



## Employee Privacy Notice

Effective Date: 1 September 2022, reviewed February 2024

Pathways Education strongly believes in protecting the privacy of the personal data you provide us. We also believe it is important to inform you about how we will use your data. This document explains how we may process your personal data and the rights you have in this respect. Therefore, we encourage you to read this Privacy Notice carefully.

Your information will be held by us. More information on Pathways Education can be found at [www.pathways-ed.org](http://www.pathways-ed.org). Please contact [dpo@pathways-ed.org](mailto:dpo@pathways-ed.org) for any queries regarding data protection.

Your personal information will be held securely by us so that we and any of our external service providers can look after your employment relationships with us. This will include information you provide when you apply to us, and any additional information provided by you in various ways including:

### What information do we collect from you?

We collect and process 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 the organisation;
- 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, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments; and

We collect information about our employees throughout your employment. Some of this information is collected directly from you (for example, in HR forms you are asked to complete).

We may collect this information in a variety of ways. For example, data might be collected through application forms, CVs or resumes; 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, we may collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers and information from criminal records checks permitted by law. We seek information from third parties with your consent only.

Data will be stored in a range of different places, including in your personnel file, in our HR management systems and in other IT systems (including our email system).

## **Why does the organisation process personal data?**

We need to process data to enter into an employment contract with you and to meet our obligations under your employment contract. For example, we need to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer 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, it is 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.

In other cases, we have a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows us 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 employee 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 employee 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 employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- 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 employees are receiving the pay or other benefits to which they are entitled;

- ensure effective general HR and business administration;
- provide references on request for current or former employees; and
- respond to and defend against legal claims.

## Who has access to data?

Your information may be shared internally, including with our external HR consultant, payroll provider, your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

We share your data with third parties in order to obtain pre-employment references from other employers. In this circumstance, the data will be subject to confidentiality arrangements. Obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service. We may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

We also share your data with third parties that process data on its behalf, in connection with payroll, the provision of benefits and the provision of occupational health services.

We will not transfer your data to countries outside the European Economic Area.

## How long will we hold your data?

We 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 detailed below:

Data Type	How long it is stored	The reason why it is retained
Disciplinary and grievance records (including records of investigations, notes of disciplinary or grievance meetings and appeal hearings, correspondence with employees and written warnings)	6 months unless a claim is made which we will then hold your data for the duration of claim. If related to absence see reference in absence.	This data is kept for the company's legal requirement of a defence against claims for tribunal.
Performance records (including appraisal documents, performance reviews and ratings, targets and objectives, performance improvement plans, records of performance improvement meetings and related correspondence, and warnings)	6 months unless a claim is made which we will then hold your data for the duration of claim.	This data is kept for the company's legal requirement of a defence against claims for tribunal.

Copy of right to work check documentation (Passport, Birth certificates and Visa)	2 years	This data is kept for Home office requirement, compliance is essential.
Absence and leave records containing special categories of personal data (including details of absence or leave taken, the reasons for absences, the type of leave, information about medical or health conditions, reasonable adjustments, records of absence management discussions, correspondence with employees and disciplinary action)	<ul style="list-style-type: none"> <li>• Statutory retention period: 3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21).</li> <li>• Control of Substances Hazardous to Health Regulations (COSHH) - 40 years from the date of the last entry unless a claim is made which we will then hold your data for the duration of claim.</li> </ul>	This data is kept for the company's legal requirement of a defence against claims for tribunal and personal injury claims after this period the data will be deleted.
Financial and tax information (including pay and benefit entitlements, expenses, bank details and national insurance numbers)	7 years	This data is kept for the statutory requirement of complying with HMRCs requirements after this period the data will be deleted.
Personal details (Name, Date of birth)	7 years unless a claim is made which we will then hold your data for the duration of claim.	This data is kept for the company's legal requirement of a defence against claims for tribunal and personal injury claims after this period the data will be deleted.
Offer letters, contracts of employment, written statements of terms and related correspondence	7 years unless a claim is made which we will then hold your data for the duration of claim.	This data is kept for the company's legal requirement of a defence against claims for tribunal and personal injury claims after this period the data will be deleted.

## How will we secure your data?

We take 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 we engage third parties to process personal data on our behalf, we 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.

## Your rights

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

- access and obtain a copy of your data on request. This is commonly known as a “data subject access request” and enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it;
- require the organisation to change incorrect or incomplete data
- require the organisation to delete or remove your data where there is no good reason for the organisation to continue processing it. You also have the right to ask the organisation to delete or remove your personal information where you have exercised your right to object (see below);
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing and there is something about your particular situation which makes you want to object to processing on this ground. Legitimate Interest means the interest of the company’s business in conducting and managing its business to enable it to give the best service/product; and
- request the transfer of your data to another party

You also have the right to be informed about how your data will be collected, processed and stored. We are meeting this obligation by publishing this privacy notice but, if you do not feel that the notice is clear or comprehensive enough you are welcome to contact us and we will do our best to explain how your data is handled by us.

If you would like to exercise any of these rights or if you have any questions about how your data is handled, please contact Emma Crabb, Business Manager at [emma.crabb@pathways-ed.org](mailto:emma.crabb@pathways-ed.org)

If you believe that we have not complied with your data protection rights, you can discuss this with the company’s Data Protections Contact (see contact details above) or complain to the Information Commissioners Office which enforces data protection laws: <https://ico.org.uk>

## What if you do not provide personal data?

You have some obligations under your employment contract to provide us with data. In particular, 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 us with data in order 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, have to be provided to enable us to enter a contract of employment with you. If you do not provide other information, this will hinder our ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

## Modifications

This Privacy Notice may be adjusted from time to time. We reserve the right to modify or amend this Privacy Notice at any time. The effective date of this Privacy Notice is displayed at the beginning of this notice. Please check back periodically, and especially before you provide any personally identifiable information.

# Employee Privacy Notice

## Specialist category, genetic and biometric data

Effective Date: 1 September 2022, reviewed February 2024

### What information do we collect from you?

We collect and process a range of information about you. This includes:

- DBS/Criminal records
- Reasonable adjustments
- Medical details

Pathways Education collects information about its employees throughout their employment. Some of this information is collected directly from you (for example, in HR forms you are asked to complete or the online HR System. We may collect this information in a variety of ways. For example, data might be collected through application forms, CVs or resumes; 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, we may collect personal data about you from third parties, such as references supplied by information from employment background check providers and information from criminal records checks permitted by law. We seek information from third parties with your consent only.

Data will be stored in a range of different places, including in your personnel file, in the organisation's HR management systems and in other IT systems (including the organisation's email system).

### Why does the organisation process personal data?

We need to process data to enter into an employment contract with you and to meet our obligations under your employment contract. For example, we need to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefit, pension and insurance entitlements.

In some cases, we need to process data to ensure that it is complying with our legal obligations. For example, it is 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.

In other cases, we have a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows us 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 employee 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 employee 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 employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- 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 we comply with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- ensure effective general HR and business administration;
- provide references on request for current or former employees; and
- respond to and defend against legal claims.

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).

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

Your information may be shared internally, including with our external HR Consultant, payroll provider, your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

We share your data with third parties in order to obtain pre-employment references from other employers. In this circumstance, the data will be subject to confidentiality arrangements. Obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service. In those circumstances the data will be subject to confidentiality arrangements.

We also share your data with third parties that process data on its behalf, in connection with payroll, the provision of benefits and the provision of occupational health services.

We will not transfer your data to countries outside the European Economic Area.

## How long will we hold your data?

We 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: seven years, unless there is a safeguarding issue in which case your data is held indefinitely.

## How will we secure your data?

We take 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 our employees in the performance of their duties.

Where we engage third parties to process personal data on our behalf, we do so on the basis of written instructions, under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

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- access and obtain a copy of your data on request. This is commonly known as a “data subject access request” and enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it;
- require the organisation to change incorrect or incomplete data
- require the organisation to delete or remove your data where there is no good reason for the organisation to continue processing it. You also have the right to ask the organisation to delete or remove your personal information where you have exercised your right to object (see below);
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing and there is something about your particular situation which makes you want to object to processing on this ground. Legitimate Interest means the interest of the company’s business in conducting and managing its business to enable it to give the best service/product; and
- request the transfer of your data to another party

You also have the right to be informed about how your data will be collected, processed and stored. We are meeting this obligation by publishing this privacy notice but, if you do not feel that the notice is clear or comprehensive enough you are welcome to contact us and we will do our best to explain how your data is handled by us.

If you would like to exercise any of these rights or if you have any questions about how your data is handled, please contact Emma Crabb, Business Manager [emma.crabb@pathways-ed.org](mailto:emma.crabb@pathways-ed.org)

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

## Modifications

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I consent to Pathways Education to process the above stated specialist category, biometric or genetic data throughout my employment. I understand I can withdraw my consent to processing by contacting the above named person responsible for GDPR.

Signed: .....

Name: .....

Date: .....