

## East Kilbride Sports Club – Employee Privacy Notice

**Data controller:** Secretary. Contact: [secretary@eksportsclub.com](mailto:secretary@eksportsclub.com) or write to Secretary, East Kilbride Sports Club, Calderglen Country Park, Strathaven Road, East Kilbride, G75 0QZ.

**Data protection officer:** EKSC Administrator. Contact: [admin@eksportsclub.com](mailto:admin@eksportsclub.com) or write to EKSC Administrator, East Kilbride Sports Club, Calderglen Country Park, Strathaven Road, East Kilbride, G75 0QZ.

East Kilbride Sports Club (EKSC) collects and processes personal data relating to its employees, and prospective employees, to manage the employment relationship. EKSC is committed to:

- ✓ Holding employee data securely;
- ✓ Being transparent about how it collects and uses that data;
- ✓ Meeting its data protection obligations.

### ***What information do we collect?***

EKSC collects and processes a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with EKSC;
- information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved in EKSC, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether you have a disability for which the organisation needs to make reasonable adjustments.

We collect this information in a variety of ways. For example, data is collected through application forms, CVs or resumes; via the employee record form; 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.

In some cases, EKSC collects personal data about you from third parties, such as references supplied by former employers, information from employment background check

providers, information from credit reference agencies and information from criminal records checks permitted by law.

Data is stored in a range of different places, including EKSC's database management systems and in other IT systems (including our email system).

### ***What is the legal basis for processing your personal data?***

There are potentially six lawful bases for processing data under the new data protection legislation. The main ones that apply to EKSC are:

1. *Contract* – processing is necessary for a contract we have with the individual, or because they have asked us to take specific steps before entering in to a contract;
2. *Legal Obligation* – processing is necessary for EKSC to comply with the law (not including contractual obligation);
3. *Legitimate Interests* – processing is necessary for EKSC's legitimate interests or the legitimate interest of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.
4. *Consent* – the individual has given EKSC clear consent to process their data for a specific purpose.

It is possible that more than one legal basis applies to the processing of some data.

### ***Why do we process personal data?***

**Job applicants** - EKSC has a **legitimate interest** in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows EKSC to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. EKSC may also need to process data from job applicants to respond to and defend against legal claims.

If your application is unsuccessful, the organisation will keep your personal data on file for up to **12 months** in case there are future employment opportunities for which you may be suited. The organisation will ask for **your consent** before it keeps your data for this purpose and you are free to withdraw your consent at any time.

**Employees:** EKSC needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer any 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, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. For certain positions, it may be necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, EKSC has a **legitimate interest** in processing personal data before, during and after the end of the employment relationship. Processing employee data allows EKSC 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 your 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 your performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that you are receiving the pay or other benefits to which you 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 are receiving the pay or other benefits to which you are entitled;
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental leave), to allow effective workforce management, to ensure that EKSC complies with duties in relation to leave entitlement, and to ensure that you are receiving the pay or other benefits to which you are entitled;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

Where EKSC relies on **legitimate interests** as a reason for processing data, it has considered whether or not those interests are overridden by your rights and freedoms as an employee or worker and has concluded that they are not.

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 and for health and safety purposes).

Where EKSC processes 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.

### ***Who has access to data?***

***Job applicants:*** Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their roles. EKSC will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment.

If your application for employment is successful, EKSC may then share your data with former employers to obtain references for you, employment background check from third-party providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks.

Your information will be shared internally, including with the EKSC Office Bearers (if appropriate to their roles), the Bar Manager, the Bar Convener and any other relevant employees involved in managing you as an employee or processing staff terms & conditions or processing employee benefits.

EKSC also shares your data with third parties that process data on our behalf, particularly Joseph McNally Limited in connection with payroll, the provision of benefits and the provision of occupational health services.

### ***How does EKSC protect data?***

EKSC takes the security of your data seriously. We have internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

Where EKSC engages third parties to process personal data on its behalf, they do so under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

### ***For how long does EKSC keep data?***

EKSC will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are set out in the table at Annex A of this policy.

### ***Your rights***

As a data subject, you have several rights. You can:

- access and obtain a copy of your data on request;
- require EKSC to change incorrect or incomplete data;
- require EKSC 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 EKSC is relying on its legitimate interests as the legal ground for processing; and
- ask EKSC to stop processing data for a period if data is inaccurate or there is a dispute about whether your interests override EKSC's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact [secretary@eksportsclub.com](mailto:secretary@eksportsclub.com) or write to Secretary, East Kilbride Sports Club, Calderglen Country Park, Strathaven Road, East Kilbride, G75 0QZ.

You can make a subject access request by completing our [form for making a subject access request](#).

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

### ***What if you do not provide personal data?***

You have some obligations under your employment contract to provide EKSC with data. 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 EKSC with data 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.

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

**Reviewed 18 May 2018**

## EKSC Employees – data retention periods

## Employment law

<b>Topic</b>	<b>Retention period (statutory requirement)</b>
<i>Application forms &amp; interview notes (unsuccessful candidates)</i>	One year
<i>National minimum wage</i>	Three years
<i>Wage/salary records (also overtime, bonuses, expenses)</i>	Six years
<i>Working time restrictions</i>	Two years from the date on which the records were made.
<i>Statutory Sick Pay Records, calculations, certificates, self-certificates</i>	Five years after employment ceases (not legal requirement)
<i>Absence during pregnancy and statutory maternity pay</i>	Three years after the end of the tax year in which the employee's maternity pay period ended.
<i>Statutory paternity pay, statutory shared parental pay and statutory adoption pay</i>	Three years after the end of the tax year in which payments of SPP, ShPP or SAP were made
<i>Parental Leave</i>	18 years from birth of child (not legal requirement)
<i>Pensioners' records</i>	12 years after benefit ceases. (not legal requirement)
<i>Right to work documents</i>	Not a legal requirement to retain, but for the period of employment & two years post-employment
<i>Accidents at work and work-related illness</i>	Minimum of three years from the date on which the record was made (if more than 10 employees)
<i>Injuries, fatalities, diseases and dangerous occurrences</i>	Minimum of three years from the date on which the record was made.

<i>Personnel files and training records (including disciplinary records and working time records)</i>	5 years after employment ceases (not legal requirement)
<i>Redundancy details, calculations of payments, refunds, notification to the Secretary of State</i>	5 years from the date of redundancy (not legal requirement)

#### **Tax credits and tax records**

<i>Wages and deductions</i>	Three years after the end of the income tax year to which the records relate.
<i>Accounting and company transactions</i>	Three years from the date on which they are made
<i>VAT account, tax invoices, imports and credit and debit notes</i>	Minimum of six years.