

Privacy Notice

What is the purpose of this document?

At Lavender Group Homes, we are committed to protecting and respecting your privacy.

This privacy notice describes how we collect and use personal data about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all employees, workers and contractors.

To support the impending changes to data protection laws, introduced by GDPR, we have updated our Privacy Policy.

Lavender Group Homes is a "data controller". This means that we are responsible for deciding how we hold and use personal data about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

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. 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.

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 data 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.

Who are we?

Dawn Aplin T/A Lavender Group Homes is a group of residential homes for children and young adults with learning disabilities and learning difficulties. The registered address is Offices 7/9 Lavender Group Homes 10 The Headlands Kettering Northants NN15 7HP.

The data protection principles

We will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

What types of data do we process?

We hold many types of data about you, including:

- Your personal details including your name, address, date of birth, email address, phone numbers
- Your photograph
- Gender
- Marital status
- Dependants, next of kin and their contact numbers
- Medical or health information including whether or not you have a disability
- Information included on your CV including references, education history and employment history
- Documentation relating to your right to work in the UK
- Driving licence
- Bank details
- Tax codes
- National Insurance number
- Current and previous job titles, job descriptions, pay grades, pension entitlement, hours of work and other terms and conditions relating to your employment with us
- Letters of concern, formal warnings and other documentation with regard to any disciplinary proceedings
- Internal performance information including measurements against targets, formal warnings and related documentation with regard to capability procedures, appraisal forms
- Leave records including annual leave, family leave, sickness absence etc.
- Details of your criminal record
- Training details

How do we collect your data?

We collect data about you in a variety of ways and this will usually start when we undertake a recruitment exercise where we will collect the data from you directly. This includes the information you would normally include in a CV or a recruitment cover letter, or notes made during a recruitment interview. Further information will be collected directly from you when you complete forms at the start of your employment, for example, your bank and next of kin details. Other details may be collected directly from you in the form of official documentation such as your driving licence, passport or other right to work evidence.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references or credit reference agencies.

Personal data is kept in personnel files or within the Company's network.

Why we process your personal data?

The law on data protection allows us to process your data for certain reasons only:

- In order to perform the employment contract that we are party to
- In order to carry out legally required duties
- In order for us to carry out our legitimate interests
- To protect your interests and,
- Where something is done in the public interest.

All of the processing carried out by us falls into one of the permitted reasons.

Generally, we will rely on the first three reasons set out above to process your data. For example, we need to collect your personal data in order to:

- Carry out the employment contract that we have entered into with you and
- Ensure you are paid.

We also need to collect your data to ensure we are complying with legal requirements such as:

- Ensuring tax and National Insurance is paid
- Carrying out checks in relation to your right to work in the UK and
- Making reasonable adjustments for disabled employees
- Biometric data to comply with Ofsted and/or CQC regulations

We also collect data so that we can carry out activities which are in the legitimate interests of the Company. We have set these out below:

- Making decisions about who to offer initial employment to, and subsequent internal appointments, promotions etc.
- Making decisions about salary and other benefits
- Providing contractual benefits to you
- Maintaining comprehensive up to date personnel records about you to ensure, amongst other things, effective correspondence can be achieved and appropriate contact points in the event of an emergency are maintained
- Effectively monitoring both your conduct and your performance and to undertake procedures with regard to both of these if the need arises
- Offering a method of recourse for you against decisions made about you via a grievance procedure
- Assessing training needs
- Implementing an effective sickness absence management system including monitoring the amount of leave and subsequent actions to be taken including the making of reasonable adjustments
- Gaining expert medical opinion when making decisions about your fitness for work
- Managing statutory leave and pay systems such as maternity leave and pay etc.
- Business planning and restructuring exercises
- Dealing with legal claims made against us
- Preventing fraud
- Ensuring our administrative and IT systems are secure and robust against unauthorised access

Special categories of data

Special categories of data are data relating to your:

- Health

- Sex life
- Sexual orientation
- Race
- Ethnic origin
- Political opinion
- Religion
- Trade union membership
- Genetic and biometric data.

We must process special categories of data in accordance with more stringent guidelines. 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.

We will use your special category data:

- In our sickness absence management procedures
- To determine reasonable adjustments

We do not need your consent if we use special categories of personal data in order to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain particularly sensitive data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

We review our retention periods for personal information on a regular basis. We are legally required to hold some types of information to fulfil our statutory obligations for example, National Minimum Wage records, working time records, employee personal records etc. We will hold your personal information on our systems for as long as is necessary for the relevant activity, or as long as is set out in any relevant contract you hold with us.

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, may also be collected during your employment. We collect this data because of our legal obligation under Schedule 2 of The Children's Homes (England) Regulations 2015 and our legal obligation under Schedule 3 of The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010.

If you do not provide your data to us

One of the reasons for processing your data is to allow us to carry out our duties in line with your contract of employment. If you do not provide us with the data needed to do this, we will be unable to perform those duties e.g. ensuring you are paid correctly. We may also be prevented from



confirming, or continuing with, your employment with us in relation to our legal obligations if you do not provide us with this information e.g. confirming your right to work in the UK or, where appropriate, confirming your legal status for carrying out your work via a criminal records check.

Sharing your data

Your data will be shared with colleagues within the company where it is necessary for them to undertake their duties. This includes, for example, your line manager for their management of you, the HR department for maintaining personnel records etc.

We will not sell or rent your information to third parties.

We will not share your information with third parties for marketing purposes.

Third party service providers working on our behalf: we may pass your information to our third party services for the purpose of completing tasks on our behalf, for example PHM Accountants to process payroll, Alan Bros at ILPG (Broker) Peoples Pension to process our pensions etc. However, when we use third party service providers, we disclose only the personal information that is necessary to deliver the service and we have a contract in place that requires them to keep your information secure and not to use it for their own direct marketing purposes.

Under our legal obligations, we may have to share documents containing your personal data with Ofsted and/or CQC upon their requests, i.e. during inspection visits.

We may also share your data with third parties as part of a Company sale or restructure, or for other reasons to comply with a legal obligation upon us.

We do not share your data with bodies outside of the European Economic Area.

How you can access and update your information

The accuracy of your information is important to us. We're working on ways to make it easier for you to review and correct the information that we hold about you. In the meantime, if you change your email address, or any of the other information we hold is inaccurate or out of date, please email us at: hr@lavendergrouphomes.com

Automated decision making

No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

Security precautions in place to protect the loss, misuse or alteration of your information

Non-sensitive details (your email address etc.) are transmitted normally over the Internet, and this can never be guaranteed to be 100% secure. As a result, while we strive to protect your personal information, we cannot guarantee the security of any information you transmit to us, and you do so at your own risk. Once we receive your information, we make our best effort to ensure its security on our systems. Where we have given (or where you have chosen) a password which enables you to access certain parts of our websites, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

Your rights in relation to your data

The law on data protection gives you certain rights in relation to the data we hold on you. These are:

- The right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice
- The right of access. You have the right to access the data that we hold on you. To do so, you should make a subject access request. You can read more about this in our Subject Access Request policy which is available from the employee handbook.
- The right for any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it
- The right to have information deleted. If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it
- The right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct
- The right to portability. You may transfer the data that we hold on you for your own purposes
- The right to object to the inclusion of any information. You have the right to object to the way we use your data where we are using it for our legitimate interests
- The right to regulate any automated decision-making and profiling of personal data. You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact Georgia, HR Officer, via email – hr@lavendergrouphomes.com

16 or Under

We are concerned to protect the privacy of children aged 16 or under. If you are aged 16 or under, please get your parent/guardian's permission beforehand whenever you provide us with personal information.

Making a complaint

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO.