## Data privacy notice

For:

Employees

Visitors

Professional used within Davack Limited

## **Overview**

DAVACK LIMITED is committed to data protection and data privacy. With the General Data Protection Regulation (GDPR) becoming enforceable from 25 May 2018, we have undertaken a GDPR readiness programme to review our entire business, the way we handle data and the way in which we use it to provide our services and manage business operations.

## We hold personal data on all our employees to meet legal obligations and to perform vital internal functions. This notice details the personal data we may retain, process and share with third parties relating to your employment and vital business operations. We are committed to ensuring that your information is secure, accurate and relevant. To prevent unauthorised access or disclosure, we have implemented suitable physical, electronic, and managerial procedures to safeguard and secure personal data we hold.

## **Introduction**

We have issued this notice to describe how we handle personal information that we hold about our staff and job applicants. For the purposes of this notice, the term "employee" includes those who work on a non-permanent basis, including temporary and contract workers, independent contractors, consultants, professional advisors, trainers, work experience/placement students and secondees We respect the privacy rights of individuals and are committed to handling personal information responsibly and in accordance with applicable law. This notice sets out the personal data that we collect and process about you, the purposes of the processing and the rights that you have in connection with it.

If you are in any doubt regarding this notice, please contact Sian Littlechild

## **Types of personal data we collect**

During your employment with us, or when making an application for employment, we may process personal data about you and your dependents, beneficiaries and other individuals whose personal data has been provided to us.

The types of personal information we may process include, but are not limited to:

* Identification data – such as your name, gender, photograph, date of birth, staff member IDs.
* Contact details – such as home and business address, telephone/email addresses, emergency contact details.
* Employment details – such as job title/position, office location, employment contract, performance and disciplinary records, grievance procedures, sickness/holiday records.
* Background information – such as academic/professional qualifications, education, CV, criminal records data (for vetting purposes, where permissible and in accordance with applicable law).
* Spouse & dependents information, marital status.
* Financial information – such as banking details, tax information, withholdings, salary, benefits, expenses, allowances, stock and equity grants.
* IT information – information required to provide access to our IT systems and networks such as IP addresses, log files and login information.
* References relating to previous roles and employment conduct may be undertaken prior to commencement of employment. We will only gather references from referees provided to us by the employee, or prospective employee.

Sensitive personal data (‘special categories of personal data’ under the General Data Protection Regulation) includes any information that reveals your racial or ethnic origin, religious, political or philosophical beliefs, genetic data, biometric data for the purposes of unique identification, trade union membership, or information about your health/sex life. Generally, we try not to collect or process any sensitive personal information about you, unless authorised by law or where necessary to comply with applicable laws. In some circumstances, we may need to collect some sensitive personal information for legitimate employment-related purposes: for example:

* data relating to your racial/ethnic origin, gender and disabilities for the purposes of:
  + equal opportunities monitoring;
  + to comply with anti-discrimination laws; and
  + for government reporting obligations;
* data relating to your physical or mental health to:
  + provide work-related accommodations,
  + health and insurance benefits to you and your dependents; or
  + to manage absences from work.

## **Purposes for processing personal data**

### **Recruitment**

If you are applying for a role with us then we collect and use this personal data for recruitment purposes – in particular, to determine your suitability for a specific role. This includes assessing your skills, qualifications and verifying your information, carrying out reference checks <https://www.gov.uk/employers-checks-job-applicants> and to generally manage the hiring process and communicate with you about it.

If you are accepted for a role with us, the data collected during the recruitment process will form part of your ongoing employee record.

For more information, please see:

**RECRUITMENT AND EMPLOYMENT**

All employees and potential employees of Davack Limited will be managed fairly and appropriately ensuring there is no unlawful discrimination on any grounds in terms of employment, recruitment and redundancy (in accordance with Davack Limited policy on Diversity and Equal Opportunities.)

Individuals will be selected for interview, appointed, and promoted on the basis of objective criteria, namely job requirements, competencies, performance and qualifications under the Employment Act 1984 (section 5).

The following criteria will be adhered to for all potential employees:

**Recruitment**

All potential employees will be required to complete an application form which will include their personal details, and information on their previous places of employment, qualifications, medical history and why they feel they are suitable for a post at Mount Pleasant.

All potential employees will be DBS and POVA checked before being given the post

Two references will be gained - one being a character reference, the other being a professional reference e.g. a previous employer

Three forms of identification will be taken from the potential employee - one of which will be photographic

Documentary evidence of all qualifications will be required

**Employment**

All employees will be given a period of 6 weeks to complete the induction process and this will include induction training. Please be aware that throughout the employment period employee’s will be subject to spot checks regarding the use of Alcohol and/or drugs whilst on duty at any time of day or night. This will be recorded in your record of conduct held confidentially in the office. If any member of staff is reported, witnessed, tested positive or exhibits behaviour associated to being under the influence of Alcohol or Drugs this will result in immediate dismissal with no notice being given without exception.

On completion of an inductor period a staff member maybe subject to an extension of an induction period/trial period due to the standard of care is not as required by the home and needs improving, the completion of satisfactory references, a third reference will be obtained if this is the case. This will be reviewed after a 3 monthly time scale which is completed with satisfaction a contract of employment will be issued which the employee must read and sign to affirm their agreement and compliance. They will then retain a copy.

This contract will specify:

Holiday entitlement

Enhancements for bank holidays

Working hours

Shift pattern

Rates of pay

Disciplinary procedure

The training that will be given

Attendance at all staff meetings

Code of conduct relating to their employment

All employees will be graded according to the qualification attained as follows:

Trainee care assistant

Grade 2 NVQ

Grade 3 NVQ

Grade 4 NVQ

Grade 5 Dipolma

**Redundancy**

Davack Limited will give notice of any redundancy in writing giving appropriate notice of intent.

Davack Limited policy on redundancy will be:

To give in writing one months’ notice of the forthcoming redundancy and allow the employee to respond to that notice

To call a meeting with employees to discuss redundancy and allow employees to express any concerns

To award the employee one month’s pay for every year that they have been employed by Davack Limited.

To withdraw letters or recommendations of redundancy if circumstances within the business change.

Not to carry any continuing employment forward from previous owners for any claim of redundancy pay, redundancy pay will by only paid from contract of employment date which is 30th November 2007

**Persons centred software**

All staff will be inducted in the use of the Person Centred software system used in the home, this is the use of IPod recording everyday activities, personal care and all aspects of a resident’s daily routine. All staff will be obliged under the Confidentiality Act and homes policy that no IPod will be removed from the home, no information held on the iPod will be divulged at any time outside of work times and place this is a breach of the confidentiality act and policy which will be deemed as gross misconduct which will result in immediate dismissal from the home. If any iPod is removed from the home or damaged, then the staff member who had control and was logged in on that system will be responsible for the cost of the replacement. No access or use of the internet or any other social media will be able on the iPod system. If the system has been tampered with in any way by a member of staff, this will be dealt with in a serious manner, potential prosecution if found to be with intent.

### **Employment**

We collect and process personal data relating to our employees to meet our obligations under the employment contract and to comply with our legal obligations. We take the security of your data seriously and are committed to being transparent about how we collect and use that data and to meeting our data protection obligations.

Once you become an employee, we collect and use this personal information for managing our employment or working relationship with you – for example, your employment records and contract information (so we can manage our employment relationship with you), your bank account and salary details (so we can pay you), your equity grants (for benefits plan administration) and details of your spouse and dependents (for emergency contact and benefits purposes).

Where we process special categories of personal date, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Datta that we use for these purposes is anonymised or is only collected with the express consent of employees, which can be withdrawn at any time.

.<https://iapp.org/news/a/looking-to-comply-with-gdpr-heres-a-primer-on-anonymization-and-pseudonymization/>

We have policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed without authorisation and only accessed or used for specific legal purposes.

You have some obligations under your employment contract to provide the organisation with data. You may also have to provide the organisation with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide this data may mean that you are unable to exercise your statutory rights.

### **Legitimate business purposes**

We may also collect and use personal information when it is necessary for other legitimate purposes, such as to help us conduct our business more effectively and efficiently – for example, for general IT security management, accounting purposes or financial planning. We may also process your personal information to investigate violations of law or breaches of our own internal policies.

### **Legal purposes**

We may also use your personal data where we consider it necessary for complying with laws and regulations, including collecting and disclosing employee personal information as required by law (e.g. for tax, health and safety, anti-discrimination laws), under judicial authorisation, or to exercise or defend our legal rights.

## **Legal basis for processing personal data**

Our legal basis for collecting and using the personal data described above will depend on the personal data concerned and the way we collect it. We will normally collect personal data from you only where we need it to perform a contract with you (i.e. to manage the employer/employee relationship), where we have your freely given consent to do so, or where the processing is in our legitimate interests and only where this interest is not overridden by your own interests or fundamental rights and freedoms. In some cases, we may also have a legal obligation to collect personal information from you or may otherwise need the personal information to protect your vital interests or those of another person.

Any processing based on consent will be made clear to you at the time of collection or use – consent can be withdrawn at any time by contacting Sian Littlechild

## **Who we share your personal data with**

We take care to allow access to personal data only to those who require such access to perform their tasks and duties, and to third parties who have a legitimate purpose for accessing it. Whenever we permit a third party to access personal information, we will implement appropriate measures to ensure the data is used in a manner consistent with this notice and that the security and confidentiality of the data is maintained.

### **Transfers to third-party service providers**

In addition, we make certain personal data available to third parties who provide services to us. We do so on a "need to know basis" and in accordance with applicable data protection and data privacy laws.

Care check for DBS

Person Centre software for care plan

Buckland surgery for medical

Boots for training

### **Transfers to other third parties**

We may also disclose personal data to third parties on other lawful grounds, including:

* To comply with our legal obligations, including where necessary to abide by law, regulation or contract, or to respond to a court order, administrative or judicial process
* In response to lawful requests by public authorities (including for national security or law enforcement purposes)
* As necessary to establish, exercise or defend against potential, threatened or actual litigation
* Where necessary to protect the vital interests of our employees or another person
* In connection with the sale, assignment or other transfer of all or part of our business; or
* With your freely given and explicit consent

## **Transfer of personal data abroad**

We may need to transfer personal data to countries outside of the United Kingdom. When we export your personal data to a different country, we will take steps to ensure that such data exports comply with applicable laws. For example, if we transfer personal data outside the European Economic Area (EEA), such as to the United States, we will implement an appropriate data export solution such as entering into contracts with the data importer that contain or taking other measures to provide an adequate level of data protection.

## **Data retention**

Personal data will be stored in accordance with applicable laws and kept for as long as needed to carry out the purposes described in this notice or as otherwise required by law. Generally, this means your personal information will be retained until the end or your employment, employment application, or work relationship with us plus a reasonable period of time thereafter to respond to employment or work-related inquiries or to deal with any legal matters (e.g. judicial or disciplinary actions), document the proper termination of your employment or work relationship (e.g. to tax authorities), or to provide you with ongoing pensions or other benefits.

## **Your rights**

You may exercise the rights available to you under data protection law as follows:

* The right to be informed.
* The right of access.
* The right to rectification.
* The right to erasure.
* The right to restrict processing.
* The right to data portability.
* The right to object.
* Rights in relation to automated decision making and profiling.

We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws. You can read more about these rights at:

<https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

To exercise any of these rights, please contact Sian Littlechild

## **Issues and complaints**

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring it to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.

This notice was drafted with clarity in mind. It does not provide exhaustive detail of all aspects of our collection and use of personal information. However, we are happy to provide any additional information or explanation needed.

If you want to make a complaint about the way we have processed your personal information, you can contact the Information Commissioner’s Office in their capacity as the statutory body which oversees data protection law – [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns).

## **Updates to this notice**

This notice may be updated periodically to reflect any necessary changes in our privacy practices. In such cases, we will inform you by writing and posting the information We encourage you to check this notice periodically to be aware of the most recent version.

## **Contact details**

Please address any questions or requests relating to this notice to Sian Littlechild

**Annex A – Third-party processors**

### **Key third-party processors**

The following are our key third-party processors who will, during your employment, process your personal data.

**Citation**

**We outsource our HR system to Citation who hold records on all our employees, which may include:**

**. name and address**

**. email address**

**. salary and condition of employment**

**. performance**

**. Disciplinary and grievance notes**

**. qualifications and training records**

**We outsource our Health and Safety management to Citation who may hold records on the following:**

**Incidents**

**Risk assessments relating to employees**

**Training records**