Education, Research and Enterprise (ERE) Promotion and Re-banding 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 ERE Promotion and Re-banding Privacy Notice.

This Notice is for all staff applying for ERE promotion and Re-banding. Any reference to promotion in this document also refers to the Re-banding process (in-level promotion at Level 7 in the ERE job family). This Notice sets out how we comply with our data protection obligations and seek to protect personal information relating to our workforce and others. Its purpose is to make you aware of how and why we are using your personal data and what your rights are under data protection legislation. It is important that you read and retain this document.

This Notice does not form part of your terms and conditions of employment or other contract to provide services, nor is any part of it intended to have contractual effect. We may amend 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); however, it remains your responsibility to be familiar with and comply with the terms of the ERE Promotion Privacy Notice which are in force at any time.

Please be aware that we may provide you with other privacy notices on specific occasions when we are collecting or processing personal data about you (such as a website privacy notice). This ERE Promotion and Re-banding Privacy Notice is not intended to exclude or supersede provisions in any such other privacy notices that may apply to you.

It is important that you read and retain this Notice, together with reading 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 applicants for ERE promotion to help us manage the assessment process. 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 the personal data we hold about you (“your Data”) in an appropriate manner and process it in accordance with the General Data Protection Regulation (GDPR) (EU) 2016/679 as it forms part of domestic law in the United Kingdom by virtue of section 3 of the European Union (Withdrawal) Act 2018 and [DPPEC (Data Protection, Privacy and Electronic Communications (Amendment Etc.) (EU Exit)) Regulations 2019](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.gov.uk%2Fuksi%2F2019%2F419%2Fcontents%2Fmade&data=04%7C01%7CC.J.Trotter%40soton.ac.uk%7C24ba064afdf04e74e73208d8d8a218de%7C4a5378f929f44d3ebe89669d03ada9d8%7C0%7C0%7C637497537992438487%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=3aVLzIdeRyYdOJO8LwIBVtC5K6aTkP07piqSyUUG8Uo%3D&reserved=0) (including as further amended or modified by the laws of the United Kingdom or of a part of the United Kingdom from time to time) (UK GDPR), the UK Data Protection Act (DPA) 2018, and the University Data Protection Policy (a current version of which can be obtained [here](http://www.southampton.ac.uk/assets/sharepoint/intranet/ls/Public/Information%20Governance%20Policies/Data%20Protection%20Policy.pdf)).

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 person-specific indications as to our intentions about you. A non-exhaustive list of the types of data we collect about you is set out below.

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

# 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 process your Data with your consent to enable us to consider your application for ERE promotion at this University.

The University also has a legitimate interest in processing your personal data during the ERE promotion process and for keeping records of the process. Processing data from applicants allows us to manage the ERE promotion process, assess and confirm an applicant's suitability for promotion and decide to whom to offer promotion. We may also need to process data from applicants to respond to and defend against legal claims.

We will use the personal information we collect about you to:

* Assess your skills, qualifications, and suitability for promotion
* Carry out reference checks, where applicable
* Communicate with you about the promotion process
* Keep records related to our ERE promotion processes
* Comply with legal or regulatory requirements.

It is in our legitimate interests to use the data you have provided to help us decide whether it is appropriate to the University to promote you.

Having received your application form and supporting material and any additional information obtained via our ERE promotion processes, we will process that information to decide whether you meet the requirements to be considered for promotion. If you do, we will decide whether your application is strong enough and, if you are applying for promotion to Level 6 or 7, to invite you for an interview. If we decide to call you for an interview, we will then take up references before confirming your promotion. We will use the information you provide to us as part of your application and at the interview to decide whether to offer you promotion. In the Re-banding process referees will be contacted upon receipt of the application. In addition the faculty may also nominate additional referees, whom they will contact on your behalf, for promotion to Level 6 and Level 7 and Re-banding.

It may also be necessary for us to process your Data for the protection of your vital interests, for our legitimate interests or the legitimate interests of others.

Where we rely on our or another’s 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.

# 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 without notice, and we 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 ERE promotion process. This includes:

* Biographical information about you, including your name, address and contact details, including email address and telephone number, and gender
* Details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the University
* Information about your nationality and entitlement to work in the UK
* 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, gender, sexual orientation and religion or belief.

In exceptional circumstances it may also be necessary for us to process Data relating to assessments of your performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence.

# How the University uses your Special Category Data

Special category data is personal data which the data protection legislation says is more sensitive, and so needs more protection. It includes information about an individual’s race, ethnic origins, politics, religion, trade union membership, genetics, biometrics (where used for unique identification purposes), health, sex life, or sexual orientation.

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 with disabilities).

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

We do not need your consent if we use special categories of your 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 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

We may collect and process special categories of your Data in the following circumstances:

* In limited circumstances where absolutely necessary on the basis of your written consent obtained in advance of the processing activity
* Where we need to carry out our legal obligations or exercise employer rights (such as in relation to ensuring equal pay) in connection with your employment (e.g. taking measures to ensure equal pay)
* Where it is needed to serve the public interest, such as for equal opportunities monitoring, or in relation to our occupational pension scheme
* We may process special category types of data where it is needed in relation to bringing and defending legal claims, or where it is needed to protect your (or someone else's) vital interests and you are not capable of giving your consent
* Where you have already manifestly made special categories of personal public.

We will use the following particular types of Data of a specific special category nature in the following ways:

* We will use health data relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws
* To ensure meaningful equal opportunity monitoring and reporting, we will use data about your race, 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. Such data will be aggregated with other staff data so that you are not personally identifiable to any third party organisation with which we are required to share this information. You can withdraw you consent at any time, and there are no consequences if you choose not to provide such data.

# What if you decide not to provide us directly with your personal data for processing in the ERE promotion process?

You are under no statutory or contractual obligation to provide data to us during the ERE promotions process. However, if you choose not to provide the information, we may not be able to process your application properly or at all.

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

# How will your personal data be collected?

We may collect your Data in a variety of ways. For example, data might be collected directly from you (through application forms, CVs or résumés); 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 have also collected personal data about you from third parties, such as references supplied by former employers and/or collaborators (nominated by 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 if it is in our legitimate interests to do so. We recognise your reasonable expectations of privacy in relation to the use of such data that may restrict us from certain uses of such data for our own purposes.

# Where will your personal data be stored?

Your Data will be stored in a range of different places, including in the University’s HR management systems (including SharePoint and eRecruit) and in other IT systems (including the University's email system).

# Holding and retaining your data

We collect, create and store your Data both electronically and on paper throughout the ERE promotion process. We will only hold your Data as long as is necessary for the purpose or purposes that we have collected it.

Any unsuccessful applications will be held within the HR management system for a period of up to one year before being deleted in order that you can access and re-use data in future applications.

Unless there is a legitimate lawful basis for retention, and in alignment with HMRC guidelines, successful applicant data will be transferred to our HR and Payroll systems and deleted seven years after you leave employment with the University of Southampton.

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?

Information about you will be shared internally for the purposes of the ERE promotion exercise. This includes:

* Members of the HR team,
* Interviewers/managers involved in the promotion process
* Members of the Academic Promotions Advisory Group (The Vice-Chancellor and President, Vice-Presidents, and two members of Senate) and
* Their delegates where necessary if access to the data is necessary for the performance of their roles related to the proper functioning of the University and
* Other internal teams as may occasionally require access to your Data for the fulfilment of your employment, and for performance of their roles related to the proper functioning of the University.

We will also share your Data with selected referees nominated by you and by your Faculty, which may include former employers, collaborators or independent colleagues within your field of study to obtain references for 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 Data from being accidentally lost, used, or accessed in an unauthorised way, altered, or disclosed. In addition, we limit access to your Data to those employees, agents, contractors, and relevant other third parties who have a business need-to-know. They will only process your Data on our instructions and they are subject to a duty of confidentiality.

Our staff have a legal duty to keep your Data confidential. There are strict codes of conduct in place to keep your Data safe. Staff must abide by the GDPR, the DPA, 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 to ensure against the accidental loss of or damage to your Data. This includes:

* Storing Data on an appropriately secure system.
* Training all our staff on their data protection responsibilities.
* Working with reputable companies for data processing services, in particular those that are data protection compliant and willing to enter into appropriate data sharing agreements with us.
* Ensuring that appropriate protection and agreements are 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 our 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

None of the personal data collected about you will be used as part of any automated decision making or to build a profile of you as part of the ERE promotion exercise. If you have any concerns or queries about the decision making process please contact us by email at: [Reward@soton.ac.uk](mailto:Reward@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 of time if you are concerned that any data we hold about you is inaccurate or if 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: [Reward@soton.ac.uk](mailto:Reward@soton.ac.uk)

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

# Right to withdraw consent

Consent may be withdrawn where it is the sole basis for processing. If we are not relying on your consent as the legal basis for processing your Data, you do not have the right to withdraw consent for such processing.

To withdraw your consent, please contact [Reward@soton.ac.uk](mailto:Reward@soton.ac.uk). Once we receive notification that you have withdrawn your consent, and where we have no other justification for holding such Data, we will no longer process it and, subject to our retention schedule, we will dispose of your Data for which you have withdrawn consent securely.

# How do you access your data?

Once you have submitted your application you will only be able to change the application details, including your personal data if it is incorrect or inaccurate.

In certain circumstances, you can request a copy of certain Data you have provided to us to be transmitted in a structured, and machine readable format for reuse for your own purposes by emailing us at [Reward@soton.ac.uk](mailto:Reward@soton.ac.uk).

If you would like to submit a subject access request for Data stored on your employment record held by the HR management systems (including ResourceLink), 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 SO17 1BJ

# Accurate data

We will keep your Data accurate and up to date. Personal information that is inaccurate or out of date will be destroyed where its retention is no longer needed by us for a legitimate purpose (such as Payroll records).

Alternatively, you can also contact us if your details change or if you feel that the Data we hold about you for ERE promotion purposes is inaccurate or incomplete at: [Reward@soton.ac.uk](mailto:Reward@soton.ac.uk)

# 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 using the [online form](https://sotonproduction.service-now.com/com.glideapp.servicecatalog_cat_item_view.do?sysparm_id=c8b9f388db769b006f3df57eaf96193d) or contact the UK Information Commissioner’s Office. See their website at: <https://ico.org.uk/>. We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please do contact us in the first instance.

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

# Education, Research and Enterprise (ERE) Promotion and Re-banding Privacy Notice

## Please sign and return

Please complete and submit this slip alongside your Promotion/Re-Banding application documents.   
  
I acknowledge that I have received a copy of the University of Southampton’s ERE Promotion and Re-grading Privacy Notice and that I have read and understood it.

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| Signed |  |
| Name |  |
| Date |  |
| School |  |
| Faculty |  |
| Employee Number |  |

VERSION CONTROL

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