

Prospect: Employee Privacy Policy

Reference: GDPR REC 4.1
Issue No: 2
Issue Date: 14 December 2021



Prospect is committed to protecting your privacy and complying with our obligations under the UK GDPR and Data Protection Act 2018.

Scope

1. When you become a Prospect employee, you trust us with your information. This Privacy Policy explains how Prospect will hold and process your personal data, and is designed to help you understand what data we collect, why we collect it and what we do with it.
2. This policy applies to current employees, workers, and consultants.
3. This policy applies to all personal data whether it is stored electronically, on paper or on other materials.
4. You can contact HR@prospect.org.uk at any time to ask for more information about how your data is used.
5. Staff will be provided with a privacy notice which sets out in detail how your personal data you have provided us. You should check this document regularly as we may update this notice or change providers and partners that we work with.
6. The Data Protection Compliance Officer is responsible for reviewing this policy and updating Prospect's Senior Management team on Prospect's data protection responsibilities and any risks in relation to processing data.

This policy does not form part of your contract of employment (or contract for services if relevant) and can be amended by Prospect at any time. This policy is fully compliant with the 2018 Act and the UK GDPR. If any conflict arises between those laws and this policy, Prospect will comply with the 2018 Act and the UK GDPR.

Definitions

Data Controller

Prospect is a "data controller" for the purposes of your personal data. This means that we determine the purpose and means of processing your personal data. It is possible that in some circumstances other professional advisers may be considered to be data controllers. This might include the Union's auditor or legal advisers.

Data Subject

Any living individual whose personal information is being held or processed by Prospect. For the purposes of this policy this includes staff, workers, and consultants.

Processing

Any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Personal Data

Any information which relates to a living person who can be **identified** from that data (a "**data subject**"). An identifiable living person is one who can be identified, directly or indirectly, in particular to identifiers such as name, identification number, locational data,

an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that living person.

It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

Special categories of personal data.

Special categories of personal data are types of personal data consisting of information as to:

- your racial or ethnic origin;
- your political opinions;
- your religious or philosophical beliefs;
- your trade union membership;
- your genetic or biometric data;
- your health;
- your sex life and sexual orientation; and
- any criminal convictions and offences.

We may hold and use any of these special categories of your personal data in accordance with the law.

The lawful basis to process staff personal data.

7. Prospect will process your personal data (including special categories of personal data) in accordance with our obligations under UK GDPR.

8. Staff personal data will be processed under the following Article 6 provisions:

- Staff have given consent to the processing for a specific purpose; Article 6.1.a
- The processing is necessary for the performance of the contract of employment; Article 6.1.b
- The processing is necessary for complying with any legal obligation to which we are subject; Article 6.1.c
- The processing is necessary in order to protect the vital interest of a member of staff or another person; Article 6.1.d
- Processing is necessary for our legitimate interests, or of a third party. However, we can only do this if your interests, except where these interests are overridden by the interests and rights of staff. Staff have the right to challenge our legitimate interests and request that we cease the processing. Article 6.1.f

9. We will only process special categories of your personal data in certain situations in accordance with the law. In particular, we will use information in relation to:

- race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities;
- sickness absence, health and medical conditions to monitor staff absence, assess fitness for work, to pay benefits, to comply with our legal obligations under employment law including to make reasonable adjustments and to look after staff health and safety; and
- trade union membership to pay any subscriptions and to comply with our legal obligations in respect of trade union members.

10. The processing of special category data requires two lawful bases, including one as set out in point 8 above and the following
 - Processing is with the explicit consent of the member of staff. Article 9.2.a
 - Processing is necessary for carrying out rights and obligations under employment law; Article 9.2.b
 - Processing is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent; Article 9.2.c
 - Processing is necessary for the establishment, exercise or defence of legal claims; Article 9.2.f
 - Processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity. Article 9.2.h
12. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.
13. If you choose not to provide us with certain personal data you should be aware that we may not be able to carry out certain parts of the contract between us. For example, if you do not provide us with your bank account details we may not be able to pay you. It might also stop us from complying with certain legal obligations and duties which we have such as to pay the right amount of tax to HMRC or to make reasonable adjustments in relation to any disability you may suffer from. The refusal to provide certain personal data may render the continuation of your employment impossible.

When we might process your personal data

14. We have to process your personal data in various situations during your recruitment, employment (or engagement) and even following termination of your employment (or engagement). For example:
 - to decide whether to employ (or engage) a member of staff;
 - to check that staff have the legal right to work for us;
 - to carry out the terms of the contract of employment including where relevant, its termination;
 - to review performance and conduct
 -
 - to provide training;
 - to decide on promotions;
 - to manage staff absence;
 - to carry out disciplinary or grievance investigations or procedures;
 - to determine whether we need to make reasonable adjustments to the workplace or role because of a disability;
 - to monitor diversity and equal opportunities;

- to monitor and protect the security (including network security) of the union, staff, and third parties;
- to monitor and protect the health and safety of staff and third parties;
- to pay staff including tax and national insurance deductions, and provide pension and other benefits in accordance with the contract of employment;
- to provide a reference upon request from another employer;
- to pay trade union subscriptions;
- monitoring compliance by staff, and others with our policies and our contractual obligations;
- to comply with employment law, immigration law, health and safety law, tax law and other laws;
- to answer questions from insurers in respect of any insurance policies which relate to staff;
- running our business and planning for the future;
- the prevention and detection of fraud or other criminal offences;
- to defend the union in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure;
- for any other reason which we may notify staff from time to time.

How we Collect and Store your Data

15. We collect personal data in a variety of ways. For example, data is collected through application forms or CVs; obtained from passport or other identity documents such as a driving licence; from forms completed by staff at the start of or during employment (such as benefit nomination forms); from correspondence with staff; or through interviews, meetings or other assessments.
16. Data is stored in a range of different places, including a staff personnel file, in Prospect's IRIS Cascade Software Solution, other finance and HR management drives and in other IT systems (including Prospect's email system).

For more information about the IRIS Cascade Cloud-based Solution and how your data is managed & processed, please read IRIS Cascade Employee Privacy Notice

Security and Monitoring

17. We monitor computer, telephone and mobile telephone use, as detailed in our Electronic Communications Policy, available in the Staff Agreement. We also keep records of your hours of work and breaks by way of computer system known as *Touch Point* for

employees working in our Member Contact Centre, as detailed in the Member Contact Centre Employee Performance Handbook.

18. A CCTV system is in operation at Head Office and the Clapham Office, to

Who has access to your personal data?

18. Your information will be shared internally, including with members of the People and Operations team (HR, recruitment and payroll team) your line manager, managers in the business area in which you work and IT employees if access to the data is necessary for performance of their roles.
19. Prospect also shares your data with third parties that process data on its behalf, in connection with payroll, pension, the provision of benefits, the provision of occupational health services, legal advice, annual audit checks, external IT systems and training providers.
20. Prospect will not transfer your data to countries outside the United Kingdom.
21. Please see list below of **third parties** we may share your data with:

IRIS Cascade

We use IRIS Cascade (a web-based service) to help us look after employee personal data and sensitive information we collect about you relating to your employment. They store the data on our behalf and their software performs calculations and provides insights to us based on it and in line with the agreement we have with IRIS Cascade. They provide the following contracted services:

- HR, Payroll

With the following features/modules:

- Learning and Development, Self-Service & Recruitment Plus

If you apply for a role at Prospect or are an employee your personal and sensitive details will be stored and held in IRIS Cascade software. For more information about IRIS Cascade and who has access to your data, please read IRIS Cascade Employee Privacy Notice

Pension Administrator

If you are employed by Prospect your details will be provided to Barnett Waddingham who are the administrators of the Prospect Pension Scheme (Berkeley Burke for employees who are members of the BECTU Pension Scheme). You will be auto-enrolled into the pension scheme and Barnett Waddingham will be provided with your name, date of birth, marital status, address, National Insurance number and salary. Your bank details will not be passed to Barnett Waddingham at this time. Barnett Waddingham may send you communications (e.g. Pension Statement) regarding your pension to your home address. Prospect has a legal obligation to provide a workplace pension to eligible employees.

HMRC

Prospect has a legal requirement to upload monthly, a Real Time Information (RTI) report to HMRC which provides them with all employees and pensioners' salary information, including

their National Insurance Number for that month and the total of PAYE, Employees & Employers National Insurance, Student Loans, SMP and Apprenticeship Levy that Prospect will be paying for that month.

We also upload annually the P11d information to HMRC in relation to the Prospect Car Scheme which again contains names, NI numbers and the details of their Prospect car.

Auditors

We provide our auditors with employee data (e.g. salary information, pension contributions, annual leave) to meet our regulatory requirements.

iHasco

New employees are required to complete mandatory training when they join Prospect. We will provide iHasco with your full name and work email address.

Other Training Providers

If through the course of your employment we book you on a training course, we will give the provider your name, work email address and job title.

Occupational Health

Where necessary, we may keep information relating to your health, which could include reasons for absence and GP reports and notes. This information will be used in order to comply with our health and safety and occupational health obligations – to consider how your health affects your ability to do your job and whether any adjustments to your job might be appropriate. We will also need this data to administer and manage statutory and occupational sick pay, and private health insurance.

Medigold / Maitland Medical provide Prospect's Occupational Health Service or any future provider. Medigold / Maitland Medical will be used if medical advice is needed by Prospect about your health. This could involve obtaining, with your consent, a report from your GP and/or an appropriate Specialist and/or an assessment by a Medigold / Maitland Medical Occupational Health Physician. Medical reports will not be automatically made available to employees outside of Human Resources without your prior consent. You will be allowed access to any medical report requested.

Private Health Insurance (Unum)

To qualify for our private health insurance scheme, in the event that you exhaust occupational sick pay, we will need to share your data with our insurers/brokers. This information could include: name, address, telephone number, date of birth, length of service, reason for absence, length of absence and occupational health reports. We will not share this information without your consent.

Preferred Technology Providers

Depending on your role at Prospect, we may need to provide your name and work email address to our preferred technology providers. This is to allow you access to computer platforms you may need to use as part of your role (e.g. our membership database).

Prospect Communication

As we are based at several locations all over the country we list everyone employed by Prospect on our staff intranet along with their photo. A photo is also required on staff passes. We may also quote employees and their image in communications that go to members and employees.

Access – Select HR and Pay

If you accept a final offer from us, some of your personnel records will be held on Select HR and Select Pay which is an internal HR and Payroll management system in order to allow Prospect to carry out an a legitimate business function (i.e. processing your pay).

Legal Services

In certain circumstance we may need to share employee data with our solicitors if we need advice on an employment issue.

GMB

GMB is Prospect's recognised trade union and is responsible for collective bargaining on behalf of employees. Prospect will from time to time, as part of the negotiation process, provides the GMB with anonymised data (e.g. grade, salary, gender, ethnic minority). If you pay for your GMB subscription through payroll, our Finance department will need to provide GMB with your name, payroll number and the amount of your subscription.

The GMB is the data controller for the personal information connected to membership of the GMB.

Childcare Vouchers Ltd

If you are part of our childcare voucher scheme we will provide the scheme provider with your name, NI number, address date of birth and email address.

Bike Scheme

If you are interested in taking part in the scheme you will need to log onto the Cyclescheme site (cyclescheme.co.uk) and complete the online form. Cyclescheme will then provide our Finance department with deduction details.

Payroll Giving

If you decide to donate to charity through our payroll we will provide your chosen charity with your name and the amount you wish to donate.

Mortgage and Tenants references

We will not respond to requests for Mortgage and Tenants references without your explicit consent, which can be done by email.

How long does Prospect keep personal data?

Prospect will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are set out in our retention schedule which can be found on the GDPR section of the intranet.

Your rights

Staff have a number of rights over how their personal data is processed, and they can exercise these rights at any point. To exercise these rights staff should contact HR@prospect.org.uk.

Right of access – you can obtain confirmation that your personal data is being processed and you have the right to access and receive a copy of your personal data.

Right of rectification – you have a right to correct data that we hold about you that is inaccurate or incomplete.

Right to object – you can object to the processing of your personal data at any time where it is being processed for the following:

- Direct marketing
- A task carried out in the public interest
- The exercise of official authority vested in the union
- Processing based on our legitimate interests

Right to erasure –you can ask for personal information we hold about you to be erased from our records, where one of the following grounds apply:

- the personal data is no longer necessary, and unrelated to the original purpose it was collected for;
- You object to the processing, which is based on legitimate interest and there are no overriding legitimate interest for us to continue the processing;
- You withdraw consent on which the processing is based and there are no other legal grounds for the processing;
- The personal data has been unlawfully processed.

Please note that Prospect may not be able to process your request if the processing is necessary for the following reasons:

- For the establishment, exercise or defence of legal claims;
- For archiving purposes in the public interest, scientific research, historical research or statistical purposes where erasure is likely to make the processing impossible or seriously impair the ability to achieve the purpose of the processing;
- For compliance with a legal obligation;
- For performance of a task carried out in the public interest or in the exercise of official authority;
- For exercising the right of freedom of expression and information.

The right to erasure will not apply in relation to special category data if the processing is necessary for public health purposes or for preventative or occupational medicine.

Restriction of processing –you can ask us to restrict the processing of your personal data if the following applies:

- The accuracy of your personal data is contested and the restriction on the processing applies while we verify the accuracy of the data;
- The processing of your personal data is unlawful, and you opposes the erasure of your personal data and request restriction instead;
- Prospect no longer needs the personal data for the purposes of the processing, but you require us to keep the data for the establishment, exercise or defence of legal claims;
- An individual has objected to the processing of their data while we consider the objection request the processing of the data will be restricted.

Right to portability – This allows individuals to obtain and reuse their personal data for their own purposes. You can also request Prospect, as the controller to transfer this data directly to another controller. This right only applies to:

- data provided by you electronically,
- where the processing is based on consent or contract
- and when the processing is automated.

Automated individual decision-making including profiling – you have the right not to be subject to a decision based solely on automated processing including profiling, except when it is necessary for the performance of a contract, authorised by law, or based on explicit consent.

Complaints or queries

Prospect tries to meet the highest standards when collecting and using personal information, for this reason, we taken any complaints we receive about this very seriously. If staff believe that Prospect's collection or use of private data is unfair, misleading or inappropriate we encourage staff to bring this to our attention. We would also welcome any suggestions for improving our procedures.

Please contact HR@prospect.org.uk.

Right to complain to the Supervisory Authority - if you believe we are not processing your personal information in accordance with the law, you can [complain to the Information Commissioners Office \(ICO\)](#).

Further Information

Staff should refer to other policy documents on the use of personal data within Prospect

- Staff Agreement
- Staff Privacy Notice
- Staff IRIS Cascade Privacy Notice
- General Data Protection Policy
- Retention Schedule
- CCTV Policy
- Social Media Policy
- Clean Desk Policy
- Guidelines on use of IT facilities and equipment
- Electronic communications policy
- Mobile phone & acceptable use policy