

GDPR Privacy Notice & Retention Policy

North Ayrshire Leisure Limited (KAL) is committed to protecting the privacy and security of your personal information that we collect as a "data controller". This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all job applicants, employees, workers, volunteers and contractors. It does not form part of your contract with us. It is important that you read this notice, together with any updates or other privacy notices. In particular, all current personnel must comply with our ICT Acceptable Use Policy which explains your obligations in respect of personal data when working for us and any other policy regarding data protection which may be introduced.

Compliance with data protection law

We will comply with data protection law and the data protection principles which say that the personal information we hold about you must be:

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

The kind of information we hold about you

We may collect, store, and use the following categories of **personal information** about you:

- Personal details such as name, title, addresses, date of birth, gender, dependents, photographs, telephone numbers, personal email addresses, next of kin, and emergency contact information.
- Financial details such as your National Insurance number, bank account details, payroll records, tax information, salary, annual leave, pension and benefits information.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Employment records (including your contract, work history, training records, performance, disciplinary, and grievance records (including expired sanctions), and time/attendance records).
- CCTV footage and other information obtained through electronic means such as swipecard records.
- Information about criminal convictions and offences.
- Information about your use of our information and communications systems.

- Details of your use of business-related social media, such as LinkedIn and your use of public social media (only in very limited circumstances, to check specific risks for specific functions within our organisation; you will be notified separately if this is to occur).
- Details of any work related travel.

We may also collect, store and use "special categories" of more **sensitive personal information** (which requires a higher level of protection), including information about trade union membership and activities, your race or ethnicity, religious beliefs, sexual orientation, gender re-assignment and transitioning, marital/civil partnership status, pregnancy and maternity and about your health.

As you will see, sensitive information includes many of the "protected characteristics" under the Equality Act 2010 which are: age, sex, marriage and civil partnership, disability, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. Usually information about age and gender would be considered personal data but not special category data. Information about marriage and civil partnership could amount to special category information depending on the context.

We may also hold information about criminal convictions as explained under the heading "Information about criminal convictions" below.

How is your personal information collected?

We typically collect personal information from you through the recruitment process, either directly from you or sometimes from third parties such as employment agencies or your former employers. We will also collect personal information in the course of you working for us. Sometimes we will proactively collect data. In other cases this information will be less formally provided to us by you, other employees, or third parties.

How we will use information about you

We will only use your **personal information** when the law allows us to. Most commonly:

1. Where we need to perform the contract we have entered into with you, or to comply with a legal or regulatory obligation.
2. Where it is necessary for our legitimate interests (or those of a third party such as a benefits provider) and your interests and fundamental rights do not override those interests.

We may also use your personal information where we need to protect your interests (or someone else's) or where it is needed in the public interest, although this is likely to be rare.

Special categories of particularly **sensitive personal information** require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. The main reason we would need to hold and process these categories of information is to carry out our obligations as your employer.

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

1. In limited circumstances, with your explicit written consent.

2. Where we need to carry out our legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with our data protection policy.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information 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 information public. We may also process such information about employees or former employees in the course of legitimate business activities with the appropriate safeguards.

Examples of situations in which we will use your **personal information:**

- Making a decision about your recruitment or appointment, determining the terms on which you work for us and checking you are legally entitled to work in the UK.
- Paying you and providing you with benefits (including liaising with your pension provider) and, if you are an employee, deducting tax and National Insurance contributions.
- Business management and planning, including accounting, auditing, equal opportunities monitoring, and to conduct employment data analytics studies.
- Managing, gathering evidence and making decisions in respect of:
 - performance, salary reviews and compensation decisions, assessing training and development requirements, and making promotion/change in role decisions;
 - possible whistleblowing, grievance, disciplinary or complaint investigations and hearings;
 - restructures and possible redundancy situations should they arise; and
 - legal disputes involving you, or other employees, workers, contractors, customers and other third parties including members of the public.
- Making arrangements for the termination of our working relationship and in the provision of references.
- Ascertaining your fitness to work, managing sickness, and health and safety obligations.
- To ascertain compliance with our policies, and ensure protection of our intellectual property.
- To ensure information security, including preventing unauthorised systems access.

Examples of situations in which we will use your **sensitive personal information:**

- We will use information relating to periods of absence, which may include sickness absence or family related leaves, to support you and to comply with employment and other laws.

- We will use sensitive personal information about various matters including protected characteristics, in order to provide appropriate support to you in the workplace and to make adjustments to your role or our policies and practices that are necessary or helpful in order for us to do so. For example, if you are pregnant we will use information to ensure that we continue to provide a safe working environment for you. If you are transitioning gender, we will use that information support you in that process. If your religious or philosophical beliefs have an impact on your work, we may use that information in discussion with you to offer appropriate support and to understand and address the impact that this has on your role.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace, to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence.
- As a result of your personal circumstances, we may also identify a need for training to be offered to staff or policies to be updated in order to ensure that we provide a safe and supportive working environment for all. Your personal data may For example, we may recognise a need to increase awareness and understanding of a particular protected characteristic. For example, this could be in the form of LGBTI+ training, awareness of certain health conditions (in particular where staff awareness of an issue could help support you and other employees better) or other diversity and inclusion training/policy updates.
- As noted above in respect of personal information, we may also use your sensitive personal information to the extent appropriate and in accordance with equalities legislation including the Equality Act 2010, in managing, gathering evidence and making decisions in respect of:
 - performance, salary reviews and compensation decisions, assessing training and development requirements, and making promotion/change in role decisions;
 - possible whistleblowing, grievance, disciplinary or complaint investigations and hearings;
 - restructures and possible redundancy situations should they arise; and
 - legal disputes involving you, or other employees, workers, contractors, customers and other third parties including members of the public.
- We may use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, gender re-assignment, health, pregnancy and maternity, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

Every employee is unique and the above are just some examples of times where we may use your sensitive personal information. If you fail to provide certain information when requested,

we may not be able to perform the contract we have entered into with you appropriately or at all.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary 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 information public.

We may also process such information about employees or former employees in the course of legitimate business activities with the appropriate safeguards.

We envisage that we may hold information about criminal convictions. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process. We may become aware, or be notified directly by you, of such information in the course of you working for us.

Do we need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations as an employer or exercise specific employment law rights. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. You should be aware that it is not a condition of your contract with us that you agree to any such request for consent.

If you have provided your consent in this way for a specific purpose, you have the right to withdraw your consent for that specific processing at any time.

Data sharing

We may have to share your data with third parties, including third-party service providers (such as payroll, pension and benefits administration, occupational health, IT, training providers, HR or other employment consultants, and legal services) in order to properly perform our contract with you and manage employment relationships. Due to our relationship with North Ayrshire Council we will share your data with them in relation to a number of services including for payroll purposes, benefits, deductions, arrestment and where applicable in line with any service level agreement. We may also share your personal information with other third parties, for example in the context of the possible re-organisation of the business. We may also need to share your personal information with a regulator, public body, financial institution, HMRC, the Health and Safety Executive, qualification and examination bodies, or to otherwise comply with the law or regulations. We may share your data in response to reference requests from prospective future employers. We require third parties to respect the security of your data and treat it in accordance with the law.

Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request from our Data Protection Officer.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

Data retention

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for satisfying any legal, accounting, or reporting requirements and to enable us to establish/defend legal claims as appropriate. The period for retaining data is often linked to legal claim limitation periods. In some circumstances we may anonymise your personal information, in which case we may use such information without further notice to you. Once your working relationship with us is over, we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

Rights of access, correction, erasure, and restriction

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, you have the right to:

- Request access to your personal information (known as a "data subject access request").
- Request correction of the personal information that we hold about you.
- Request the erasure of your personal information, or ask us to stop processing it if we are relying on a legitimate interest and you object to processing on this ground.
- Request the suspension or restriction of processing of your personal information.
- Request the transfer of your personal information to another party.

You will not have to pay a fee to exercise any of these rights. However, we may charge a reasonable fee (or refuse your request) if your request for access is unfounded or excessive.

Data protection officer (DPO)

We have appointed a DPO to oversee compliance with this privacy notice. The DPO can be contacted by email: dataprotectionofficer@kaleisure.com

If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.