

# Barkers Engineering Ltd

## Staff Privacy Notice

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## **KEY SUMMARY**

**We process your personal information as your employer and for no other purpose.**

**We share your information with suppliers who act on our behalf for services such as payroll, HR system support, IT support, training, flight bookings, taxi services and on-site security in order to support you during the course of your employment.**

**In addition, we share your personal information to set up your account with providers of services such as pensions, insurance, life assurance, SAYE schemes and childcare vouchers. They provide these services to you directly and not on our behalf.**

**This notice explains what data we process, why, how it is legal and your rights.**

## ABOUT US and THIS NOTICE



This Privacy Notice is provided by Barkers Engineering Ltd ("Barkers Engineering", or "we" or "us") who is a 'controller' for the purposes of the laws governing data protection. This means that we are responsible for looking after your personal data. This Privacy Notice applies to all Barkers Engineering Ltd employees, agency workers and individual contractors who we will refer to generally as 'staff'.

We take your privacy very seriously. We ask that you read this Privacy Notice carefully as it contains important information about our **processing** and your rights.

### How to contact us

If you need to contact us about this Privacy Notice, use the details below

- Chloe Dolman
- Address: Etna Works, Duke Street, Fenton, Stoke-on-Trent ST4 3NS
- Telephone number: 01782 319264
- Email: [Privacy@Barkersengineering.com](mailto:Privacy@Barkersengineering.com)

If you would like this Privacy Notice in another format (for example: audio, large print, braille), please contact us.

### Changes to this Privacy Notice

The Privacy Notice will be provided to you when you receive your employment/service contract with Barkers Engineering Ltd and the latest version can always be found in the finance department. Please contact Andrew Rowe for a copy.

We may change this Privacy Notice from time to time. We will alert you when changes are made.

Current version: v1 May 2018

## USEFUL WORDS AND PHRASES



Please familiarise yourself with the following words and phrases (used in **bold**) as they have particular meanings in the **Data Protection Laws** and are used throughout this Privacy Notice:

Term	Definition
<b>controller</b>	This means any person who determines the purposes for which, and the manner in which, any <b>personal data</b> is <b>processed</b> .
<b>criminal offence data</b>	This means any information relating to criminal convictions and offences committed or allegedly committed.
<b>Data Protection Laws</b>	This means the laws which govern the handling of <b>personal data</b> . This includes the General Data Protection Regulation (EU) 2016/679 and any other national laws implementing that Regulation or related to data protection.
<b>data subject</b>	The person to whom the <b>personal data</b> relates.
<b>ICO</b>	This means the UK Information Commissioner's Office which is responsible for implementing, overseeing and enforcing the <b>Data Protection Laws</b> .
<b>personal data</b>	<p>This means any information from which a <u>living individual</u> can be identified.</p> <p>This will include information such as telephone numbers, names, addresses, e-mail addresses, photographs and voice recordings. It will also include expressions of opinion and indications of intentions about <b>data subjects</b> (and their own expressions of opinion/intentions).</p> <p>It will also cover information which on its own does not identify someone but which would identify them if put together with other information which we have or are likely to have in the future.</p>

Term	Definition
<b>processing</b>	<p>This covers virtually anything anyone can do with <b>personal data</b>, including:</p> <ul style="list-style-type: none"> <li>• obtaining, recording, retrieving, consulting or holding it;</li> <li>• organising, adapting or altering it;</li> <li>• disclosing, disseminating or otherwise making it available; and</li> <li>• aligning, blocking, erasing or destroying it.</li> </ul>
<b>processor</b>	<p>This means any person who <b>processes</b> the <b>personal data</b> on behalf of the controller.</p>
<b>special categories of data</b>	<p>This means any information relating to:</p> <ul style="list-style-type: none"> <li>• racial or ethnic origin;</li> <li>• political opinions;</li> <li>• religious beliefs or beliefs of a similar nature;</li> <li>• trade union membership;</li> <li>• physical or mental health or condition;</li> <li>• sexual life; or</li> <li>• genetic data or biometric data for the purpose of uniquely identifying you.</li> </ul>

## WHAT PERSONAL DATA DO WE COLLECT?



### ➤ Information provided by you

To employ you or enable you to work for us as a contractor, we collect the following information from you:

Personal data	Special categories of data
<ul style="list-style-type: none"> <li>• Name</li> <li>• Contact details (address, phone number, email address)</li> <li>• Date of birth</li> <li>• Country of birth</li> <li>• Marital status</li> <li>• Bank account details</li> <li>• National Insurance number</li> <li>• Passport / right to work information</li> <li>• Driving Licence</li> <li>• Photographs</li> <li>• Sickness and absence records</li> <li>• Employment history and references</li> <li>• Professional qualifications</li> <li>• Appraisals</li> <li>• Training records</li> <li>• Employers Liability / Products Liability insurance (if a contractor)</li> <li>• Any manual handling training</li> <li>• Any non-motoring convictions</li> </ul>	<ul style="list-style-type: none"> <li>• If you are registered as disabled</li> <li>• Any serious illnesses or dates of operations</li> <li>• Any medical restrictions on specific work tasks</li> <li>• Any heart or chest problems</li> <li>• If you have a hernia</li> <li>• If you have had an audiometry test and if so if it was deemed as normal or not.</li> <li>• Any ear problems</li> <li>• Any skin conditions</li> <li>• If you are a member of a trade union</li> </ul>

### Travel

If your work requires you to travel and stop away from your normal address we will keep details of your flight, hotel and car hire for accounting purposes

### CCTV

The company reserves the right to use closed circuit television systems (CCTV) throughout its

premises as deemed necessary and employees should expect all areas (other than those where use would contravene common decency) to be visible on a television monitoring system. Information obtained from systems will only be used in appropriate work-related circumstances, which may include using recorded images as evidence in disciplinary proceedings

➤ **Personal information provided by third parties**

Information provided by occupational health providers will be kept in your personnel file to record the state of certain aspects of your health. This includes but is not limited to, eye tests, hearing tests and lung function tests. If the occupational nurse feels additional tests are necessary you may be referred to other medical agencies who may undertake further tests.

**Personal information about other individuals**

If you provide us with information about other individuals (e.g. your next of kin), you confirm that you have informed the relevant individuals accordingly.

## WHY DO WE PROCESS YOUR PERSONAL DATA?



We use your **personal data** for the following purposes listed in this section. We are allowed to do so on certain legal bases (please see section 'How is processing your data lawful' for further detail).

Purpose	Explanation
<b>Payroll, Pension and Accounts</b>	To calculate and pay your salary and pension contributions and to keep business accounts.
<b>Benefits</b>	To calculate, pay and provide benefits such as employer pension contributions, life assurance, private medical cover and childcare vouchers.
<b>Business Development</b>	To develop our business generally including through marketing (i.e. we may provide your name, work contact details and/or experience to potential and existing customers and/or suppliers).
<b>Staff Administration</b>	To administer your employment with us. For example, this will include, complying with employment contracts, assessing performance and career development, performing our legal obligations, administering our policies and to administer medical and sickness records, sick pay/leave information, holiday/absence, appraisals, promotions, disciplinary and grievance matters, maternity, parental leave and time off for dependants.
<b>Business Travel</b>	To administer any travel and/or accommodation arrangements where you are required to travel within or outside of the UK for work.
<b>Prevention and Detection of Crime</b>	To prevent and detect crime. This might include <b>processing special categories of data</b> and/or <b>criminal offences data</b> .
<b>Equal Opportunities [and Trade Unions]</b>	To promote and monitor equal opportunities [ <b>and trade union membership</b> ]. This might include the <b>processing special categories of data</b> including, religious or similar beliefs and ethnic origin.
<b>Tax</b>	To administer our revenue and tax obligations.
<b>Training and Career Development</b>	To administer and supervise your training and career development.
<b>Health and Safety</b>	To comply with health and safety laws and our policies. This may include us <b>processing special categories of data</b> , such as details of your mental and

	physical health.
<b>Regulatory and Professional Requirements</b>	To comply with regulations and professional requirements to which Hill & Smith is subject.
<b>Corporate finance, Mergers and Acquisitions</b>	To carry out group company restructuring, to sell any of the Hill & Smith companies or acquire or merge with other businesses. We may disclose your <b>personal data</b> and <b>special categories of data</b> for any of the above purposes, including at negotiation stage.
<b>Occupational health</b>	To meet our duty of care as your employer to help you manage your work environment and address any health issues it may be causing. This may include us <b>processing special categories of data</b> , such as details of your physical health.
<b>Random testing</b>	To carry out random drugs and alcohol testing to ensure that you are physically able [carry out your duties at work] / [to drive, and/or operate machinery where this forms part of your duties at work] and generally able to perform your duties.
<b>Visa information</b>	To ensure we fulfil our obligations to employ only people with a right to work in the UK. This may involve obtaining personal data from the Home Office or other governments or bodies responsible for visas or migration globally.

<b>IT Maintenance</b>	To maintain and update IT Resources and to monitor for viruses and other disruptive programmes.
<b>Unauthorised use of IT resources</b>	To determine whether any IT resources are being used without authorisation either by employees or external hackers.
<b>Information Gathering</b>	To establish the existence of business related facts and/or to determine whether communications are relevant to our business.  For example, if you are away from work, to establish whether incoming e-mails are from customers or business partners and to ensure that they are properly dealt with during your absence.
<b>Legal and Policy Compliance</b>	To determine whether Hill & Smith and/or you are complying with legal requirements, our policies and rules and any other requirements which Hill & Smith and / or you should comply with.

<b>Quality Standards</b>	To determine whether you are attaining standards which you ought to be achieving, such as customer service standards.
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# HOW IS PROCESSING YOUR PERSONAL DATA LAWFUL?



**Personal data**

We are allowed to **process** your **personal data** for the following reasons and on the following legal bases:

➤ **Legitimate Interests**

We are permitted to **process** your **personal data** if it is based on our 'legitimate interests' i.e. we have good, sensible, practical reasons for **processing** your **personal data** which is in the interests of Hill & Smith. To do so, we have considered the impact on your interests and rights, and have placed appropriate safeguards to ensure that the intrusion on your privacy is reduced as much as possible. The table below explains the **personal data processed** on this basis.

Personal data	Legitimate Interests
<ul style="list-style-type: none"> <li>• Appraisals</li> <li>• Training records</li> <li>• Professional qualifications</li> </ul>	<p>To maintain and develop efficiency and competence of our staff. This captures information about you in the context of your job role and is therefore not intrusive. It is also beneficial to you to help you develop your skills and qualifications.</p>
<ul style="list-style-type: none"> <li>• Video images caught by CCTVs</li> </ul>	<p>To keep our premises and staff safe from unauthorised access.</p>
<ul style="list-style-type: none"> <li>• Email content</li> <li>• Instant message content</li> <li>• Internet activity information</li> <li>• Phone usage</li> </ul>	<p>To protect our network and ensure that our IT resources are being used in a safe and secure manner against unauthorised access and data leakage in line with our internal information security policy.</p>
<ul style="list-style-type: none"> <li>• Driving licence</li> <li>• Location of the company car during its use</li> <li>• Information on your use of the company car</li> </ul>	<p>To ensure that staff (i) use the car in a safe and secure manner that does not risk harm to themselves and to others and (ii) do not breach the terms of the company car policy. This helps us to ensure that you are safe, to manage our assets and make business planning decisions. The information</p>

	collected about you will be shared with you.
<ul style="list-style-type: none"> <li>• Location of your accommodation during overseas travel</li> </ul>	So we can inform staff of unusual risks when they are abroad e.g. natural disasters, riots, military action
<ul style="list-style-type: none"> <li>• Photos</li> <li>• Contact details</li> <li>• Professional experience</li> </ul>	To promote Barkers to prospective customers to develop new business or grow existing relationships

You can object to **processing** that we carry out on the grounds of legitimate interests. See the section headed "[Your Rights](#)" to find out how.

➤ **Contract**

It is necessary for our performance of the employment contract you have agreed to enter with us. If you do not provide your **personal data** to us, we will not be able to carry out our obligations under the terms of your employment contract. For example, we require your **personal data** to pay your salary.

➤ **Legal obligation**

We are subject to legal obligations to **process** your **personal data** for the purposes of complying with applicable regulatory, accounting and financial rules, health and safety and to make mandatory disclosures to government bodies and law enforcements.

➤ **Consent**

Sometimes we want to use your **personal data** in a way that is entirely optional for you, such as an occupational health assessment, or which is not directly linked to your job, such as your photos of your family at a Barkers fundraising day. On these occasions, we will ask for your consent to use your information. You can withdraw this consent at any time and this will not affect your employment with us in any way.

**Special categories of data**

We are allowed to **process** your special categories of **personal data** for the following reasons and on the following legal basis:

➤ **Consent**

You have given your explicit consent for us to **process** your data.

➤ **Employment**

We need to **process** your **personal data** to carry out our obligations as your employer, for example, putting in place specific equipment in our offices to cater for particular physical conditions our staff may have.

➤ **Necessary for the purposes of occupational medicine, including the assessment of your working capacity as an employee**

We will process information about your health obtained during the recruitment process and further routine assessments in order to assess your medical capacity to perform the job you have applied for.

➤ **Vital Interests**

It is necessary for us to **process** your medical/health information, for the purposes of protecting your health and safety during the course of your employment.

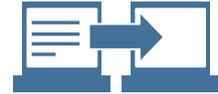
➤ **Manifestly public personal data**

The **processing** relates to information that you have made public, for example, attire you wear for work and information made public on a public social media platform.

➤ **Legal claims**

We need to **process** your **personal data** if, during the course of your employment with us, we are required to **process** your **personal data** to defend or establish a legal claim, for example, for employment tribunals relating to employment claims under employment law. We may also be required to **process** ethics data as required by law.

# WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?



We share your personal data that is relevant, where appropriate, with our **ultimate group parent company Hill & Smith Holdings PLC**. Our legal grounds for doing so are that it is necessary to fulfil our contractual obligations to you under the terms of your employment; it is in our legitimate interests to comply with the policies and procedures applicable within our corporate group and to obtain guidance and support from our corporate group's central support functions.

The table below lists some of our key service providers that act as our **processors** who will have access to your **personal data** If you would like to know the names of our other service providers (e.g. training providers), please contact us using the details at the start of this Privacy Notice

Who information is shared with
Spirit Occupational Health
Citation (HR advisors)

In addition, we share your **personal data** with the following entities who act as separate **controllers** of your **personal data**. We provide them with your name and contact details so that they can contact you separately in order to arrange services/benefits directly with you, or to note you on our company group policies. You should review their privacy notices to find out how they **process** your **personal data**. If you have any queries or complaints about how they **process** your **personal data** by them, please contact them separately using the contact information provided on their website.

We will also share your **personal data** with the police, other law enforcements or regulators where we are required by law to do so.

- BUPA - Health insurance provider
- Legal & General - Pension provider
- AON – Life insurance cover
- Kiddivouchers - Childcare voucher provider
- Yorkshire Building Society – SAYE scheme administrator

## Transfers of your personal data outside the EEA

We may need to transfer your personal data to countries outside of the European Economic Area, for the purpose of:

- fulfilment of a contract with a customer

Any transfer of your data will be carried out in accordance with the law to safeguard your privacy rights and give you remedies in the unlikely event of a security breach or to any other similar approved mechanisms. If you want to know more about how data is transferred, please contact us using the details in the section above, “How to contact us”.

### **How we keep your personal data secure**

We strive to implement appropriate technical and organisational measures in order to protect your **personal data** against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of **processing**. We aim to ensure that the level of security and the measures adopted to protect your **personal data** are appropriate for the risks presented by the nature and use of your **personal data**. We follow recognised industry practices for protecting our IT environment and physical facilities.

## WHEN WILL WE DELETE YOUR DATA?



We will generally retain your **personal data** and **special categories of data** during the course of your employment/service contract and for 6 years after your employment/service terminates, save for any personal data that is no longer necessary for the purpose collected. The following categories of **personal data** and **special categories of data** provide you with an example of personal data we will generally retain and data which shall have a different retention period.

<u>Personal data/Special categories of data</u>	<u>Retention period</u>
<p>Basic staff and training records, including:</p> <ul style="list-style-type: none"> <li>• Recruitment records, qualifications and references</li> <li>• Annual/assessment reports</li> <li>• Job history</li> <li>• Resignation, termination and/or retirement letters</li> <li>• Travel and subsistence claims</li> <li>• Disciplinary/grievance matters</li> <li>• Annual leave records</li> <li>• Written particulars of employment, contracts of employment, and notices of changes to terms and conditions</li> </ul>	<p>Termination of employment + 6 years (however any personal data to be kept no longer than is necessary for the purpose collected)</p>
<p>Working time opt-out forms and records to show compliance with the Working Time Regulations 1998, including:</p> <ul style="list-style-type: none"> <li>• Time-sheets for opted-out workers</li> <li>• Health assessments for night workers</li> <li>• Records of working hours for young-workers</li> </ul>	<p>Two years from the date on which they were entered into</p>
<p>Collective workforce agreements and past agreements that could affect present staff</p>	<p>Permanently</p>
<p>Works Council minutes</p>	<p>Permanently</p>
<p>Maternity records Adoption and paternity records Shared parental leave records</p>	<p>Termination of employment + 6 years (however any personal data to be kept no longer than is necessary for the purpose collected)</p>

<b><u>Personal data/Special categories of data</u></b>	<b><u>Retention period</u></b>
Sickness records required for the purposes of statutory sick pay	Termination of employment + 6 years (however any personal data to be kept no longer than is necessary for the purpose collected)
Staff bank details Employee personal data form (emergency contact and address information)	Termination of employment + 6 months
Immigration checks	Validity of document + 3 years
Medical, health and accident records	Termination of employment + 6 years (however any personal data to be kept no longer than is necessary for the purpose collected)
Employee related benefits information	Discontinuation of benefits + 8 years
Payroll and wage records PAYE	6 years from the financial year-end in which payments were made
Pension scheme records	6 years from the end of the scheme year to which they relate
Pension scheme records – deceases retiree	Where no widow/widowers or orphan pension payable: 6 years from end of scheme year in which death occurred or date of last transaction.  Where widow/widowers or orphan pension payable: 25 years from end of scheme year in which death occurred (or until orphan completes higher education, if later)
Any reportable accident, death or injury in connection with work	Three years from the date the report was made
Disability claim files	Date claim made + 10 years

<u>Personal data/Special categories of data</u>	<u>Retention period</u>
Litigation files	Date of judgment or settlement + 7 years
Details of any exposure to hazardous substances and materials in the operating unit workplace	Creation of record + 40 years
Health and Safety Incident Logs	Creation of record + 3 years
Radiation Assessments and Records	Creation of record + 50 years (or until person exposed to radiation reaches the age of 75)
Company Directors' Records including: <ul style="list-style-type: none"> <li>• Directors' service contracts</li> <li>• Any contract made between a Director and [Hill &amp; Smith]</li> <li>• Pension/benefit details</li> <li>• Severance package records</li> </ul>	Termination of employment + 10 years
Records of access / disclosure requests	10 years (but not longer than is necessary for purpose supplied / collected)
Emails and email accounts	No longer than 12 months beyond leave date

## YOUR RIGHTS



As a **data subject**, you have the following rights under the **Data Protection Laws**:

- the right to object to **processing** of your **personal data**;
- the right of access to **personal data** relating to you (known as data subject access request);
- the right to correct any mistakes in your information;
- the right to prevent your **personal data** being processed;
- the right to have your **personal data** ported to another controller;
- the right to erasure; and
- rights in relation to automated decision making (note this does not apply).

These rights are explained in more detail below. If you want to exercise any of your rights, please contact us (please see "How to contact us").

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within three months.

Please be aware that there are exceptions and exemptions that apply to some of the rights which we will apply in accordance with the Data Protection Laws.

### ➤ **Right to object to processing of your personal data**

You may object to us **processing** your **personal data** where we rely on a legitimate interest as our legal grounds for **processing**.

If you object to us **processing** your **personal data** we must demonstrate compelling grounds for continuing to do so. We believe we have demonstrated compelling grounds in the section headed "How is processing your personal data lawful". The key point to note is that much of the processing under this heading is beneficial to you, such as assisting with your career development or keeping you safe on our premises.

### ➤ **Right to access personal data relating to you**

You may ask to see what **personal data** we hold about you and be provided with:

- a copy of the personal data;
- details of the purpose for which the personal data is being or is to be **processed**;
- details of the recipients or classes of recipients to whom the personal data is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers;

- the period for which the personal data is held (or the criteria we use to determine how long it is held);
- any information available about the source of that data; and
- whether we carry out an automated decision-making, or profiling, and where we do information about the logic involved and the envisaged outcome or consequences of that decision or profiling.

To help us find the information easily, please provide us as much information as possible about the type of information you would like to see.

➤ **Right to correct any mistakes in your information**

You can require us to correct any mistakes in your information which we hold. If you would like to do this, please let us know what information is incorrect and what it should be replaced with.

➤ **Right to restrict processing of personal data**

You may request that we stop **processing** your **personal data** temporarily if:

- you do not think that your data is accurate. We will start **processing** again once we have checked whether or not it is accurate;
- the **processing** is unlawful but you do not want us to erase your data;
- we no longer need the **personal data** for our **processing**, but you need the data to establish, exercise or defend legal claims; or
- you have objected to **processing** because you believe that your interests should override our legitimate interests.

➤ **Right to data portability**

You may ask for an electronic copy of your **personal data** which we hold electronically and which we **process** when we have entered into a contract with you. You can also ask us to provide this directly to another party.

➤ **Right to erasure**

You can ask us to erase your **personal data** where:

- you do not believe that we need your data in order to **process** it for the purposes set out in this Privacy Notice;
- if you had given us consent to process your data, you withdraw that consent and we cannot otherwise legally **process** your data;

- you object to our **processing** and we do not have any legitimate interests that mean we can continue to **process** your data; or
- your data has been **processed** unlawfully or has not been erased when it should have been.

➤ **Rights in relation to automated decision making**

We do not make any automated decisions about you so this right does not apply.

**What will happen if your rights are breached?**

You may be entitled to compensation for damage caused by contravention of the **Data Protection Laws**.

**Complaints to the regulator**

It is important that you ensure you have read this Privacy Notice - and if you do not think that we have **processed** your data in accordance with this notice - you should let us know as soon as possible. You may also complain to the **ICO**. Information about how to do this is available on the ICO's website at [www.ico.org.uk](http://www.ico.org.uk).