Employee Privacy Notice

# Introduction

The University of Southampton is a "data controller". This means that we are responsible for deciding how we hold and use personal data about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees and other workers. 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 but if we do so a current version can be obtained [here](https://www.southampton.ac.uk/hr/services/data-protection/data-protection.page).

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using such data and what your rights are under the data protection legislation.

We collect and process personal data relating to our employees to help us manage the employment relationship. We are committed to being transparent about how we collect and use that data and to meet our data protection obligations.

We recognise the need to treat your personal data in an appropriate manner in accordance with the General Data Protection Regulations 2018 (GDPR). The purpose of this notice is to make you aware of how we will handle your personal data (“Data”).

Data refers to the information that we hold about you from which either on its own or in combination with other information you can be identified and may include names, contact details, photographs, identification numbers, online identifiers, biometric information and expressions of opinion about you or indications as to our intentions about you. A list of the data we collect is set out below.

"Processing" means doing anything with your Data, such as collecting, recording or holding the Data as well as disclosing, destroying or using the Data in any way.

We will be processing your Data under the General Data Protection Regulations (GDPR) from 25 May 2018.

# Data Protection Principles

We will comply with data protection law and principles, which means that your data will be:

* Used lawfully, fairly and in a transparent way.
* Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
* Relevant to the purposes we have told you about and limited only to those purposes.
* Accurate and kept up to date.
* Kept only as long as necessary for the purposes we have told you about.
* Kept securely.

# Why does the University process personal data?

We need to process your personal data to meet our statutory and legal obligations relating to the employment relationship we have with you. For example, we need 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, we need to process data to ensure that we are complying with our legal obligations. For example, we are required to check an employee's entitlement to work in the UK, to deduct tax and National Insurance, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.

In other cases, we have a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing your data allows us to:

* Make a decision about your recruitment or appointment;
* Determine the terms on which you work for us;
* Pay you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs);
* Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties;
* Liaising with the trustees or managers of a pension arrangement operated by a group company, your pension provider and any other provider of employee benefits;
* Administering the contract we have entered into with you;
* Making decisions about your continued employment or engagement;
* Making arrangements for the termination of our working relationship;
* Education, training and development requirements;
* Ascertaining your fitness to work.

It also allows us 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;
* Conducting performance reviews, managing performance and determining performance requirements;
* Conduct salary reviews
* 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 we comply with duties in relation to individuals with disabilities, meet our 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 organisation 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;
* Deal with legal disputes involving you, or other employees, workers and contractors, including accidents at work;
* Provide references on request for current or former employees;
* Respond to and defend against legal claims

# Processing for limited purposes

We will only process your data for the specific purpose or purposes that we tell you about or if specifically permitted under any privacy legislation and will only process your data to the extent necessary for that specific purpose or purposes.

# What information does the University collect?

We collect and process a range of information about you in order to complete the recruitment process. This includes:

* Biographical information about you, including your name, address and contact details, including email address and telephone number, date of birth and gender
* Details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the University
* The terms and conditions of your employment
* Details of your bank account and national insurance number
* Information about your next of kin, dependants and emergency contacts
* Information about your nationality and entitlement to work in the UK
* Information about your criminal record, if relevant to the job you are applying for
* Details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave
* Assessments of your performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence
* Information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments
* Equal opportunities monitoring information including information about your ethnic origin, sexual orientation and religion or belief.

# Information about criminal convictions

We are entitled to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role you have applied for.

We will only collect information about your criminal convictions history if entitled to do so, or required to do so by law. We will only collect this information if we would like to offer you a role where your criminal convictions history is relevant to the role and subject to other checks and conditions, such as references, being satisfactory.

# How the University uses your Special Category Data

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities).

Where we process other special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, this is done for the purposes of equal opportunities monitoring and to meet the requirements of Higher Education Statistics Agency (HESA) reporting.

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

* In limited circumstances, with your explicit written consent;
* Where we need to carry out our legal obligations or exercise rights in connection with employment;
* Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme;
* Less commonly, we may process this type of 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 data public.

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

* We will use data relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws;
* We will use data about 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 including statutory maternity pay, statutory sick pay, pensions and permanent health insurance;
* If you apply for an ill-health pension under a pension arrangement we will use data about your physical or mental health in reaching a decision about your entitlement.
* We will use data about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting, for example, to meet the requirements of Higher Education Statistics Agency (HESA) reporting.
* We will use trade union membership information to pay trade union premiums and to comply with employment law obligations.

We do not need your consent if we use special categories of your personal data to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

# What if you do not provide your personal data?

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

You have some obligations under your employment contract to provide us 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 us 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.

You are under no obligation to provide data for equal opportunities monitoring purposes and there are no consequences for your application if you choose not to provide such data.

# Legal basis for processing

We will be processing your Data to fulfil our obligations under the employment contract that we enter into with you. This includes any steps taken at your request before you enter the contract of employment.

Where we process 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 we use for these purposes is anonymised or is collected with your express consent, which can be withdrawn at any time. You are entirely free to decide whether or not to provide such data and there are no consequences if you choose not to disclose.

We may also need to process your data to comply with our legal obligations and, if it is necessary, to process it for the protection of your vital interests, for our legitimate interests or the legitimate interests of others.

Where we rely on legitimate interests as a reason for processing your data, we have considered whether or not those interests are overridden by your rights and freedoms and have concluded that they are not.

# How will your personal data be collected?

We may collect this data in a variety of ways.

For example, data might be collected directly from you (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 (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

We may also collect personal data about you from third parties, such as references supplied by former employers (nominated by you), UK Visa and Immigration, data from employment background check providers and data from criminal records checks.

We will usually only seek data from third parties once a job offer to you has been made and will inform you that we are doing so. If you are applying for an academic role, we may seek references from your referees before a job offer is made to you.

We will always look to ensure that any third party has the lawful authority to share this Data with us.

We may review publicly available data about you, including your social media presence, if such a review is relevant to the role you are applying for and it is in our legitimate interests to do so. We also recognise your right to privacy over that data and your right to object to our processing that publicly available data for our own purposes.

# Cookies

Cookies may be used by us to collect data for the purposes of managing and improving the services on the University Network, establishing your browsing actions and patterns and preparing customised pages. You can refuse cookies, however, if you do refuse cookies you may be unable to access certain parts of the University Network. For more information about cookies on our websites, please see: <https://www.southampton.ac.uk/about/governance/regulations-policies-guidelines.page#university_network_terms_and_conditions>

We also collect Data relating to the demographics and interests of our users by using Google Analytics and cookies set by Google advertising networks. This Data is used in aggregated form to help improve the site and our marketing efforts. Further information and instructions for opting out of Google Analytics tracking are available at: <https://tools.google.com/dlpage/gaoptout/>

# Where will your personal data be stored?

Your personal data will be stored in a range of different places, including in the University’s HR management and Payroll systems (including ResourceLink and Sharepoint) and in other IT systems (including the University's email system).

# Holding and retaining your data

We create and hold your personal data both electronically and on paper throughout your employment with us. We will only hold your Data as long as is necessary for the purpose or purposes that we have collected it.

Unless there is a legitimate lawful basis for retention, we will remove your data seven years after leaving the organisation.

You can obtain full details of our retention schedule [here](https://www.southampton.ac.uk/hr/services/data-protection/data-protection.page).

# Who has access to your personal data?

Your information will be shared internally, to the University;

* Line management to allow management of your contract of employment
* Finance to allow financial management of your employment
* iSolutions to enable IT access where applicable to your employment
* Estates and Facilities to enable appropriate buildings access relevant to your employment
* Other internal teams as may occasionally require access to your data for the fulfilment of your employment and for performance of their roles.

We also share your data with third parties external to the University;

* HMRC as a statutory requirement to comply with legislation on pay and benefits (e.g. PAYE and NIC payments etc.)
* Benefit providers where you have opted or been contractually enrolled (e.g. Pension provider)
* UK Visa and Immigration where a visa is required to work
* Disclosure Barring Service where a criminal records check is required for the role
* Higher Education Statistics Agency (HESA)
* Other external parties as may occasionally require access to your data for the fulfilment of our legitimate interests and for performance of their roles (e.g. external auditors).

Your data may be transferred outside the European Economic Area (EEA) should you apply for a role that is based in another country. Data is transferred outside the EEA on the basis of your application for a job at one or more of the University’s international establishments and/or our compliance with our legal obligations (both UK and locally to the establishment you have applied to work at) as well as our obligations under the contract of employment we enter into with you.

We may have to disclose your Data if required to do so by law in order to comply with a legal obligation, to protect our rights, interests or property and those of others, act in urgent circumstances to protect the personal safety of our staff, students and the public or to protect us against any legal liability.

# How do we protect your personal data?

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

Our staff have a legal duty to keep Data about you confidential. There are strict codes of conduct in place to keep your Data safe. Staff abide by the General Data Protection Regulations 2018 and the University Data Protection Policy.

We endeavour to ensure that suitable organisational and technical measures are in place to prevent the unlawful or unauthorised processing of your Data and against the accidental loss of or damage to your Data. This includes:

* Storing Data on an appropriately secure system.
* Training all our staff in their data protection responsibilities.
* Working with reputable companies for data processing services who are data protection compliant and who enter into appropriate data sharing agreements.
* Ensuring that appropriate protection is in place when we work with trusted organisations based outside the European Economic Area (EEA).

Where we engage 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.

# Automated decision making and profiling

We will use some of the Data that we obtain about you to conduct individual decision making and to build a profile of you to enable us to:

* assess your eligibility for statutory and contractual pensions enrolment

You can object to any decision that significantly affects you being taken solely by a computer or other automated process and you have the right to request us to reconsider any such decision taken by emailing us at: [AskHR@soton.ac.uk](mailto:AskHR@soton.ac.uk)

# Your rights

You have a number of rights. You can:

* access and obtain a copy of your data on request;
* require us to change incorrect or incomplete data;
* require us 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 we are relying on our legitimate interests as the legal ground for processing; and
* ask us to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact us at: [AskHR@soton.ac.uk](mailto:AskHR@soton.ac.uk)

If you believe that the University has not complied with your data protection rights, you can complain to the Information Commissioner.

# Right to withdraw consent

If any data has been processed solely on your express consent you have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact [AskHR@soton.ac.uk](mailto:AskHR@soton.ac.uk). Once we have received notification that you have withdrawn your consent, we will no longer process your application and, subject to our retention schedule, we will dispose of your personal data securely.

# How do you access your data?

You can view and change some of your personal data through self-service via MyView.

In certain circumstances you can request your Data for reuse for your own purposes across different services by emailing us at [AskHR@soton.ac.uk](mailto:AskHR@soton.ac.uk).

If you would like to submit a subject access request for your employment Data record please make a request in writing via:

ServiceNow: <https://www.southampton.ac.uk/about/governance/subject-access-request-form.page>

or:

The Data Protection Officer

Legal Services

University of Southampton, Highfield

Southampton, SO171BJ

# Accurate data

We will keep the Data we store about you accurate and up to date. Data that is inaccurate or out of date will be destroyed.

You can view and change some of your personal data through self-service via MyView.

If you are unable to access MyView to manage your personal data, please let us know if your details change or if you feel that the Data we hold about you is inaccurate please raise an HR issue <https://sotonproduction.service-now.com/soton/hr.do> or email [AskHR@soton.ac.uk](mailto:AskHR@soton.ac.uk).

# Unwanted communications

If you have previously subscribed to receive such communication we will, from time to time, contact you by email, post and telephone. If at any stage you are concerned about the content of these communications e.g. unwanted marketing information or wish to change how we communicate with you please contact us at [AskHR@soton.ac.uk](mailto:AskHR@soton.ac.uk) to unsubscribe.

# Further information

We also have additional policies and guidelines concerning particular activities. If you would like further information please see our Publication Scheme at: <http://www.southampton.ac.uk/about/governance/regulations-policies-guidelines.page#publication_scheme>.

If you are unhappy with the way that we have handled your data you can contact us at: [gdpr@soton.ac.uk](mailto:gdpr@soton.ac.uk) or contact the Information Commissioner’s Office. See their website at: <https://ico.org.uk/>.

The University of Southampton is the Data Controller and our registration number with the Information Commissioner’s Office is Z6801020.

# Employment Privacy Notice

# Please sign and return

Please complete and return this slip to:

Recruitment

University of Southampton

Building 26, Highfield   
Southampton

SO17 1BJ

I acknowledge that I have received a copy of the University of Southampton’s Employment Privacy Notice and that I have read and understood it.

|  |  |
| --- | --- |
| Signed |  |
| Name |  |
| Date |  |
| Job reference number (if known) |  |

VERSION CONTROL

|  |  |  |  |
| --- | --- | --- | --- |
| **Last updated:** | 17th May 2018 | | |
| **Consulted:** | HRSLT | **Date consulted:** | 17th May 2018 |
| **Feedback:** |  | | |
| **Author:** | Paul Bonaer – HR Reward | | |