

What is a Privacy Notice?

A Privacy Notice is a statement by The Cellar Trust which tells you how we use the personal information we hold about you. We are committed to being transparent about how we collect and use your data to meet our obligations under the General Data Protection Regulation (GDPR).

What information do we keep?

The sort of information we hold includes your application form and references, your contract of employment and any amendments to it; correspondence with or about you, for example letters to you about a pay rise or, at your request, a letter to your mortgage company confirming your salary; information needed for payroll, benefits and expenses purposes; contact and emergency contact details; records of holiday, sickness and other absence; information needed for equal opportunities monitoring policy; and records relating to your career history, such as training records, appraisals, other performance measures and, where appropriate, disciplinary and grievance records.

You will, of course, inevitably be referred to in many company documents and records that are produced by you and your colleagues in the course of carrying out your duties and the business of the company. You should refer to The Cellar Trust Data Protection Policy for full details including retention periods.

Special Category Data

Some types of personal information are more sensitive and have been identified as 'Special Category Data' under the law. We are legally required to handle it with more protection. Where necessary, we may keep special category data such as information relating to your health, which could include reasons for absence and GP reports and fit notes. The lawful basis on which we hold this data whilst you are employed is so we can carry out our contractual obligations with you. For example this information will be used in order to comply with our health and safety and occupational health obligations – to consider how your health affects your ability to do your job and whether any adjustments to your job might be appropriate. We will also need this data to administer and manage statutory and company sick pay. After your employment ends the lawful basis on which we hold this data is for our legitimate interest of establishing, exercising or defending legal claims.

Where we process special categories of information relating to your racial or ethnic origin, political opinions, religious and philosophical beliefs, trade union membership, biometric data or sexual orientation, we will always obtain your explicit consent to those activities unless this is not required by law or the information is required to protect your health in an emergency.

In addition, we may monitor computer and telephone use, as detailed in our IT Policy. We also keep records of your hours of work by way of our signing in and out system, as detailed in the Staff Handbook. For further details of the lawful basis for processing your data see Appendix 1.

How we obtain your data

Much of the information we hold will have been provided by you, but some may come from other internal sources, such as your manager, or in some cases, external sources, such as referees.

Why do we keep it?

As your employer, the organisation needs to keep and process information about you for normal employment purposes. The information we hold and process will be used for our management and administrative use only. We will keep and use it to enable us to run the organisation and manage our relationship with you effectively, lawfully and appropriately, during the recruitment process, whilst you are working for us, at the time when your employment ends and after you have left. This includes using information to enable us to comply with the employment contract, to comply with any legal requirements, pursue the legitimate interests of the organisation and protect our legal position in the event of legal proceedings. If you do not provide this data, we may be unable in some circumstances to comply with our obligations and we will tell you about the implications of that decision.

Legal basis for using your information

Some of the above grounds for processing your data will overlap and there may be several grounds which justify our use of your personal information. The main lawful reason that allows us to process your personal information is to fulfil the employment contract we have with you. If you fail to provide certain information when requested, we may not be able to employ you.

We may also rely on **legitimate interests** for processing some of your data. This means that the reason that we are processing information is because there is a legitimate interest for The Cellar Trust to do so – namely to establish, exercise or defend legal claims. Whenever we process your personal information under the legitimate interest lawful basis we make sure that we take into account your rights and interests and will not process your personal information if we feel that there is an imbalance.

Where we process special category data we always rely on **explicit consent**. This means that if we are asking you to give us information on your health, ethnic origin or other sensitive data then we will ask you to consent to us processing your data and we will tell you what we will be using it for. We may also need this data to comply with legal requirements.

If in the future we intend to process your personal data for a purpose other than that which it was collected we will provide you with information on that purpose and any other relevant information. Please see Appendix 1 for further details regarding the lawful basis on which we process your data.

How do we store your information and keep it safe?

The Cellar Trust takes the security of your data seriously. We have internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, or subject to unauthorised access. Where necessary we use passwords, user permissions and encryption to protect data.

Where we engage third parties (external organisations) to process personal data on our behalf (for example for payroll purposes, pension provision and HR consultants), they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data. We only use third parties who have confirmed that they are fully compliant with GDPR legislation.

We have put in place procedures to deal with any suspected data security breach and will notify you of a suspected breach where we are legally required to do so.

Data Retention

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including the purposes of satisfying any legal, accounting or reporting requirements. Details of retention periods, archiving and destruction policies for different aspects of your personal information are available in our Data Protection Policy which is available on the server and within the Staff Handbook.

Who has access to your data?

Your information may be shared internally with other employees, including with your line manager and the senior leadership team, staff members responsible for HR functions, payroll and health and safety and in some cases with trustees.

Other than as mentioned below, we will only disclose information about you to third parties if we are legally obliged to do so or where we need to comply with our contractual duties to you. For instance we may need to pass on certain information to our external payroll provider or pension scheme, our HR management provider and professional advisers where necessary, who may be party to confidential discussions related to an individual.

We require third parties to respect the security of your data and treat it in accordance with the law. We will share your information with third parties where required by law, where it is necessary to administer our relationship with you or where we have another legitimate interest.

All our third party service providers are required to take appropriate GDPR compliant security measures to protect your personal information in line with our policies. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

We will only pass on your information without your consent when there is a situation that indicates you may be a danger to yourself or someone else, or information about a child at risk of harm or neglect.

Your data will not be transferred to countries outside the European Economic Area.

Automated Decision Making

We do not expect that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

Your legal rights

You have various rights relating to the data we hold about you (however some of these depend on the basis we hold your data):

- You can request copies of all the personal information that we hold about you
- You can withdraw your consent for us to use your personal information (for some purposes)
- You can ask us to change inaccurate data
- You can ask us to delete your personal information where it is no longer necessary for us to use it, you have withdrawn consent, or where we have no lawful basis for keeping it
- You can ask for us to transfer your data to another party or restrict its use

If you have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent at any time. Once confirmed, we will no longer process your information for the purpose you originally agreed to, unless we have another legitimate basis for doing so in law.

You can view full details about your rights in our Privacy Policy available on our website:

<https://www.thecellartrust.org/privacy/>

Accessing your data

You will not have to pay a fee to access your personal information. However, if we think that your request is unfounded or excessive, we may charge a reasonable fee or refuse to comply with the request. We may need to confirm your identity or ensure your right to exercise your legal 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.

If you wish to access the personal data we hold about you please complete the Subject Access Form available to download on our website via the Privacy Policy webpage:

<https://www.thecellartrust.org/privacy/>; alternatively please contact your line manager who will advise on you how to proceed.

Changes to this privacy notice

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

Queries and Further Information

For further information about our privacy practices and your rights see our full Privacy and Cookies Policy available on the Cellar Trust website. If you have any questions about how your data is processed, please contact our Data Protection Officer – Kim Shutler-Jones by calling us on 01274 586474 or emailing kim.shutler-jones@thecellartrust.org. You can also make a complaint to the Information Commissioner's Office by visiting: <https://ico.org.uk/>

Appendix 1: Types of personal data and lawful basis for processing

Type of personal data:	Purpose:	Lawful basis for the processing:
<p>Upon Employment Name, date of birth, personal contact details, emergency contact and salary.</p> <p>Your employment contract and related documents.</p> <p>Details of any convictions.</p> <p>Financial details for payment of salary and pension contributions</p> <p>Your training, supervision and appraisal records.</p> <p>Health related / medical and / or disability related data.</p> <p>Sick leave details.</p> <p>Annual leave records.</p> <p>Your driving licence details, insurance and driving records.</p> <p>Information relating to salary advances or loans, deductions from third parties.</p>	<p>During your employment: administration of your employment.</p> <p>Making reasonable adjustments</p> <p>After your employment: defending legal claims.</p>	<p>During your employment, non-sensitive data: necessary for the performance of your employment contract.</p> <p>Failure to provide this personal data will mean we are unable to employ you.</p> <p>During your employment, sensitive data: compliance with legal obligations in the field of employment, social security and social protection law.</p> <p>After your employment, non-sensitive data: necessary for our legitimate interest of establishing, exercising or defending legal claims.</p> <p>After your employment, sensitive data: necessary to establish, exercise or defend legal claims.</p>