



# Staff Handbook

Schedule 24 - Fair Processing Notice

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## Document History

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## Schedule 24

### Fair Processing Notice (Data Processing)

#### 1. About this document

- 1.1 Aire Logic needs to collect and process staff personal data in order to function effectively as an organisation. Personal data is processed for a variety of reasons (as set out below) and all such personal data will be collected and processed in accordance with the requirements of the General Data Protection Regulation (**GDPR**) and the Data Protection Act 2018.
- 1.2 This notice explains how the Aire Logic collects, uses and shares personal data relating to prospective, current and former employees, workers, self-employed contractors and consultants, and voluntary workers, (you/your) and your rights in relation to the processing of your personal data.
- 1.3 In this notice, **personal data** means data which can identify you directly or indirectly (whether itself or when combined with other data), regardless of the format or media on which the data is stored. This includes data that can identify you when combined with other data that is held separately (pseudonymous data) but does not include data that has been manipulated so that you can no longer be identified from it. **Processing** means any activity relating to your personal data including collection, use, alteration, storage, disclosure, and destruction.
- 1.4 Aire Logic is a “controller” in relation to your personal data and is registered as such with the Information Commissioner’s Office (ICO) (registration number ZA326224)
- 1.5 This notice does not form part of any employee’s contract of employment and we may amend it at any time.

#### 2. Changes to this notice

Aire Logic may update this notice at any time and may provide you with further notices on specific occasions where we collect and process personal data about you. You should check this notice regularly to take notice of any changes, however where any change affects your rights and interests, we will make sure we bring this to your attention and clearly explain what this means for you.

#### 3. How we collect your Personal Data

- 3.1 Most of the data set out in this notice will have been provided by or observed about you in the course of the application and recruitment process, or during the course of your working relationship with Aire Logic.
- 3.2 Aire Logic may sometimes collect personal data about you from third parties including:
- (a) Your CV from any recruitment agencies that were authorised by you to approach Aire Logic regarding a position.
  - (b) References from former employers, colleagues or other relevant parties.
  - (c) Information collected as a result of formal background checks, e.g. DBS checks.
  - (d) Other relevant information in the public domain.

#### 4. **Types of Personal Data Processed**

Depending on your role, this notice sets out the types of personal data that Aire Logic may collect and process about you, including “special categories of personal data” which are particularly sensitive and require us to take additional steps to ensure their security and confidentiality.

#### 5. **Personal Data provided by you about others**

You may provide us with personal data about other individuals, for example, next of kin/emergency contact details and information about your family circumstances and dependents. You should notify the relevant person that you are providing their contact details to Aire Logic as your listed next of kin/emergency contact.

#### 6. **How Aire Logic uses Personal Data about you**

Depending on your role, Aire Logic may process personal data (including special categories of personal data) about you for the following purposes:

- (a). the administration of prospective, current and past employees including self-employed, contract personnel, temporary staff or voluntary workers
- (b). the recruitment and selection process
- (c). administration of non-Aire Logic staff contracted to provide services on behalf of Aire Logic
- (d). the administration of payroll services
- (e). planning and management of Aire Logic's workload or business activity
- (f). occupational health service
- (g). administration of agents or other intermediaries
- (h). pensions administration
- (i). disciplinary matters, staff disputes, employment tribunals
- (j). staff training and development
- (k). ensuring staff are appropriately supported in their roles
- (l). vetting checks
- (m). Assessing Aire Logic's performance against equality objectives as set out by the Equality Act 2010

#### 7. **Lawful grounds for processing your personal data**

We will only use your personal data when we are permitted to do so by law. Most commonly, we will use your personal data:

- (a). **to perform a contract** Aire Logic has entered into with you or take steps before entering into a contract with you at your request (for example, your employment contract or contract for services)
- (b). **to comply with Aire Logic's legal obligations** (for example, complying with employment and tax, immigration, health and safety and safeguarding laws, preventing and detecting crime, assisting the police and other authorities with their investigations)
- (c). **where necessary for our legitimate interests** or those of a third party provided your interests and rights do not override those interests (for example, evaluating the suitability of a candidate for a role or defending employment claims brought by you)

- (d). **to protect your vital interests** or those of another person (for example, where we know or have reason to believe that you or another person may suffer harm)

- 7.1 In circumstances where you have a genuine choice as to whether we should process your personal data, we will ask you for your **consent**. The method used to obtain your consent will depend on the scope and context of the processing that we propose.
- 7.2 In relation to special categories of personal data and personal data relating to criminal convictions and offences, we may request your **explicit consent** unless a condition applies which allows us to process such personal data without doing so.

## 8. **Sharing your data with third parties**

Where Aire Logic has lawful grounds for doing so, they may share your personal data with the following third parties:

- (a). UK Visa and Immigration
- (b). HM Revenue and Customs
- (c). Where staff are also employed by, contracted to, or perform duties for the NHS relevant information will be shared with the NHS as required.
- (d). Pension Scheme - NEST
- (e). Trade Unions
- (f). Potential Employers (where a reference is requested)
- (g). Department of Work and Pensions (DWP) as required by the Social Security Administration Act 1992
- (h). Child Maintenance Service as required by the Child Support Information Regulations 2008.

- 8.1 Where Aire Logic uses third parties to process personal data on its behalf (acting as data processors), a written contract will be put in place to ensure that any personal data shared will be held in accordance with the requirements of data protection law and that such data processors have appropriate security measures in place in relation to your personal data.
- 8.2 Parents, family members and guardians are considered to be third parties and your personal data will not be disclosed to such persons unless you have given your consent or the disclosure is otherwise made in accordance with data protection law.
- 8.3 Please note that we may need to share your personal information with a regulator or to otherwise comply with the law, and the list above is not necessarily exhaustive.

## 9. **Where your personal data are stored**

Most personal data about you, including your personnel file, will be stored on servers within the UK or elsewhere within the European Economic Area (EEA). However, some personal data that Aire Logic processes about you may be accessed from, transferred to, or stored in, a country or territory outside of the EEA. Aire Logic will only transfer your personal data outside of the EEA:

- (a). to a country or territory that has been determined by the European Commission as providing an adequate level of protection for your personal data.
- (b). in the case of a third party based in the United States of America, where such third party has self-certified under the [EU-US Privacy Shield Framework](#).
- (c). where the transfer is subject to one or more appropriate safeguards prescribed by law, including the standard contractual clauses approved by the European Commission.

- (d). if the transfer is otherwise permitted by law or where you have given your explicit consent.

## **10. How Aire Logic keeps your personal data secure**

- 10.1 Aire Logic has put in place appropriate technical and organisational security measures to prevent your personal data from being accidentally lost, used or accessed in any unauthorised way or altered or disclosed. In addition, Aire Logic limits access to your personal data to the persons and organisations, including those described above, who have a lawful and legitimate need to access it.
- 10.2 Aire Logic has also put in place procedures to deal with any suspected personal data security breach and will notify you and any regulator of a suspected breach where legally required to do so.

## **11. How long will Aire Logic retain your personal data**

- 11.1 Aire Logic must only to retain your personal data for as long as necessary to fulfil the purposes for which it was collected and to satisfy any legal, regulatory, accounting or reporting requirements.
- 11.2 Specified retention periods are applied to each category of personal data that we may process about you. In setting these retention periods, Aire Logic has taken into account:
  - (a). the nature, sensitivity and volume of the personal data
  - (b). the potential risk of harm to you arising from Aire Logic's continued retention of the personal data
  - (c). the purposes for which Aire Logic may process your personal data
  - (d). whether Aire Logic is required to retain any personal data by law or in accordance with its legitimate interests.
- 11.3 Generally speaking, all relevant correspondence in relation to your employment or engagement will be held by Human Resources and retained for six years after you have left Aire Logic or your engagement has ceased, after which time it will be securely disposed of. Basic information about your employment or engagement (appointment, dates of service etc) will be retained indefinitely.
- 11.4 In some cases, Aire Logic may anonymise your personal data so that it can no longer be identified with you, in which case Aire Logic may retain such data indefinitely.
- 11.5 If notice of a claim or Pre-Action or Early Conciliation correspondence is received, then we may retain and process relevant personal data to defend the claim for the duration of the proceedings. Whilst we may dispose of any personal data after the conclusion of the claim, please be aware that all litigation documents disclosed or evidence given may be a matter of public record.

## **12. Contact List**

- 12.1 Employees' (and sometimes independent consultants and contractors') contact details will be publicly available via the Intranet. This will include name, job title, email address and telephone number. This information is classified as 'public' by Aire Logic. Some further information, such as photos may also be made available on the intranet, G-SUITE and Slack.
- 12.2 The information is made available on the basis of Aire Logic's legitimate interest in ensuring colleagues, associates, clients and where applicable members of the public can contact our staff.

12.3 Where there is a good reason, Colleagues and Associates may apply to Aire Logic's Data Protection Officer to have their contact details removed from public view. This may be a temporary or permanent change depending on the circumstances.

12.4 Aire Logic will not release a blanket list of email addresses into the public domain to prevent a rise in spam emails received by Colleagues and Associates.

### 13. **Email**

13.1 Email for staff is provided by a third party. This requires Aire Logic to disclose some personal data (name and email address) to this third party, who will also have access to the contents of email and calendar accounts.

13.2 Staff using the service are also subject to the third party's terms of use and privacy policy and are notified of these terms when issued with their account.

13.3 Staff email addresses are issued and used for communicating about Aire Logic business. You may give further consent for your email address to be used for other purposes during your time here, e.g. joining a specific mailing list.

### 14 **Your responsibilities**

14.1 You must ensure that any personal data collected and processed by you in the course of performing your duties and obligations is held in accordance with the Aire Logic's Data Protection Policy. Any research involving the use of personal data should only be conducted following an ethical review. You are also subject to the Aire Logic's Information Security Policy.

14.2 It is important that Aire Logic has an accurate record of staff contact details in the event of the need to make contact with a member of staff in emergency circumstances. Members of staff are able to notify Aire Logic of any changes to their contact details.

### 15 **Your Rights**

15.1 You have a number of rights in relation to the processing of your personal data by Aire Logic:

- (a). **Access:** You have the right to request access to and be provided with a copy of the personal data held about you together with certain information about the processing of such personal data to check that Aire Logic is processing it lawfully and fairly.
- (b). **Correction:** You have the right to request correction of any inaccurate or incomplete personal data held about you.
- (c). **Deletion:** You have the right to request erasure of any personal data held about you where there is no good reason for Aire Logic to continue processing it or where you have exercised your right to object to the processing of your personal data.
- (d). **Restriction:** You have the right to request restriction of how Aire Logic processes your personal data; for example, to confirm its accuracy or Aire Logic's reasons for holding it or as an alternative to its erasure.
- (e). **Objection:** You have the right to object to Aire Logic's processing of any personal data which is based on the legitimate interests of Aire Logic or those of a third party based on your particular circumstances. You also have the right to object to Aire Logic processing your personal data for direct marketing purposes.
- (f). **Portability:** You have the right to receive or request that Aire Logic transfers a copy of your personal data in an electronic format where the basis of Aire Logic's processing such personal data is your consent or the performance of a contract, and the information is processed by automated means.

(g). **Complaints:** You have the right to complain to the Information Commissioner's Office (ICO) or any other EU supervisory authority in relation to how the Aire Logic processes your personal data.

- 15.2 To exercise any of these rights you must contact Aire Logic's Data Protection Officer. Aire Logic may be entitled to refuse any request in certain circumstances and where this is the case, you will be notified accordingly.
- 15.3 Where the lawful ground relied upon by Aire Logic to process any of your personal data is your consent, you have the right to withdraw such consent at any time without having to give any reason. However, if you do so, Aire Logic may not be able to provide some or all of its services to you or the provision of those services may be affected.
- 15.4 You will not have to pay any fee to exercise any of the above rights, though Aire Logic may charge a reasonable fee or refuse to comply with your request if any request is clearly unfounded or excessive. Where this is the case, you will be notified accordingly.
- 15.5 To protect the confidentiality of your personal data Aire Logic may ask you to verify your identity before fulfilling any request in relation to your personal data.