



GDPR PRIVACY NOTICE

Effective for employees, students, directors, and volunteers on or after 1 September 2023

Next Review Date: September 2026

Please Note: A formal, full review of this document will take place on a 3-yearly basis. However, in the interim, the document will be updated as necessary to remain current with any statutory legislation and/or significant Government guidance updates on the subject.



DOCUMENT CONTROL

DOCUMENT TITLE: GENERAL DATA PROTECTION PRIVACY NOTIVE
DOCUMENT NUMBER: GDPRPN_V1
AUTHOR: FRAN DEELEY
CHANGE AUTHORITY: THE BOARD OF TRUSTEES

Fran Deeley

Signature:  **Date:** 17.07.2023

Designation: CHIEF EXECUTIVE OFFICER **Review Date:** 17.07.2026

Please Note: A formal, full review of this document will take place on a 3-yearly basis. However, in the interim, the document will be updated as necessary to remain current with any statutory legislation and/or significant Government guidance updates on the subject.

CHANGE MECHANISM

Any person seeking to alter this document must consult the author before making any change.

ESS Change Authority must endorse any alterations to the approved version of this document before any wider dissemination of the altered document version.

The person making the alteration must indicate every change between the previous (approved) document version and the altered document version.

COPYRIGHT

The copyright in this work is vested in ESS, and the document is issued in confidence for the purpose for which it is supplied. It must not be reproduced in whole or in part or used for tendering or manufacturing purposes except under agreement or with the consent in writing of ESS and then only on condition that this notice is included in any such reproduction. No information as to the contents or subject matter of this document or any part thereof arising directly or indirectly there from shall be given orally or in writing or communicated in any manner whatsoever to any third party being an individual firm or company or any employee thereof without the prior consent in writing of ESS. Copyright© ESS, 2023. All Right Reserved



Contents

INTRODUCTION.....4

SHARING INFORMATION5

YOUR DECLARATION.....7

APPENDIX ONE – Health and Safety Retention Periods8





INTRODUCTION

ESS Education and Support Services respects your personal information and undertakes to comply with all applicable data protection legislation currently in force.

ESS may use personal information provided by you either with your consent or based on the following:

1. **Contract:** the processing is necessary for a contract we have with you
2. **Legal obligation:** the processing is necessary for us to comply with the law (not including contractual obligations)
3. **Vital interests:** the processing is necessary to protect someone's life
4. **Public task:** the processing is necessary for us to perform a task in the public interest or for official functions, and the task or function has a clear basis in law
5. **Legitimate interests:** the processing is necessary for our or your 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

Except as provided under these terms, ESS will not disclose your personal information without your permission unless such disclosure is required by law or other court order.

In accordance with ESS's data protection policy, you are entitled to request a copy of the information which ESS holds about you. If you become aware that the personal information ESS holds about you is inaccurate, you may request that it is amended. Any requests in this respect or any other correspondence relating to this notice should be done in accordance with ESS's data protection policy.

Where processing is based upon consent, you have the right to withdraw consent at any time which will not affect the lawfulness of processing based on consent before its withdrawal.

ESS's Data Protection Officer is the manager, who will monitor GDPR compliance within ESS and advise ESS of their obligations. If you have any concerns or need further information, then please contact the manager. How information about you will be used, ESS collects information about you. This is to:

1. Ensure that we can verify your identity
2. Ensure that we provide all contractual benefits to you, including paying your salary and pension contribution.

SHARING INFORMATION

The below table provides details as to what information we hold on you and who we may share it with:

Type of information	Who it is shared with	Legal basis for processing this information	Retention period for keeping this information
Personal details (name and address, email address, phone number, date of birth, qualifications, employment history, salary, benefits package, terms of employment)	Internally shared with: [Insert all job roles] Name Badges/ Company notice boards Qualifications: [Insert details of any training provider / college that details are provided to] Employment History: References are sought from referees provided on commencement of employment and basic references are provided upon request to future employers	Legitimate Interest: to ensure that all relevant employment details are known to senior personnel within the business Legitimate interest: to ensure that the correct people within the business are identified to customers. Compliance with our governing body, [insert name] Legitimate Interest: to ensure that appropriate training / qualifications are provided or undertaken Legitimate Interest: References are obtained as part of our recruitment process and references are provided upon request to facilitate the recruitment processes of further employers	Six years after the termination of employment
Health declaration, absence records / statement of fitness for work, information of any disabilities	Internally shared with: [insert details]	Legitimate Interest: Personal data and special category data may be collected to ensure we can meet our H&S obligations, to provide any adjustments and to monitor absence levels.	Six years after the termination of employment

Type of information	Who it is shared with	Legal basis for processing this information	Retention period for keeping this information
Copies of Passport/Driving Licence/birth certificate and eligibility to work documentation	Internally shared with: [Insert all job roles]	Legal Obligation: to ensure we meet our legal obligations	Six years after the termination of employment
Salary details, bank account details	Insert name of accountants or payroll provider Internally shared with: [Insert all job roles]	Legal obligation: to ensure that all employees are paid salary / wages	Three years after the end of the tax year or pay reference period they relate to, whichever is the later
Pension details (pension provider, levels of contribution, pension plan details e.g. plan reference number)	Insert name of pension provider Insert name of accountants or payroll provider Internally shared with: [Insert all job roles]	Legal obligation: to ensure that we meet our obligations to provide employees with a pension	Six years after the termination of employment
Payroll records Including: Statutory maternity, adoption and paternity pay, sick pay and National Minimum Wage records	Insert name of accountants or payroll provider/HMRC Internally shared with: [Insert all job roles]	Legal obligation: to ensure that we provide all statutory information to HMRC in order to provide evidence that we are complying with our legal obligations	Private companies: Three years after the end of the tax year or pay reference period they relate to, whichever is the later after the termination of employment Public Limited Company: Six years after the end of the tax year or pay reference period they relate to, whichever is the later after the termination of employment

Type of information	Who it is shared with	Legal basis for processing this information	Retention period for keeping this information
Health and Safety Information (details of any aspect of health and safety including risk assessments, accident reports, health and safety manuals for which we require to take professional advice or report as required) Including personal details above where required	Externally shared with: Health and Safety advisors / [insert provider], the Health and Safety Executive and any other governing or professional body Internally shared with: [Insert all job roles]	Legal obligation: to ensure that we meet our obligations regarding health and safety	Please see appendix one for the relevant retention periods
Sound and motion recordings by way of CCTV	[Insert all those who are able to view the CCTV and internally]	Legitimate Interest: to protect staff safety and security, and protect our company equipment	
Criminal record checks (name, date of birth, email address, phone number and credit/debit card details)	Internally shared with: [insert all job role] Disclosure Scotland / Disclosure & Barring Service / AccessNI SSSC / Care Quality Commission / The Regulation and Quality Improvement Authority / Care Inspectorate / [or insert appropriate governing body if applicable]	Legal obligation: to ensure that employees are legally able to work with children / vulnerable adults / in a regulated environment	six months from date of receipt, unless in exceptional circumstances

YOUR DECLARATION

I confirm that I have read and understood the above information relating to how my personal information will be processed and shared.

Name	
Job title	
Date	

APPENDIX ONE – Health and Safety Retention Periods

Regulation	Record Type	For the duration of employment plus the below retention period
Control of Major Accident Hazard Regulations	All assessments, evaluation reports, practice drills etc	20 years'
Fire Safety Regulations	All assessments, maintenance records, training etc	5 years'
Reporting of Injuries, Disease and Dangerous Occurrences Regulations (RIDDOR)	Normal physical accidents	3 years'
	Health related illness	40 years'
Display Screen Equipment (DSE) Assessments	All assessments	3 years'
Control Of Substances Hazardous to Health Regulations (COSHH)	Anything pertaining to Health Surveillance of Employees (including COSHH Assessments, local Exhaust Ventilation Thorough Examinations & Occupational Health reports) Records documenting cytotoxic substances and agents, as defined in the Control of Substances Hazardous to Health Regulations (COSHH, present/use)	40 years' 40 years'

Regulation	Record Type	For the duration of employment plus the below retention period
Dangerous Substances and Explosive Atmospheres (DSEAR)	Records documenting the conduct and significant findings of DSEAR assessments	40 years'
	Records documenting statutory thorough examination, testing and repair of plant and equipment provided to mitigate explosive atmospheres e.g. local exhaust ventilation systems	5 years'
Personal Protective Equipment Regulations	Records documenting the conduct and results of face fit testing of RPE	40 years'
Control of Asbestos Regulations	Anything pertaining to Health Surveillance of Employees (including asbestos surveys, air monitoring and Occupational Health Reports)	40 years'
Control of Lead Regulations	Anything pertaining to Health Surveillance of Employees (Occupational Health Reports)	40 years'
	Air Monitoring	5 years'

Regulation	Record Type	For the duration of employment plus the below retention period
Control of Noise at Work	Anything pertaining to Health Surveillance of Employees (Occupational Health Reports, risk assessments)	40 years'
Control of Vibration at Work	Anything pertaining to Health Surveillance of Employees (Occupational Health Reports, risk Assessments)	40 years'
The Work in Compressed Air Regulations	Anything pertaining to Health Surveillance of Employees (Occupational Health Reports)	40 years'
Ionising Radiation Regulations	Anything pertaining to Health Surveillance of Employees (Occupational Health Reports)	40 years'



Regulation	Record Type	For the duration of employment plus the below retention period
Construction & Design Management Regulations	Scaffold inspections, Temporary works inspections and Excavation work inspections Design Documentation	Kept on site for the length of the project and for three months after the project is completed Retained for the life of the building or construction
Provision & Use of Work Equipment Regulations	Reports and documented inspections on power presses	3 years'
Lifting Operations & Lifting Equipment Regulations	Thorough Examination Report on Lifting Equipment & Lifting Accessories	5 years' Until the Lifting equipment ceases to be used (EC declaration of conformity)
Pressure Systems Safety Regulations	Inspection, examinations, servicing of pressure systems	3 years' Until the pressure system ceases to be used (Written Scheme of Examination)

Education Support

S E R V I C E S

