UniWorkforce 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 sets out how we comply with our data protection obligations and seek to protect personal information relating to our casual workers engaged via UniWorkforce. 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 engagement 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 UniWorkforce 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 UniWorkforce Privacy Notice is not intended to exclude or supersede provisions in any such other privacy notices that may apply to you.

We collect and process personal data relating to our casual workers engaged via UniWorkforce 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 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 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.

# 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 Data to fulfil our obligations under the Casual Worker Terms of Engagement we have with you including any processing of your Data that you ask us to carry out before you enter the agreement. For example, we need to process your Data to provide you with UniWorkforce terms of engagement document, to pay you in accordance with that document, and to administer benefits, pensions, and insurance entitlements.

In some cases, we need to process your Data to ensure that we are complying with our statutory and legal obligations. For example, we are required to check a worker's entitlement to work in the UK, to deduct tax and National Insurance, to comply with health and safety laws and to enable workers 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 engagement as a casual worker
* Determine the terms on which you work for us
* Pay you and, if you are a worker or deemed worker for tax purposes, deducting tax and National Insurance contributions (NICs)
* Enrol you in a pension arrangement in accordance with our statutory automatic enrolment duties
* Liaise with the pension provider and any other provider of employee benefits
* Administer the terms of engagement we have entered into with you
* Make decisions about your continued engagement
* Make arrangements for the termination of our working relationship
* Make arrangements for any training that may be required
* Ascertain your fitness to work.

It also allows us to:

* Maintain accurate and up-to-date records and contact details (including details of who to contact in the event of an emergency), and records of workers’ rights
* Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace
* Operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that workers 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 you receive the pay or other benefits to which you are entitled in this context;
* 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 you receive the pay or other statutory benefits to which you are entitled in this context
* Ensure effective general HR and business administration
* Deal with legal disputes involving you, or other employees, workers and contractors; including those involving accidents at work
* Deal with any grievances and complaints you may have
* Provide references on request for current or former workers
* Respond to and defend against legal claims.

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.

We may also collect and use your Data in the following situations, which are likely to be rare:

* Where we need to protect your vital interests (or someone else's interests)
* Where it is needed to protect the public interest or for official purposes.

# 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 the data protection 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 manage your engagement with us. This includes the following types of data:

* 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 engagement via UniWorkforce
* Details of your bank account where you have chosen payment to be made
* Your 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 assignment you are undertaking
* Details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave
* 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

If applicable to a particular casual work assignment you are offered, 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 that assignment. This may involve us sharing certain parts of your Data with a third-party organisation that provides the checking service.

We will only share your Data for this purpose, and collect information about your criminal convictions history in response, if you have given us your consent to do so, or we are required to do so by law. We will only collect this information if we would like to offer you an assignment 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

Special category data is personal data that 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 casual workers 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 to process and the reason, 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 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 engagement as a casual worker
* 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 data public.

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

* We will use health 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 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 and pensions)
* With your consent, we will collect and use data about your race, national or ethnic origin, religious, philosophical, or moral beliefs, and/or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting, for example, to meet the requirements of 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 your 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 employment relationship?

Certain parts of your Data, such as contact details, your right to work in the UK, and payment details, has to be provided to enable us to enter into a casual worker arrangement with you. If you do not provide such information, this will hinder our ability to administer the rights and obligations arising as a result of your engagement efficiently.

You have some obligations under your terms of engagement to provide us with Data. In particular, you are required to report absences where you were expected to attend for your assignment 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 certain information in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide such data may mean that you are unable to exercise your statutory rights.

# How will your personal data be collected?

We may collect your Data in a variety of ways. For example, personal information may have been collected directly from you (through application forms, CVs, or resumes); obtained from your passport or other identity documents such as your driving licence (for identity authentication purposes); from forms completed by you at the start of or during your engagement (such as UniWorkforce registration form); from correspondence with you; or through interviews, meetings, or other assessments of your performance.

We may have also collected personal data about you from third parties, such as references supplied by former employers (nominated by you), UK Visa and Immigration.

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 information that may restrict us from certain uses of it 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 eRecruit system, the University’s HR and Payroll management systems (including ResourceLink and SharePoint) 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 your engagement 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, and in alignment with HMRC guidelines, we will destroy 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 Data will be shared internally, as necessary, to the University:

* Line management to allow management of your casual work assignment
* Finance to allow financial management of your casual work assignment
* iSolutions to enable IT access, where applicable to your casual work
* Estates and Facilities to enable appropriate buildings access relevant to your casual work
* Other internal teams as may occasionally require access to your Data for the fulfilment of your casual work and for performance of their roles related to the proper functioning of the University.

We also share certain information about you with third parties external to the University. This may include, for example, the following types of disclosures of your Data as relevant to a member of staff:

* 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 been enrolled (e.g. Pension providers)
* UK Visa and Immigration where a visa is required to work and, with your permission, Digital Identity Service Provider for right to work checks.
* Disclosure Barring Service where a criminal records check is required for the assignment you perform and, with your permission, a third-party supplier to perform a check online.
* HESA for reporting purposes (HESA explains how it uses personal data in its statement published [here](https://www.hesa.ac.uk/about/regulation/data-protection/notices))
* Other external parties that may occasionally require access to your Data for the fulfilment of our or another’s legitimate interests, and for performance of their roles (e.g. external auditors).

Some information about you may be transferred outside the European Economic Area (EEA) should you apply for an assignment based in another country. For example, some of your Data may be transferred outside the EEA on the basis of you working 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). Your Data may also be transferred outside the EEA if you travel to non-EEA countries on University business (e.g. in order to process your travel arrangements.) If information is processed by organisations outside the EEA on our behalf, we make sure that appropriate safeguards are in place to ensure the confidentiality and security of your Data.

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 workers, 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 data protection legislation, 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

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 assess your skills for an assignment and to enable us to assess your eligibility for statutory pensions auto-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 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 your 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 email 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

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 email AskHR@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?

You have control over your data and can change, update and delete as you wish by emailing AskHR@soton.ac.uk.

In certain circumstances you can request your data for reuse for your own purposes across different services. If you require any further assistance with this please email 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:<https://www.southampton.ac.uk/about/governance/subject-access-request-form.page>

Or to:

The Data Protection Officer, Legal Services, University of Southampton, Highfield, Southampton SO171BJ.

# Accurate personal 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).

Please let us know if your details change or if you feel that the data we hold about you is inaccurate please email us at: AskHR@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 Information Commissioner’s Office 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.

Our registration number with the Information Commissioner’s Office is Z6801020.

# UniWorkforce Privacy Notice

## Please sign and return

Please complete and return this slip to:

UniWorkforce

University of Southampton

Building 26,

Highfield

Southampton

SO17 1BJ

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

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

VERSION CONTROL

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| --- | --- |
| Version  | 3.2 |
| Last updated:   | 1 October 2022  |
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| Feedback:  | Review for UKVI and right to work checks with third party supplier  |
| Author:  | Christine Trotter – Head of HR Operations  |