

# Red Balloon Educational Trust

## Employee Privacy Notice

Red Balloon Educational Trust is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with Data Protection Legislation. This notice applies to current and former employees, workers, and contractors. This notice does not form part of any contract of employment or other contract to provide services.

It is important that you read 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.

Data Protection Legislation means the Data Protection Act 2018 (DPA2018), United Kingdom General Data Protection Regulation (UK GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the aforementioned legislation.

### What information we hold about you

Personal data means any information about a living individual (employee) from which that person can be identified. It does not include data where any features which could identify individuals have been removed (anonymous data).

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

- Records of previous employment
- Financial information such as bank details, tax code records, pension schemes
- Records of educational or professional qualifications
- Records created during your employment such as absence records, disciplinary records, appraisals

We may also collect, store and use the following “special categories” of more sensitive personal information which require a higher level of protection. They 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
- Information about criminal convictions and offences

## **How we collect your information**

We collect personal information about employees:

- 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 and background check providers.

We will collect additional personal information during job-related activities throughout the duration of your employment.

## **How we use your information**

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

1. to perform the contract we have entered into with you
2. to comply with a legal obligation
3. for our legitimate interests (or those of a third party)
4. 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

5. operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace
6. operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes
7. 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
8. 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
9. 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
10. ensure effective general HR and business administration
11. provide references on request for current or former employees
12. respond to and defend against legal claims
13. maintain and promote equality in the workplace
14. to prevent confirm any fraudulent, criminal, or otherwise illegal or undesirable conduct by anyone in our organisation we monitor the communication tools within our company.

## **Failing to provide your 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. We may also be prevented from complying with our legal obligations (such as to ensure employees have the right to work in the UK).

## **How we use sensitive information**

### **Justification**

We need to have further justification for collecting, storing and using special categories of data. We may process this kind of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent
- Where we need to carry out our legal obligations

- Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with our data protection policy
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards

### **Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

- We will use your information relating to leaves of absence which may include sickness absence or family related leaves, to comply with employment and other laws
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits

### **Do we need your consent?**

We do not need your consent if we use 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.

### **Information relating to criminal convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

### **Automated decision-making**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration

2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not currently conduct any automated decision making as part of your employment.

## **Third Parties**

We may have to share your data with third parties, including third-party service providers and other entities in the group.

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

### **Why might my personal information be shared with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

### **How secure is my information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies.

We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **Transferring information outside the UK**

We transfer the personal information we collect about you to the following countries outside of the UK, in order to perform our contract with you. Where there is not an adequacy decision in place by the Information Commissioner's Office

(ICO), we ensure the relevant safeguards are in place to protect the personal data transferred.

## **Data security**

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to our personal information to those employees who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have procedures to deal with any suspected data security breaches and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **Data retention**

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.

Details of retention periods for different aspects of your personal information are available in our retention policy which is available from the RBET GDPR Central Hub page here: [RBET GDPR and Data Policies](#)

To determine the appropriate retention period for personal data we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

## **Your Rights**

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 employment with us.

Under certain circumstances, by law you have the right to:

**Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

**Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing.

**Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

**Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you.

**Request the transfer** of your personal information to another party.

In the limited circumstances where we are processing your data on the basis of consent you have provided us, and we have no other legal justification or obligation to continue the processing, you have the right to withdraw your consent for that specific processing at any time.

## **Complaints & Queries**

If you have any questions about this privacy notice or how we handle your personal information, please contact the Centre GDPR Lead or the Red Balloon Educational Trust Data Protection Officer by email via [dpo@rbet.ac](mailto:dpo@rbet.ac)

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection. You can find the ICO's contact details at <https://ico.org.uk/global/contact-us/>

## **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.

This notice was last updated on: November 2023