

11. Data sharing

We may have to share your data with third parties, including third-party service providers. 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 (although we do not envisage we will do so). If we do, you can expect a similar degree of protection in respect of your personal information.

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. For example, we may share your personal information with pension providers, your bank, HMRC, government departments, professional bodies and organisations who assess and monitor our business, such as Investors in People and with a registered umbrella company to enable them to process Disclosure Barring Service (DBS) checks. We may also share your personal information for legal advice relating to Human Resource and Employment matters.

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

All our third-party service providers 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. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

12. 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. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

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

13. Data retention – how long we will use your 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.

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.

14. Rights of access, correction, erasure, and restriction

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. There are specific procedures to do this (such as Staff Amendment Forms etc).

To help us make sure we have correct information on you, we may from time to time send out a copy of some of the data we hold on you and ask that you check it is correct and provide us with appropriate details if it requires updating. We may ask for proof for certain changes (i.e., proof of name change).

Your rights in connection with personal information

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

- **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 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.
- **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 the Personnel Department 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.

15. Your 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. 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.

16. Changes to this Privacy Notice

We reserve the right to update this privacy notice at any time, and we will notify you regarding any new privacy notices if 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 Personnel Department at

Bromfield House, Ellice Way, Wrexham LL13 7YW

or telephone: 01978 720242

or email: personnel@pendinepark.com