

# **ENTERTEC LTD**

## **GDPR PRIVACY NOTICE**

We, Entertec Ltd, are 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 the General Data Protection Regulation (GDPR). This document applies to all employees, workers and contractors.

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

We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the Data Protection Act 2018 (the '2018 Act') and the EU General Data Protection Regulation ('GDPR') in respect of data privacy and security. We have a duty to notify you of the information contained in this policy.

This policy applies to current and former employees, workers, volunteers, apprentices and consultants. If you fall into one of these categories then you are a '**data subject**' for the purposes of this policy. You should read this policy alongside your contract of employment (or contract for services) and any other notice we issue to you from time to time in relation to your data. 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. 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.

Please note that this Privacy Notice now overrides any data protection clause which previously provided your consent to process personal data found in your contract of employment, handbook or agreement with you, and we will no longer use consent to process your personal data except for specific purposes which we will notify you about when and if necessary. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

### **DATA PROTECTION PRINCIPLES**

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

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

## **THE KIND OF INFORMATION WE HOLD ABOUT YOU**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). There are "special categories" of more sensitive personal data indicated below by an asterix \* which require a higher level of protection. This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

'Processing' means any operation which is performed on personal data such as:

- collection, recording, organisation, structuring or storage;
- adaption or alteration;
- retrieval, consultation or use;
- disclosure by transmission, dissemination or otherwise making available;
- alignment or combination; and
- restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system and any automated processing.

## **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

This personal data might be provided to us by you, or someone else (such as a former employer, your doctor, or a credit reference agency), or it could be created by us. It could be provided or created during the recruitment process or during the course of the contract of employment (or services) or after its termination. It could be created by your manager or other colleagues.

We typically collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies, DVLA licence checks or other background check agencies. We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

## **HOW WE WILL USE INFORMATION ABOUT YOU**

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

1. Where we need to perform the contract we have entered into with you, indicated by a **C**.
2. Where we need to comply with a legal obligation, indicated by an **L**.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests, indicated by **LI**.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

## Situations in which we will use your personal information and codes explained

If we collect data about you in the categories of information below, we need it primarily to allow us to;

- perform our contract with you as indicated by a C
- to enable us to comply with legal obligations, as indicated by an L
- in some cases we may use your personal information to pursue legitimate interests of our own or those of third parties as indicated by LI, provided your interests and fundamental rights do not override those interests.

We have indicated this below by using corresponding letters C, L, or LI to show the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved.

We have used an asterix \* where it is sensitive personal data.

While we have indicated the likely reason for processing your data these can overlap and we have tried to indicate all potential reasons why we need the data.

We may collect, store, and use the following categories of personal information about you:

- Personal and contact details such as gender, name, title, addresses, telephone numbers, and personal email addresses. (C)
- Next of kin and emergency contact information (C)
- Date of birth, National Insurance number, bank account details, payroll records and tax status information (C and L)
- Salary, annual leave, pension and benefits information (C and L)
- Copy of driving licence where necessary (C)
- Recruitment information (including screening forms, application forms, copies of right to work documentation, qualifications, references and other information included in a CV or cover letter or as part of the application process) (C)
- Employment records (including job titles, start date and leaving date, location of employment or workplace, job description, contract of employment, work history, working hours, training records, professional memberships and induction records, health and safety and risk assessment records) (C and L)
- Information relating to your performance and behaviour at work (C and LI, the legitimate interest being the efficient management of the business)
- Disciplinary and grievance information (C and LI, the legitimate interest being the efficient management of the business)
- CCTV footage and other information obtained through electronic means such as swipecard (C and LI, the legitimate interest being access and entry and security safety of our premises)
- Information about your use of our information and communications systems (C and L and LI, the legitimate interest being the efficient management of the business)
- Photographs (C and LI, the legitimate interest being identification of employees and for social media marketing purposes)
- Accident records (C and L)
- Insurance details and qualifications, invoices (Subcontractors) (C and L)
- ID Documents for right to work purposes such as passport copy (L)
- Personal vehicle information (C)
- Forward facing EDR data from company vehicles (LI, the legitimate interest being to gather information about vehicle journeys both to monitor safe driving practices, and to gather evidence in the event of an incident to protect both our drivers and ourselves)
- Access credentials for company telecoms equipment (LI being management of the business and ability to access data for example in the event of illness, absence, or termination of employment).

## **HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

“Special categories” of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in relation to your employment with us, indicated by 2 asterixes \*\*.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, indicated by 3 asterixes \*\*\*.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards, indicated by one asterix \*.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

We may therefore collect, store and use the following “special categories” (\*) of more sensitive personal information:

- Information about your health, including any medical condition, health and sickness records obtained from you, or via your GP or any other medical professional or occupational health body \*
- Genetic information and any biometric data which may be collected including as part of any entry to the building system \*\*
- Information about criminal convictions and offences \*\*

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

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

- We will use 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 where required, to monitor and manage sickness absence and to administer benefits.
- We will use information about criminal convictions and offences only if necessary as part of our recruitment screening process and only as required for work we are required to do or contracts we undertake where such screening and information gathering is mandatorily required of us or where we are required to hold or provide such information by law

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

We do not need your consent if we use special categories of your personal information in accordance with our requirement to carry out our legal obligations or exercise specific rights in the field of employment law; where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent; where you have made the data public; where processing is necessary for the establishment, exercise or defence of legal claims; and where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.

## **PROCESSING**

We can process your personal data for these purposes without your knowledge or consent.

The types of situations in which we will process your personal information are listed below.

- Making a decision about your recruitment or appointment. C
- Your contract of employment and determining the terms on which you work for us. C
- Checking you are legally entitled to work in the UK. L
- Paying you and, if you are an employee, deducting tax and National Insurance contributions. C and L
- Providing employment benefits to you. C
- Liaising with your pension provider. C and L
- Administering the contract we have entered into with you. C
- Running our business and planning for the future, including accounting and auditing. C and LI, the legitimate interest being management planning.
- Conducting performance reviews, managing performance and determining performance requirements. C and LI, the legitimate interest being efficient management of the business.
- Making decisions about salary reviews and compensation. C and LI, the legitimate interest being efficient management of the business.
- Assessing qualifications for a particular job or task, including decisions about promotions. C
- Gathering evidence for and carrying out possible grievance or disciplinary investigations or hearings. C and LI the legitimate interest being efficient management of the business.
- Making decisions about your continued employment or engagement. C and LI, the legitimate interest being efficient management of the business.
- Making arrangements for the termination of our working relationship. C
- Education, training and development requirements. C
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work and to comply with employment law, immigration law, health and safety law, tax law and any other laws which affect us. L and LI, the legitimate interest being efficient management of the business.
- Ascertaining your fitness to work, and to determine whether we need to make reasonable adjustments to your workplace or role because of any disability. C and L \*
- Managing sickness absence. C and \*
- To detect and prevent fraud or other criminal offences. C and L
- To monitor and protect the health and safety of you, our other staff, customers and third parties. L
- To monitor your use of our information and communication systems to ensure compliance with our IT policies. C and LI, the legitimate interest being efficient management of the business.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution. C and L
- To answer questions from insurers in respect of any insurance policies which relate to you. C and L
- Monitoring compliance by you, us and others with our policies and our contractual obligations. C and LI, the legitimate interest being efficient management of the business.

- Providing a reference for you. LI, the legitimate interest being your requirement for a reference to secure a job, and the interest of the third party in obtaining one in order to be able to employ you.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

### **If you fail to provide personal 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 (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

### **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **INFORMATION ABOUT CRIMINAL CONVICTIONS**

We will 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. Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We do not however envisage that we will hold information about criminal convictions on recruitment but if appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

### **AUTOMATED DECISION-MAKING**

This arises when an electronic system uses personal data to make a decision without human intervention. We do not envisage that any decisions will be taken about you using ADM, however will notify you if this position changes.

### **DATA SHARING**

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. We may also transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why might you share my personal information with third parties?**

We may 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.

### **Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. The following activities are carried out by third-party service providers: Payroll, pension administration, benefits provision and administration, IT services, accountancy and insurance, CCTV storage and legal advice.

## **How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers and other entities in the group 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.

## **When might you share my personal information with other entities in the group or other third parties**

We may share your personal data with other entities in our group as part of regular reporting activities on company performance, to carry out working projects, in the context of a business reorganisation or group restructuring exercise, employment transfers between entities, for system maintenance support and hosting of data. We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

## **Transferring information outside the EU**

We may transfer personal information we collect about you, (and only such limited data as is necessary) to clients who are based or operate outside of the EU and with whom we have orders from time to time. This will change depending who we may have orders with at any time outside the EU in order to perform our contract with you. All of the countries outside of the EU that we currently work with as at the issue date of this policy have an adequacy decision by the European Commission in respect of those countries. This means that the countries to which we transfer your data if at all, are deemed to provide an adequate level of protection for your personal information. If, in the future, we engage in contractual arrangements with countries outside of the EU for whom there is not an adequacy decision in place, we will ensure that your personal information does receive an adequate level of protection by putting in place appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection.

## **DATA SECURITY**

We have put in place measures to protect the security of your information. Details of these measures are available upon request. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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 your personal information to those employees, agents, contractors and other third parties 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.

Our Data Protection Policy contains our procedure for dealing with any suspected data security breach and we will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **DATA RETENTION**

### **How long will you use my information for?**

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 are available in our Data Protection Policy in your employee handbook. 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.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy any personal information no longer required in accordance with applicable laws and regulations.

## **RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

### **Your duty to inform us of changes**

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 working relationship with us.

### **Your rights in connection with personal information**

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. If you make such a request about your own personal data we must respond within one month.
- **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 data. 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 (see below).
- **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 particular 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. You can ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing.
- **Request the transfer** of your personal information to another party.

To review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of it to a third party, please contact James Tossell, Director in writing.

### **No fee usually required**

You will not have to pay to access your personal data (or to exercise any of the other rights). However, we may charge refuse to comply, OR charge a reasonable fee if your request for access is clearly unfounded or excessive.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.



**RIGHT TO WITHDRAW CONSENT**

In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later. To do either, please contact James Tossell, the company Director. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

**QUERIES**

For questions on this notice or how we handle your personal data, please contact James Tossell. You have the right to complain at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection. Details are contained on the Information Commissioner’s website which is located at [www.ico.org.uk](http://www.ico.org.uk).

**CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this notice at any time, and we will provide you with a new notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact James Tossell, the company Director.**

I, \_\_\_\_\_ (employee/worker/contractor name),

acknowledge that on \_\_\_\_\_ (date),

I have received a copy of Entertec Ltd’s Privacy Notice for employees, workers and contractors and that I have read and understood it.

Signature

.....

Name

.....