

# Staff Privacy Notice

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## DEFINITIONS

For the purposes of this document:

- The term 'Company' means HQ Theatres & Hospitality (HQT&H) (part of Trafalgar Entertainment) and any associated company.
- Staff Member means all job applicants, employees, workers, volunteers, contractors, agency staff or other individuals who are employed or otherwise engaged by the Company to undertake work for the Company, whether paid or unpaid.
- Personal Data means any information relating to an identifiable person as defined in the General Data Protection Regulation (GDPR).

## STAFF PRIVACY – OVERVIEW

It is necessary for the Company to keep and process certain information about you as a Staff Member. The Company retains information about you which it uses to enable it to run the business, to allow it to fulfil its contractual obligations and to manage its relationship with you effectively, lawfully and appropriately.

Your personal data may need to be collected, stored and processed:

- during the recruitment process;
- while you are engaged to work for the Company as a staff member;
- when your engagement as a staff member with the Company ends; and
- after you have left the Company.

Without the ability to store and process this information the Company may find itself unable to comply with its obligations to you in respect of your engagement or unable to pursue its legitimate interests as a Company.

The Company is committed to respecting the privacy of all Staff Members and this Privacy Notice sets out the manner in which the Company will collect, use, store, protect and disclose your personal data and clarifies certain rights you have in relation to information the Company holds about you.

This document refers to, and should be read in conjunction with, the Company's Data Protection Policy and ICT Policy, copies of which can be found on the Intranet.

### 1. Information the Company may collect, retain and process about you

There is a range of personal data that the Company, in common with all employers, needs to collect and process about Staff Members.

The types of personal data the Company collects from you in relation to your engagement as a staff member include, but are not limited to:

- **your name, address, phone number and email address and contact details for your emergency contact (which may include or make clear details of your relationship with them, your marital status and your sexual orientation);**
- your gender;
- your date of birth;
- your bank account details;

- your payroll, tax and national insurance details;
- **your marital status;**
- **information related to your gender and ethnic group;**
- details of your qualifications, education records, training records and achievements;
- **health and medical information;**
- details of terms of employment (including start date, salary, pension schemes and other benefits);
- information about your performance including meetings (whether internally or with customers), appraisals, pay rises, promotions and complaints (whether made by you or about you);
- **absence records including holiday records, self-certification forms and medical certificates;**
- **details of leave for family or personal reasons (e.g. maternity, paternity, shared parental or adoption leave);**
- details of any disciplinary investigations and proceedings, whether or not any disciplinary action was taken;
- details of any grievance investigations or complaints raised by you, or by a third party about you, whether or not any action was taken;
- communications with and information held by those responsible for managing you and others working with you: for example, timekeeping, ability, teamwork, attitude, work allocation, and attendance at work-related social events;
- CCTV footage; and
- details concerning the end of your employment or work relationship with the Company when you leave its employment, for whatever reason.

The information shown in bold is or could include special categories of personal information. Under data protection laws, special categories of personal information (previously known as sensitive personal data) include information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information for uniquely identifying a person, and information concerning a person's health, sex life or sexual orientation. Information concerning criminal convictions is placed in a similar category. This information is particularly sensitive and the Company will therefore only process this information where absolutely necessary: the Company will ensure it is only seen by those who have to see it; and will keep it secure.

The Company may also monitor computer and telephone use in line with its ICT Policy and CCTV footage in line with its CCTV policy. Copies of both policies can be found on the Company Intranet or are available on request.

Most of the personal data the Company holds will have been provided directly by you, but in some cases it may have come from other internal sources (such as your manager) or from an external source such as a previous employer, your referees or a medical practitioner. Inevitably, you will also be referred to in different Company documents, such as records that are produced by you and your colleagues in the course of carrying out your duties.

The Company may also receive personal data about you from other third parties, for example, prospective employers, rental agents, medical professionals, and regulatory bodies. The Company may also be required to provide personal data about you to a third party, for example, to confirm details of your salary if you are making a mortgage application.

We may share your personal data with third parties, including other group companies and our service providers (including contractors), where it is necessary for our legitimate business purposes or to comply with our legal obligations. We will ensure that third parties respect the security of your personal data and handle it in accordance with the law.

The Company does not currently outsource the processing of your personal data to third parties. If this becomes necessary in the future the Company will inform you in advance and the Company will require those third parties to protect your personal information with appropriate security measures in line with its Data Protection Policy.

Where necessary, the Company may store and process information relating to your health, which could include reasons for absence, GP reports and notes or medical conditions. This information will be used by the Company in order to comply with its health and safety and occupational health obligations, for example, to consider whether any adjustments to your job might be appropriate to protect your health, safety and the well-being and/or that of other individuals. The Company will also need this data to administer and manage statutory sick pay.

## **2. Using and processing your personal data**

The Company may process your personal information for one or more of the following reasons:

- to pursue its legitimate business interests;
- for general administrative purposes in relation to your engagement;
- where the process is necessary for compliance with a legal obligation or for reasons of substantial public interest;
- to process your application for a job vacancy, including checking your identity and your right to work;
- to process your expression of interest in volunteering;
- where applicable to the job role, to make a Disclosure and Barring Service (DBS) check;
- to comply with statutory and regulatory obligations and necessary steps in connection with your employment;
- to pay you for the work you undertake during the course of your engagement with the Company;
- to contact you in connection with your engagement with the Company;
- as far as is reasonable, to accommodate your access, medical and/or dietary needs;
- to protect your vital interests, or someone else's vital interests;
- to prevent fraud or to report crimes which may have taken place;
- for equality of opportunity monitoring purposes; and
- for other reasons connected to your contract of employment or engagement with the Company.

The Company may transfer information about you to other group companies for purposes connected with your engagement or purposes connected with the management of the Company's business.

When it is necessary for the Company to process your personal information, the Company:

- will never process your data where the interests outlined above are overridden by your own interests;
- will not collect more personal data than is required to fulfil our stated purposes;
- does not perform automated decision making on individuals; and the Company;

- will retain your personal data for the duration of its relationship with you and for a maximum period of 6 years thereafter (unless a longer period is required or permitted by law).

The Company does not sell, trade, or rent identifiable personal information to third parties. Nor does it transfer data outside the EEA.

[We have installed CCTV cameras in many of our premises. These are primarily used for crime prevention and detection and safety purposes. If you are working in one of our premises which is protected by CCTV cameras, please note that we may also use CCTV images in some circumstances to monitor the performance of Staff Members where we reasonably suspect that performance does not meet expectations, or to deal with disputes which arise in the course of disciplinary or grievance procedures. The Company has a CCTV policy and will handle CCTV images in accordance with this policy.]

### 3. Lawful basis for processing

The Company must have a lawful basis for processing your personal data. The lawful basis will depend on the data being processed and the reasons why the processing is taking place.

The six lawful bases for processing personal data are briefly set out below:

- **Consent:** where you have given clear consent for the processing to take place for a specific purpose.
- **Contractual:** where the processing is necessary in order to fulfill a contract.
- **Legal obligation:** where the processing is necessary for the Company to comply with the law.
- **Vital interests:** where the processing is necessary to protect someone's life.
- **Public task:** where the processing is necessary for the Company to perform a task in the public interest or for an official function, and where that task or function has a clear basis in law.
- **Legitimate interests:** the processing is necessary for the Company's legitimate interests or the legitimate interests of a third party (unless there is a good reason to protect the individual's personal data which overrides those legitimate interests).

In the vast majority of cases where the Company is processing your personal data in connection with your engagement, the legal basis under which the processing is taking place will be **contractual**. Where no contract exists the legal basis for processing personal data will be in the **legitimate interests** of the Company, including:

- ensuring the Company recruit/appoint the best person;
- ensuring the financial stability of the Company;
- ensuring the Company supports all staff, clients and customers; and
- ensuring that Company rules are followed.

We also process personal data where we are legally obliged to do so, for instance to comply with our obligations under employment and health and safety law.

For "special categories" of personal information (as described above), or information which relates to criminal convictions, the commission/alleged commission of criminal offences, or criminal proceedings, there are separately-specified lawful reasons which the Company relies on in addition to the above.

The Company will only process this information where one of the above lawful bases applies **and**:

- it is necessary for the Company's, or your, obligations or rights in the field of employment law or social security law; and/or

- the personal information has been manifestly made public by you, for example if you openly publicise in the public domain that you are a member of a trade union; and/or
- it is necessary in relation to legal claims, for example if you have a disability and bring a claim against the Company alleging that it has failed to make reasonable adjustments under the Equality Act 2010; and/or
- it is necessary for reasons of substantial public interest. UK law places the Company's monitoring of diversity and equality of opportunity in this category providing certain safeguards are in place; and/or
- it is necessary to protect your life or the life of someone else and you are physically or legally incapable of giving consent, for example, if you suffer a medical emergency at work.

Usually, the Company does not need your consent to process special categories of information as long as the Company does so in accordance with its separate policy document. There will sometimes be circumstances where the Company will ask for your freely-given, specific, informed and clear consent to its processing certain types of information about you if it is not already covered by one of the lawful bases set out above, in which case the Company will provide you with full details.

#### **4. Protecting personal information**

The Company adopts appropriate data collection, storage and processing practices and security to protect against unauthorised access, alteration, disclosure or destruction of your personal information.

For more information on the controls and safeguards that are in place, please consult the Company's Data Protection Policy.

#### **5. Your rights in relation to your personal data**

You have certain rights with regard to the processing of your personal data including the right to request that the Company:

- provides you with a copy of the personal information it holds about you;
- updates your personal information where it is out-of-date or incorrect;
- erases personal information that the Company holds about you;
- restricts the way in which your information is processed;
- considers any valid objections to the processing of your personal information; and
- provides information you have given to the Company to a third party provider of services (where the Company's lawful basis for processing is your consent).

If you wish to exercise any of these rights, you must submit a written request to your manager. The Company will respond to your request (including providing information about whether the rights apply in the particular circumstances under which you are making the request) and may request additional information from you in order to respond to your request.

You should be aware that the rights outlined above will not apply in all cases or to all information that is held about you. For example, the Company may need to continue to hold and process your personal information in order to pay you for the work that you do; or may be required to retain information for legal purposes or to comply with other legislation.

If you have provided consent for the processing of your personal data, you have the right to withdraw that consent at a future point. Such an action will not affect the lawfulness of any processing which took place before your consent was withdrawn.

You also have the right to make a complaint to the **Information Commissioners' Office (ICO)** if you believe that the Company has not complied with the requirements of the GDPR with regard to your personal data.

Further information can be found at [ico.org.uk](http://ico.org.uk)

## **6. Identity of the Data Controller, Processor and Privacy Information Officer**

For the purposes of this notice, HQT&H (and associated or subsidiary companies within the group) is the Data Controller and Processor.

The company has a nominated Privacy Information Officer, whose name and contact details can be found on the Company's Intranet.

If you wish to find out more about the information included in this notice, please contact:

- your workplace Administrator;
- the Company's payroll department; or
- the Company's HR Manager.

The Company reserves the right to amend this Notice at any time. This Notice, or any subsequently amended version of it, does not form part of a staff member's Contract of Employment with the Company, even if it is referred to in the Contract of Employment and / or vice versa. Changes to this Notice will be posted on the Company's Intranet, for the information of all staff members.