

Privacy Notice for Staff at Bath College

Bath College holds and processes personal data and sensitive personal data about its current, past or prospective staff who are defined as data subjects under the UK General Data Protection Regulations (UK GDPR) and the Data Protection Act 2018 (DPA18) . This information is normally provided to the College by a prospective member of staff on an application form and other recruitment documentation such as Emergency Contact details forms and is added to by the College over the course of employment. Information about staff and prospective staff is retained and disposed of in accordance with the College's Retention Schedules. Where Bath college does not collect this data directly from you we will do so from the following means:

- Recruitment agencies
- Referees
- Occupational Health Providers
- Pension Providers
- Previous employers

Personal data is any information about an Individual which identifies them or allows them to be identified in conjunction with other information that is held.

Personal data is defined broadly and covers things such as name, address, email address (including in a business context, email addresses of Individuals in companies such as firstname.surname@organisation.com) and IP address.

More sensitive types of data are called "Special Categories of Personal Data" and are given extra protection by Data Protection Laws. Special Categories of Personal Data reveal a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics), biometric data (i.e. information about their physical, physiological or behavioural characteristics such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation and criminal record. Special Categories of Personal Data are subject to additional controls in comparison to ordinary Personal Data.

Notice about how we use your personal information

We are Bath College, the data controller of personal information, in various formats, including paper and electronic form, about you and our address is: Avon Street, Bath BA1 1UP.

Our Data Protection Officer is Emma Roberts, Head of Governance. If you have any questions about this notice or the ways in which we use your personal information, please contact our Data Protection Officer at dataprotection@bathcollege.ac.uk

This notice sets out how we use your personal information as your employer or when you apply for a job with us and in particular:

1. The information that you give us;

2. **The uses made of your personal information;**
3. **The legal basis on which we collect and use your personal information;**
4. **How long we keep your personal information:**
5. **How we share your personal information;**
6. **How we transfer your personal information outside of Europe; and**
7. **Your rights over your personal information.**
- 8.

1. **THE INFORMATION THAT YOU GIVE US**

We will collect personal information from you when you apply for a job with us. This will include your: name; address; phone number; email; date of birth; current employment details including job title, start and end dates, current salary, notice period, reason for leaving; all past employment details; education details; interests; whether you are related to any personnel of the College or Governing Body; references; special arrangement details for interview; criminal record details; gender; ethnic origin; religion; sexual orientation; disability; age; nationality; marital status.

We will collect personal information from you when you are a new starter and become an employee of the College.

Bath College collect the following personal data about you:

- Name,
- Marital status,
- Previous surname,
- Address,
- Date of Birth,
- Job title,
- Phone number,
- Email address,
- NI Number,
- Bank Details,
- Pension details,
- Disclosure Barring Service check,
- Prohibition from Management check,
- Prohibition from Teaching check,
- Pre-employment health questions,
- Any qualifications and certificates,
- Disciplinary and grievances,
- Sick leave,
- Annual leave records,

- Recruitment information,
- Appraisals,
- Medical information,

2. THE USES MADE OF YOUR PERSONAL INFORMATION

We will use your personal information set out above as follows:

- for recruitment and selection processes and for carrying out pre-employment checks;
- for safeguarding students and staff;
- for checking your identity and right to work in UK;
- for checking your qualifications;
- to set up payroll and pension and to reimburse expenses;
- for dealing with HMRC;
- providing facilities such as the IT service, library services and car parking provision;
- Using photographs on ID cards for access purposes;
- For communicating effectively with you by email, phone and post, including the distribution of newsletters and circulars;
- Provision of occupational health & wellbeing and support services;
- Monitoring equal opportunities;
- Administering sick pay and sick leave schemes, managing absence, administering maternity and related pay schemes;
- Managing a safe environment and ensuring fitness for work;
- Maintaining staff records;
- Managing obligations under Equal Opportunities legislation;
- Compliance with legal obligations such as making external/statutory returns to the Higher Education Statistics Agency (HESA);
- for communicating with you, including for marketing purposes;
- to keep an audit trail of the checks we have made and our relationship with you in case of employment claims;
- for carrying out our role as your employer or potential employer such as managing performance, promotions/transfers, conduct, attendance, appraisals, grievance and misconduct investigations, complaints, training and development. We treat your personal information with confidentiality and we do not use it for any other purposes.

3. THE LEGAL BASIS ON WHICH WE COLLECT AND USE YOUR PERSONAL INFORMATION

In order to comply with the data protection principles under Article 5 UK GDPR information about individuals must be collected and used fairly, stored safely and securely, be adequate, relevant and not excessive, be kept accurate and up to date, held only as long as necessary and not disclosed to any third party unlawfully.

We collect and use your personal information on the basis that it is necessary for performing our employment contract with you, or it is necessary to take steps before entering into the contract with you. We also collect and use your personal information on the basis that we need to do so in order to comply with our legal obligations and perform our duties as a public body. Employees are under a contractual obligation to provide certain personal data, if this information is not provided this could mean that Bath College would be unable to appropriately act as an employer and could lead to the termination of a contract.

Registration with IT services means that a member of staff's name, department/section, email address, telephone number and photograph will appear in the College's internal email and telephone directory. This information may also appear on externally facing web pages.

Staff photographs are used on the ID card for the purposes of identification and security. The College may occasionally commission photographs around campuses or at College events which could include images of staff for inclusion in promotional material.

The College may monitor computing use through user names and log-ins to ensure adherence to the Acceptable Use Policy.

The College is required to obtain information about past criminal convictions as a condition of employment for certain posts. The College also undertakes DBS checks on staff who work with young and/or vulnerable people.

There are occasions when sensitive personal data will need to be shared within the College.

Circumstances may arise where sensitive personal data is shared without first obtaining your explicit consent. This will only occur if the processing is necessary:

- to protect vital interests and you cannot give your consent, or your consent cannot be reasonably obtained
- to protect another person's vital interest and you have unreasonably withheld your consent
- To meet our statutory obligations in relation to equality and diversity monitoring
- The disclosure is made for the purpose of prevention or detection of crime, the apprehension or prosecution of offenders and we have received a notice from the police confirming that disclosure is required for these purposes.
- Pursuant to a Court Order requiring disclosure.

Where we collect your special category personal information, we do this on the basis

that it is necessary for the purposes of carrying out our obligations in the field of employment law. Special categories of personal data are personal data that reveal a person's racial or ethnic origin, political opinions, religions or philosophical beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics, information about their physical, physiological or behavioural characteristics (such as facial images), physical or mental health, sexual life or sexual orientation and criminal records.

The College considers the processing of your personal information for the purposes above to be either necessary for the performance of our contractual obligations with you (e.g. to manage your employment contract), or necessary for compliance with a legal obligation (e.g. equal opportunities monitoring), or necessary for the performance of tasks we carry out in the public interest (e.g. non-statutory reporting). We require you to provide us with any information we reasonably ask for to enable us to administer your contract. If we require your consent for any specific use of your personal information, we will collect it at the appropriate time and you can withdraw this at any time. We will not use your personal information to carry out any wholly automated decision-making that affects you.

4. HOW LONG WE KEEP YOUR PERSONAL INFORMATION

We will not keep your personal information for longer than we need it for the purposes we have explained above. When you apply for a job with us, but your application is unsuccessful, we will keep your personal information for 6 months. When you are an employee, we will keep your personal information for as long as you work with us and then after you leave, we will keep your personal information for 6 years.

5. HOW WE SHARE YOUR PERSONAL INFORMATION

The College may need to share your personal and sensitive data with third parties who are contracted to work on its behalf, for example to insurers or legal consultants. The College may also disclose data to internal and external auditors undertaking investigations, and to courts, tribunals and local and central government as requested.

The College will often confirm dates and nature of an individual's employment to a prospective employer in a reference.

In certain circumstances the College may pass the data of staff or former staff debtors to an external debt collection agency if the College has been unable to recover the debt by normal financial or HR processes.

The College has a statutory obligation to disclose staff personal data to the Higher Education Funding Council for England (HEFCE) and the Higher Education Statistics Agency (HESA) and their successors i.e. Office for Students.

We may disclose limited data to relatives/next of kin or representatives of a current, former or potential member of staff (but only where we have consent from you or there is a legitimate reason for the disclosure).

The College may also have to share your personal data with third parties outside the College for other purposes with your consent. However, there may be circumstances where information is shared without consent. This will only be if:

- The disclosure is in the legitimate interests of the College or the third party to whom the information is being disclosed e.g. our insurers, external financial and legal advisors

- Disclosure is required for the performance of a contract
- Disclosure is necessary to protect your vital interest e.g. in a medical emergency
- Disclosure is made to assist with the prevention or detection of crime or the apprehension or prosecution of offenders
- Disclosure is required by a Court Order
- Disclosure is necessary to assist the College to obtain legal advice

The College may occasionally need to share your personal sensitive data outside the College e.g. when Human Resources share information with Occupational Health about fitness to work. The College will try to do so only with your explicit consent. We may share the personal information that you give us with the following organisations (or types of organisation) for the following purposes.

Organisation / type of organisation:

Reward Gateway
Purpose: Employee benefits provider

Midcounties Co-operative
Purpose: Childcare Voucher provider

Teachers Pension Scheme/Avon Pension Fund
Purpose: Pension providers

We may also share your personal information with third parties who provide services to the College.

Organisation / type of organisation:

RUH
Service: Occupational Health & Employee Assistance Plan provider

Cintra
Service: Payroll provider and liaison with HMRC and other statutory organisations e.g. Dept for Work & Pensions

Disclosure & Barring Service
Service: Barred List/List 99 checks and DBS checks

6. HOW WE TRANSFER YOUR PERSONAL INFORMATION OUTSIDE OF THE UK

We do not store or transfer your personal data outside of the UK. If we do need to share this data outside of the UK we will ensure that this is done to a country with an adequacy decision or with appropriate safeguards in place to ensure the protection of your data.

7 YOUR RIGHTS OVER YOUR PERSONAL INFORMATION

You have a number of rights over your personal information, which are:

- the right to make a complaint to the Information Commissioner's Office (ICO) if you are unhappy about the way your personal data is being used – please refer to the ICO's website for further information about this (<https://ico.org.uk/>);
- the right to ask us what personal information about you we are holding and to have access to a copy of your personal information. This is a Subject Access request;
- the right to ask us to correct any errors or omissions in your personal information or to remove any out of date or irrelevant information;
- the right, in certain circumstances to ask us to delete your personal information;
- the right, in certain circumstances such as where we no longer need your personal information, to request that we restrict the use that we are making of your personal information;
- The right to withdraw your consent where this is used as your lawful basis.
- the right, where our use of your personal information is carried out for the purposes of an agreement with us and is carried out by automated means, to ask us to provide you with a copy of your personal information in a structured, commonly-used, machine-readable format.
- You also have the right to object to processing likely to cause damage or distress. To exercise this right, you must put your objection to the processing in writing and be able to show that our processing is causing you unwarranted and substantial damage and distress.

8 CHANGES TO OUR PRIVACY POLICY

We keep our privacy policy under regular review. Any changes we make to our privacy policy in the future will be notified to you by email.