

PRIVACY POLICY – WCF LTD EMPLOYEES

November 2019

Date of Next Review – November 2020

WCF Ltd, Crawhall, Brampton, Cumbria, CA8 1TN ("We", "the Company") are committed to protecting and respecting the confidentiality, integrity and security of the personal information we hold about each past or present director, employee, job applicant, agency worker or contractor ("you", "your").

This policy sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us, and how we comply with our responsibilities under applicable data protection laws ("Data Protection Laws"). Please read this policy carefully and if you have any questions or concerns please contact us using the information below.

Data Controller

For the purposes of the Data Protection Laws, the data controller of your personal information is WCF Ltd, Crawhall, Brampton, Cumbria, CA8 1TN.

Personal data collection

We only hold personal data about you which you have previously provided to us, may have been provided to us by a recruitment or employment agency as part of a selection process, supplied by a former employer as part of our referencing procedure, provided by HMRC or generated by us during the course of your employment.

Categories of personal data we may collect and hold

We may collect the following information from our employees:

- name;
- contact and emergency contact details;
- bank account details;
- date of birth;
- passport number;
- driving license number;
- PAYE Tax Code;
- National Insurance Number;
- Education and qualifications;
- Work experience and employment history;
- Length of service;

- CCTV images; and
- Photographs which we may use on company websites, promotional literature or in our employee newsletters

Some of the Employee Data we hold and use falls into what are known under DP Laws as “special categories” of data. These types of data are more sensitive data. “Special categories” of data include a person’s racial or ethnic origin, political opinions, religious beliefs, trade union activities, physical or mental health, sexual life, or details of criminal offence.

WCF may, under certain circumstances hold data on personnel files which falls into one of these special categories, namely:

- Health or medical information or information relating to disabilities declared on any sick notes or fitness to work forms
- Health or medical information or information relating to disabilities declared on the medical declaration on commencement of employment
- Health or medical information or information relating to disabilities otherwise voluntarily disclosed by an employee

WCF may also request information on unspent convictions as part of their job offer procedure. Whilst this information does not fall within “special categories” of data as set out above, it is also sensitive and special rules apply to it.

Purposes for which your personal data is used

We will use the personal data which you provide to us for the following purposes:-

- Fulfilling rights and obligations under terms and conditions of employment;
- Communicating matters of performance, policy and company newsletters;
- Providing content for company websites and employee newsletters;
- Verifying the identity of employees and their right to work in the UK;
- Developing employment policies that are free from discrimination or bias;
- Making correct salary, wage and expenses payments;
- Making correct deductions in respect of PAYE, National Insurance, pension and other entitlements;
- Undertaking diligent recruitment and referencing procedures;
- Implementing training, succession and personal development programs;
- Fulfilling H&S responsibilities;

- Crime prevention including maintaining public safety, the security of property and premises and for preventing and investigating crime;
- Staff monitoring;
- Fulfilling requirements of Working Time Regulations and Minimum Wage Act 1998;
- Investigating grievances and incidences of poor performance or misconduct;
- Preparing statutory returns for HMRC and the National Office of Statistics;
- Responding to employee queries, historic employee liability or personal injury claims potential disputes, litigation or discrimination claims; and
- fulfilling legal and fiduciary responsibilities (e.g. statutory sick and maternity pay)

Legal basis for Processing

In processing employee data WCF relies on the following legal bases:

- the processing is necessary to comply with the terms of employees' contracts of employment;
- the processing is necessary to comply with WCF's legal obligations; or
- the processing is necessary for the purposes of WCF's legitimate interests which may include having an engaged, motivated and appropriately trained workforce and maintaining direct, relevant and appropriate contact with our employees providing the employee's rights do not override these interests.

We may also rely on the following legal bases for processing (although this is likely to be rare):

- where we need to protect your vital interests (or someone else's vital interests); or
- where it is needed in the public interest

We may process employee data on more than one legal basis. Please contact us if you need details as to which legal ground we are relying on to process any specific item of personal data.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you. In this case, we may have to cancel a service you have with us but we will notify you at the time.

Special Categories of Personal Data – lawful basis and purpose

In processing the “special categories” of employee data we may hold, WCF relies on the following lawful bases:

- your explicit consent;
- processing is necessary for us to carry out our obligations or exercise specific rights in employment as authorised by UK law;
- processing is necessary for the defence of legal, unfair dismissal, health and safety and employer liability insurance claims;
- processing is necessary in the public interest; or
- processing is necessary to protect your or another's vital interests

We will use these “special categories” of personal information about employees 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 physical or mental health, or disability status, to ensure health and safety in the workplace and to assess fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits and if necessary to defend ourselves against or establish legal claims

Consent in relation to “special categories” of personal information

We do not need your consent if we use “special categories” of personal information in accordance with this written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, however, we may approach employees for written consent to allow us to process “special categories of personal 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. It is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions - lawful basis and purpose

Where appropriate, we will collect information about unspent criminal convictions of applicants offered job roles as part of our recruitment process, or we may be notified of such information directly by an employee in the course of their employment.

Where we hold information on criminal convictions, we use it only for the following purposes:

- to satisfy ourselves that those employees required to drive during the course of their employment do not have any unspent driving convictions;
- to satisfy ourselves that those employees who visit homes or premises during the course of their employment do not have any unspent criminal convictions that might put the security and safety of our customers at risk, particularly those that might be vulnerable;
- to ensure that the past criminal history of our employees does not bring the company into disrepute or cause damage to our reputation;

- to ensure that we do not employ anyone with a conviction for dishonesty in any financial roles; or
- to ensure that our employees can be trusted to safeguard the company's assets.

In processing criminal conviction information, we rely on the following lawful bases:

- the processing is necessary to carry out legal rights and obligations in connection with employment; or
- the processing is necessary to protect your vital interests or those of a third party

Disclosure of your personal data

We will not disclose personal information we hold about you to any third party except as set out below.

We may disclose personal data to third parties who are providing services to us, in particular to the IT companies that support our payroll system and to our bank for the purposes of making payments to you.

We may also disclose personal data we hold to third parties:

- (a) in the event that we sell any business or assets, in which case we may disclose personal data we hold to the prospective buyer of such business or assets; and/or
- (b) if we are permitted by law to disclose your personal data to that third party or are under a legal obligation to disclose your personal data to that third party.

Access and other rights

You may request to see the personal information we hold about you either digitally or on file at any point by making a request in writing to us via The Company Secretary, WCF Ltd, Crawhall, Brampton, Cumbria, CA8 1TN or via email on pam.murray@wcf.co.uk. This request will be responded to within 30 working days. You will be provided with a copy of the personal information we hold about you. If we require more time to respond fully to any request, we will notify you in writing within the 30-day period referred to. Any additional copies of any information we provide to you may be subject to a reasonable fee.

You also have other rights under Data Protection Laws in relation to your personal data. In particular, you may have (i) the right to request that we rectify or erase information we hold about you in certain circumstances, (ii) the right to ask us to limit our processing of your information, (iii) the right (if we are processing information based on your consent, such as for marketing purposes) to withdraw your consent, (iv) the right to object to certain processing of your information (including the right to object to processing of your personal data for direct marketing purposes at any time), (v) the right to ask us to move, copy or transfer your personal information to another organisation.

If you wish to exercise any of these rights, please contact us via the Company Secretary at Crawhall, Brampton, Cumbria, CA8 1TN or via email on pam.murray@wcf.co.uk.

Accuracy of personal data

We try to ensure that the information we hold about you is accurate and kept up-to-date [by contacting you at regular intervals and asking you to confirm that this is the case, or if not, to provide us with updated details. However, if at any time you believe that any information we are holding about you is inaccurate, out-of-date or incomplete, please notify us via the Payroll Manager at Crawhall, Brampton, Cumbria, CA8 1TN or via email at joanne.grieve@wcf.co.uk as soon as possible. We will promptly correct or delete any information found to be incorrect.

Security

We have put in place what we consider to be appropriate security measures against unlawful or unauthorised processing of the personal data we hold about you, and against the accidental loss of, or damage to, such personal data.

Transferring personal data outside the EEA

Except if appropriate safeguards are in place that are in accordance with applicable law (including Articles 44 to 50 of the EU General Data Protection Regulation 2016/679), we will not transfer any personal data to a country outside of the European Economic Area ("EEA") or to a person based outside the EEA. Such safeguards may include us or one of our data processors entering into EU Standard Contractual Clauses (or their equivalent in the UK) with a third party outside the EEA to whom personal information is being transferred. Further information about the safeguards we may apply can be obtained by contacting the Company Secretary at WCF Ltd, Crawhall, Brampton, Cumbria, CA8 1TN or via email on pam.murray@wcf.co.uk.

Retention of data

We will take all reasonable steps to destroy, or erase from our systems, personal data when it is no longer required. In the majority of cases all personal data about you will be deleted 7 years after your employment ends unless you were employed in a role or in a location in which you may have been exposed to excessive noise or any hazardous substance in which case we will keep the appropriate medical, absence, accident and training records for the purpose of dealing with potential claims.

Please note that it is your personal responsibility to hold your own records in respect of your share dealings for the purposes of income, capital gains and inheritance tax.

Third Party Links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

Changes to this policy

We may make changes to this Privacy Policy at any time. Any changes we make will be posted on this page and, where appropriate, notified to you in writing. Please refer to this page regularly to see any changes or updates to this policy.

Contact

If you have any queries about this policy or your personal data, or you wish to submit an access request or raise a complaint about the way your personal data has been handled, please do so in writing and address this to the Company Secretary, WCF Ltd, Crawhall, Brampton, Cumbria, CA8 1TN or by email to pam.murray@wcf.co.uk.

Complaints

If you are not satisfied with our response to any queries or complaints you raise with us or believe we are not processing your personal data in accordance with the Data Protection Laws you have the right to lodge a complaint at the Information Commissioner's Office (<https://ico.org.uk>).