



Ekaya Housing Association Privacy Notice for Employees, Workers & Contractors

1. Purpose & Scope of the Document

- 1.1 Ekaya Housing Association (EHA, the Association or We) is committed to protecting the privacy and security of your personal information.
- 1.2 In accordance with the General Data Protection Regulation (GDPR), EHA has implemented this privacy notice to inform you, our employees, of the types of data we process about you during and after your working relationship with us. We also include within this notice the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.
- 1.3 This privacy notice applies to current and former employees, workers and contractors.
- 1.4 This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.
- 1.5 EHA is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.
- 1.6 It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

2. Data Protection Principles

- 2.1 We will comply with GDPR, which requires us to process all personal data obtained and held by us in accordance with a set of core principles. In accordance with these principles, we will ensure that personal information we hold about you is:
 - Used lawfully, fairly and in a transparent way.
 - Collected only for specific, explicit, and legitimate purposes.
 - Adequate, relevant and limited to what is necessary for the purposes of processing.
 - Accurate and kept up to date. Data which is found to be inaccurate will be rectified or erased without delay.
 - Not kept for longer than is necessary for its given purpose.
 - Kept securely, including protection against unauthorised or unlawful processing, accidental loss, destruction or damage.

3. The kind of Information We hold about You

3.1 We keep several categories of personal data on our employees, workers and contractors in order to carry out effective and efficient processes. We keep this data in a personnel file relating to each employee, worker or contractor and we also hold the data within our computer systems, for example, our holiday booking system, where applicable.

3.2 Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

3.3 There are "special categories" of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation.

3.4 We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date and, if different, the date of your continuous employment.
- Leaving date and your reason for leaving.
- Location of employment or workplace.
- Copy of driving licence.
- 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 job titles, work history, working hours, holidays, training records, academic and professional qualifications and professional memberships).
- DBS Certificate.
- Compensation history.
- Performance information.
- Details of formal and informal proceedings involving you such as letters of concern, disciplinary and grievance information, your annual leave records, appraisal and performance information.
- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.
- Internal and external training modules undertaken.
- Information on time off from work including sickness absence, family related leave etc.
- Photographs.
- Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied.

3.5 We may also collect, store and use the following "special categories" of more sensitive personal information. These include:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about your health, including any medical condition, health and sickness records, including:
 - where you leave employment and under any share plan operated by a group company the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision;
 - details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and
 - where you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.
- Genetic information and biometric data.
- Information about criminal convictions and offences.

4. How is Your Personal Information collected?

4.1 We collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

4.2 We may also collect personal information from the trustees or managers of pension arrangements operated by a group company.

4.3 We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

4.4 Personal data is kept in personnel files or within the Association's HR and IT systems.

5. How We will use Information about You

5.1 We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

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

We may also use your personal information in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest (or for official purposes).

6. Situations in which We will use Your Personal Information

6.1 We need all the categories of information in the list above (see clauses 3.4 and 3.5 above) primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs).
- Providing any relevant contractual benefits to you.
- Inviting you to participate in any share plans operated by a group company.
- Granting awards under any share plans operated by a group company.
- Administering your participation in any share plans operated by a group company, including communicating with you about your participation and collecting any tax and NICs due on any share awards.
- Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties.
- Liaising with the trustees or managers of a pension arrangement operated by a group company, your pension provider and any other provider of employee benefits.
- Administering the contract we have entered into with you.
- Business management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Determining reasonable adjustments.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.

- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

6.2 Most commonly, we will process special categories of data when the following applies:

- you have given explicit consent to the processing;
- we must process the data in order to carry out our legal obligations;
- we must process data for reasons of substantial public interest;
- you have already made the data public.

7. Failure to Provide 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 (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

8. Change of Purpose

8.1 We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

8.2 Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

9. 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 or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

10. Criminal Conviction Data

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage; however, it may also be collected during your employment. We use criminal conviction data to determine your suitability, or your continued suitability for the role. We rely on the lawful bases of legal obligation and our legitimate to process this data.

11. Who We share Your Data with

11.1 We may have to share your data with third parties, including third-party service providers and other entities in the group as part of an acquisition, merger or restructure, or for other reasons to administer the working relationship with you and to comply with a legal obligation upon us.

11.2 We have a data processing agreement in place with such third parties to ensure data is not compromised.

11.3 We require third parties to respect the security of your data and to treat it in accordance with the law.

11.4 Employees within the Association who have responsibility for recruitment, administration of payment and contractual benefits and carrying out performance related procedures will have access to your data which is relevant to their function. All employees with such responsibility have been trained and are expected to ensure that data is processed in line with GDPR.

12. Data Retention Periods

12.1 We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

12.2 Some data retention periods are set by the law. Retention periods can vary depending on why we need your data, as set out below:

Record	Statutory Retention Period
Application forms and interview notes	1 year (recommended)
Children/young persons	3 years
Employee files	7 years after end of employment
Employment Permits	5 years
Health and Safety Records of Major Incidents	10 years from the date of the accident
Maternity Leave (period of employment and dates and times of the leave)	1 year
National Minimum Wage	3 years from the date any record is made
Parental & Force majeure leave	8 years
Payroll details and payslips	6 years after end of employment
Redundancy details, calculations of payments	3 years after date of redundancy
Retirement Benefits Schemes	6 years from the end of the scheme year
Settlement Agreements	6 years

Sick Pay records, calculations, certificates, self-certificates	at least 3 months after the end of the period of sick leave, but 6 years after the employment ceases advisable
Tax records	6 years
Trade Disputes	3 years
Wage/salary (overtime, bonuses, expenses)	3 years from the date any record is made
Working hours	3 years

13. Rights of Access, Correction, Erasure, and Restriction

13.1 Under certain circumstances, by law you have the following rights in relation to the personal data we hold on you:

- the right to be informed about the data we hold on you and what we do with it;
- the right of access to the data we hold on you. More information on this can be found in our separate policy on 'Subject Access Requests';
- the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as 'rectification';
- the right to have data deleted in certain circumstances. This is also known as 'erasure';
- the right to restrict the processing of the data;
- the right to transfer the data we hold on you to another party. This is also known as 'portability';
- the right to object to the inclusion of any information;
- the right to regulate any automated decision-making and profiling of personal data.

More information can be found on each of these rights in our separate policy on Subject Access Request, which can be found on the Association's intranet.

14. Your duty to inform us of changes

14.1 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.

14.2 If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact Human Resources in writing.

14.3 You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

14.4 Where applicable, we may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

15. Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Human Resources in writing. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

16. Changes to this Privacy Notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact the Association at gdpr@ekaya.co.uk or by telephone on 0207 091 1800 or write to 145 Stockwell Road, London SW9 9TN.

I, _____ (name of employee/worker/contractor),
acknowledge receipt of a copy of Ekaya Housing Association's privacy notice for employees, workers and contractors and can confirm that I have read and understood the contents of the same.

Signature: _____

Position: _____

Date: _____