



Employee (including freelance contractors) privacy statement

Mindsong is aware of its obligations under the General Data Protection Regulation (GDPR) and is committed to processing your data securely and transparently. This privacy notice sets out, in line with GDPR, the types of data that we hold on you as an employee or freelance contractor of the Charitable Incorporated Organisation. It also sets out how we use that information, how long we keep it for and other relevant information about your data.

This notice applies to current and former employees and freelancers.

Data controller details

Mindsong is a data controller, meaning that it determines the processes to be used when using your personal data. For more information, contact Karen Lawton
admin@mindsong.org.uk / 07989 936270

Data protection principles

In relation to your personal data, we will:

- process it fairly, lawfully and in a clear, transparent way
- collect your data only for reasons that we find proper for the course of your employment in ways that have been explained to you
- only use it in the way that we have told you about
- ensure it is correct and up to date
- keep your data for only as long as we need it
- process it in a way that ensures it will not be lost, destroyed or used for anything that you are not aware of or have consented to (as appropriate)

Types of data we process

We hold many types of data about you, which might include:

- your personal details including your name, address, date of birth, email address, phone numbers
- gender
- marital status
- dependents, 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
- UTR (unique tax payer) number
- current and previous job titles, job descriptions, 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 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 / DBS
- training details

How 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/application or a recruitment cover letter, or notes made by our staff 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 former employers when gathering references.

Personal data is kept in secure personnel files.

Why we process your 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.

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

- making decisions about who to offer initial employment to, and subsequent internal appointments, promotions etc.
- making decisions about fees, 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

It is not Mindsong's intention to process or record the special categories of data, but you need to know what the term refers to and how they may be used.

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:

- for the purposes of equal opportunities monitoring
- 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.

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 use criminal conviction data to assess an employee's suitability for a role within the organisation eg. working with children or vulnerable adults, working with the organisation's financial team.

We process this data because of our legal obligation to protect the people we work with and the finances of the organisation.

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 organisation where it is necessary for them to undertake their duties. This includes, for example, your line manager for their management of you, the Finance Manager/Payroll for maintaining personnel records and administering payment under your contract of employment.

We do not share your data with third parties.

Protecting your data

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against this.

How long we keep your data for

In line with data protection principles, we only keep your data for as long as we need it for, which will be at least for the duration of your employment with us though in some cases we will keep your data for a period after your employment has ended. Retention periods can vary depending on why we need your data, as set out below:

Office staff – we will keep your data for up to 12 months past the end of your employment in order to be able to complete reference requests for you.

Freelance staff – we will keep your data for up to 24 months past the end of your last contract with us. This longer period of time relates to the way in which we staff our services. Some freelance staff can be engaged after periods of inactivity and therefore it is in the interests of our freelancers for us to retain their details for this period. You have the right to opt out of this retention if you wish or to extend the length of record keeping at the end of the 2 years. To do either you must contact the office with your request.

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.

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 an access request in writing to Mindsong or a member of the Management Team.
- the right for any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you can 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.

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 Karen Lawton.

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.

**Reviewed 14 Oct 2020
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