



## **Employee & Worker Privacy Notice**

Data controller: Birmingham Metropolitan College

Data protection officer: Mike Lewis can be contacted by emailing [dpo@bmet.ac.uk](mailto:dpo@bmet.ac.uk)

The College collects and processes personal data relating its employees and workers to manage the employment relationship. The College is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

### **What information does the College collect?**

The College collects and processes a range of information about you. This includes:

- Your name, address and contact details, including email address and telephone number, date of birth and gender;
- The terms and conditions of your employment or assignment;
- Details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the College;
- Information about your remuneration, including entitlement to benefits such as pensions;
- Details of your bank account and national insurance number;
- Information about your marital status, next of kin, dependants and emergency contacts;
- Information about your nationality and entitlement to work in the UK;
- Information about your criminal record;
- Details of your schedule (days of work and working hours) and attendance at work;
- Details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- Details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- Assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the College needs to make reasonable adjustments;
- Details of trade union membership;
- And equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The College collects this information in a variety of ways. For example, data is collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment or assignment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the College collects personal data about you from third parties, such as references supplied by former employers and information from criminal records checks permitted by law.



Data is stored in a range of different places, including in your personnel file, in the College's HR management systems and in other IT systems (including the College's email system).

### **Why does the College process personal data?**

The College needs to process data to enter into an employment contract or casual agreement with you and to meet its obligations under these agreements. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefit, pension and insurance entitlements.

In some cases, the College needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's or worker's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the College has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the College to:

- Run recruitment and promotion processes;
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the College complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- respond to and defend against legal claims;
- And maintain and promote equality in the workplace.

Where the College relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.



Some special categories of personal data, such as information about health or medical conditions, are processed to carry out employment law obligations (such as those in relation to employees and workers with disabilities and for health and safety purposes). Information about trade union membership is processed to allow the College to operate check-off for union subscriptions.

Where the College processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that the College uses for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees and workers are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

### **Who has access to data?**

Your information will be shared internally, including with members of the HR and Payroll teams, your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

The College shares your data with third parties in order to obtain pre-employment references from other employers, and obtain necessary criminal records checks from the Disclosure and Barring Service. The College may also share your data with third parties in the context of a sale or transfer of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

The College also shares your data with third parties that process data on its behalf, in connection with pensions, the provision of benefits and the provision of occupational health services.

The College will not transfer your data to countries outside the European Economic Area.

### **How does the College protect data?**

The College takes the security of your data seriously. The College has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. Access to BMET IT systems are restricted granularly by active directory group membership, specific directory security and individual password control to specific systems containing personal data.

Where the College engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

### **For how long does the College keep data?**



The College will hold your personal data for the duration of your employment or assignment. The periods for which your data is held after the end of employment or assignment are set out in the retention schedule.

## Your rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require the College to change incorrect or incomplete data;
- require the College to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- Object to the processing of your data where the College is relying on its legitimate interests as the legal ground for processing;
- and ask the College to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the College's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact Mike Lewis, Data Protection Officer at [dpo@bmet.ac.uk](mailto:dpo@bmet.ac.uk)

You can make a subject access request by completing the College's form for making a [subject access request](#)

If you are dissatisfied with the way in which your subject access request has been processed or dissatisfied with the response that you have been given, please write to the Data Protection Officer in the first instance [dpo@bmet.ac.uk](mailto:dpo@bmet.ac.uk) so that the College is provided with the opportunity to review the matter and respond to your concerns.

You can also ask the Information Commissioner's Office (ICO) to carry out an assessment to see whether it is likely or unlikely that the College has responded properly. The ICO can be contacted via following methods:

**ICO helpline** (Monday-Friday 09:00-17:00) Telephone: 0303 123 1113

You can [chat online with an advisor](#).

You can visit their website for information on [how to make a data protection complaint](#).

### **You can also write to the ICO at:**

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## **What if you do not provide personal data?**



You have some obligations under your employment contract or casual agreement to provide the College with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide the College with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the College to enter a contract of employment or casual agreement with you. If you do not provide other information, this will hinder the College's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

### **Automated decision-making**

Employment decisions are not based solely on automated decision-making.

If you have any questions about this policy, please contact the Data Protection Officer [dpo@bmet.ac.uk](mailto:dpo@bmet.ac.uk)

For further information please visit: <https://ico.org.uk/>