

Merton Mencap

Privacy Notice for applicants, employees and volunteers

**Last reviewed
March 2023**

**Next review
March 2026**

**This Privacy Notice has been adopted by Merton Mencap
through its Executive Committee which remains responsible for its review**

Privacy Notice for applicants, employees and volunteers

• Applicants

We collect, store and use the following information about people wishing to work for Merton Mencap (applicants) as part of the recruitment process:

Personal information

1. Personal contact details including name, title, addresses, telephone numbers and email addresses **[PC]**
2. Gender **[G]**
3. DOB **[DOB]**
4. Employment records including work history, job titles, working hours, pay and salary, training records and professional memberships **[ER]**
5. Recruitment information including copies of right to work documentation, passport, references about performance, and other information included in a CV or cover letter or as part of the application process **[RI]**

Sensitive personal information (special categories)

6. Information about criminal convictions and offences, ie DBS self-disclosure **[CC]**

How we collect information

We collect information either directly from the applicant or from a third party (eg employment agency, applicant's previous employer).

Access to information

Only employees of Merton Mencap who are directly involved in managing the recruitment processes for each vacancy (and relevant managers of those employees) will have access to information.

Why we use information

Merton Mencap seeks personal data and sensitive personal information to

- * perform a contract
- ** comply with legal obligations
- *** pursue legitimate interests of our own or those of third parties (provided the applicant's interests and fundamental rights do not override those interests.)

When managing our recruitment process, the lawful basis of seeking personal information and sensitive personal information from applicants is shown below:

Purpose	Type of data	Lawful basis
Making a decision about whether to shortlist an applicant for interview and/or whether to appoint them	PC, G, DOB, ER, RI, CC	** ***
Checking an applicant is legally entitled to work in the UK	PC, DOB, ER, RI, CC	**

Information retention

During the recruitment process, we store personal information and sensitive personal information in accordance with our Data Protection Policy.

The recruitment process has ended when we have decided to appoint or not appoint an applicant. After the recruitment process has ended, our retention period for the information we obtained about an applicant is:

For unsuccessful applicants

Information will be stored for a period of 6 months.

If we wish to contact an unsuccessful applicant again if another position becomes available in the future, we will obtain their consent to retain their personal information for a further period which will be agreed with them at that time.

For successful applicants (ie now appointed as an employee/volunteer)

Information will be retained as part of an employee/volunteer's HR file (see below).

• Employees and volunteers

We collect, store and use the following information about employees and volunteers:

Personal information

1. Personal contact details including name, title, addresses, telephone numbers, and email addresses **[PC]**
2. Gender **[G]**
3. DOB **[DOB]**
4. Employment records including work history, job titles, working hours, pay and salary, training records and professional memberships **[ER]**
5. Recruitment information (including copies of right to work documentation, passport, references about performance, and other information included in a CV or cover letter or as part of the application process) **[RI]**
6. Marital status and dependants. **[MSD]**
7. Next of kin and emergency contact information. **[NOK]**
8. National Insurance number. **[NI]**
9. Bank account details, payroll records, travel logs and expenses and tax status information. **[BD]**
10. Salary, annual leave, pension and benefits information. **[SI]**
11. Start & end date. **[SD]**
12. Location of employment **[LOE]**
13. Compensation history. **[CH]**
14. Performance information. **[PI]**
15. Disciplinary and grievance information. **[DG]**
16. CCTV footage and other information obtained through electronic means such as swipe-card records, travel cards. **[CCTV]**
17. Information about use of our information and communications systems. **[ICS]**
18. Photographs. **[P]**

Sensitive personal information (special categories)

19. Information about health, including any medical condition, health and sickness records (including Occupational Health records). **[HR]**
20. Absence notes **[AN]**
21. Information about race or ethnicity, religious beliefs, disability and/ or sexual orientation **[DI]**
22. Genetic information and biometric data. **[GBD]**
23. Information about criminal convictions and offences. **[CC]**

Access to information

We collect information referred to above either directly from the employee/volunteer during the recruitment process or after their appointment, or from a third party.

Who has access to information

Only employees of Merton Mencap who are directly involved in managing the employee/volunteer's employment with the charity (and relevant managers of those employees) will have access to information.

Why we use information

Merton Mencap seeks personal information and sensitive personal information to

- * perform a contract
- ** comply with legal obligations
- *** pursue legitimate interests of our own or those of third parties (provided the applicant's interests and fundamental rights do not override those interests.)

The lawful basis of seeking personal information and sensitive personal information from employees and volunteers is shown below:

Purpose	Type of data	Lawful basis
Determining the terms on which you work for Merton Mencap	ER, RI, SI, SD, LOE, ER	*** *
Paying employees and deducting tax and National Insurance contributions.	PC, DOB, NI, BD, SI, AN	** *
Liaising with your pension provider.	PC, DOB, NI, SI, SD	*
Administering the contract we have entered into with you.	PC, NOK, NI, BD, SI, SD, LOE, PI, DG, HR, AN	*** *
Business management and planning, including accounting and auditing.	PC, NI, BD, SI, SD, LOE, ER, CH, PI, DG, CCTV, ICS, HR	***
Conducting performance reviews, managing performance and determining performance requirements.	PC, SI, SD, LOE, ER, PI, DG, CCTV, ICS, HR, AN	*** *
Making decisions about salary reviews and compensation.	PC, DOB, BD, SI, SD, LOE, ER, RI, CH, PI, DG	*** *

Assessing qualifications for a particular job or task, including decisions about promotions.	PC, ER, RI, PI, DG	*** *
Gathering evidence for possible grievance or disciplinary hearings Making decisions about your continued employment or engagement	PC, DOB, G, MSD, PI, DG, CCTV, ICS, HR, AN, DI PC, PI, DG, CCTV, ICS, HR, AN	*** *
Making arrangements for the termination of our working relationship	PC, DOB, NI, BD, SI, SD, ER, PI, DG, HR, AN	*** *
Education, training and development requirements	PC, ER, RI, PI, DG	*** *
Dealing with legal disputes involving employees, other employees, workers and contractors, including accidents at work	PC, DOB, G, MSD, BD, SI, SD, LOE, ER, RI, CH, PI, DG, CCTV, ICS, P, HR, AN, DI, TU, GBD	***
Ascertaining your fitness to work and managing sickness absence	PC, DOB, G, NOK, LOE, PI, DG, CCTV, P, HR, AN	*** *
Complying with health and safety obligations	PC, NOK, LOE, CCTV, P, HR, AN	** *
To prevent fraud	PC, NI, BD, ER, RI, CCTV, ICS, P, CC	*** **
To monitor your use of our information and communication systems to ensure compliance with our IT policies.	PC, CCTV, ICS	***
To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution	PC, CCTV, ICS	***
To conduct data analytics studies to review and better understand employee retention and attrition rates	PC, DOB, G, MSD, HR, DI	***
Equal opportunities monitoring	PC, DOB, G, MSD, HR, DI	*** **
Promote the charity and its services	PC, ER, P	*** ** *
Register with statutory third parties (eg Ofsted)	PC, HR, P	** *
To keep you updated with the charity's work and opportunities to be involved	PC	***

Our Data Protection Policy provides further details about our handling of personal information and sensitive personal information.

Failure to provide information

If employees and volunteers fail to provide certain information when requested, the charity may not be able to perform the contract we have entered into (eg paying a salary or providing employee benefits), or we may be prevented from complying with our legal obligations (eg ensuring health and safety).

Duty to inform of changes

It is important that the information we hold is accurate and current, and it is the responsibility of the employee/volunteer to advise the charity of any changes.

Disclosure/ data sharing

We may need to share information about employees/volunteers with third parties including service regulators (eg Ofsted), funders of the charity's services (eg statutory organisations such as the local council), service providers (including contractors and designated agents), and in the context of a transfer of business activities, or to otherwise comply with the law, our insurers and/or professional advisers to manage risks legal disputes.

We share information where it is necessary to administer the working relationship with you, where required by law, or where we have another legitimate interest in doing so.

We require third parties to respect the security of your information and to treat it in accordance with the law.

Our Data Protection policy refers to the third parties we share information with, which can be found on our web site www.mertonmencap.org.uk

Transfers of data outside of the EU

As a condition of using contractors, they have confirmed their normal (regular) data processing activities all occur within the European Union/ European Economic Area, with all databases, servers, and backups located in EU/EEA data centres.

They have also confirmed that data will not be transferred outside this area, unless the third country has been deemed by the EU Commission to ensure an appropriate level of protection, the recipient of the data guarantees an acceptable level of data protection in accordance with EU standard contractual clauses for the transmission of personal data, or there are other safeguards in place that permit such a transfer.

Data retention

We store most of HR data for a period of at least 6 years following the termination of employment. Health and safety information will be held for a minimum of 40 years.

When retention periods end, we will destroy hard copy documents through an appropriate confidential waste disposal provider and delete from our systems data held electronically.

Rights

Under certain circumstances, by law employees/volunteers have the right to:

- Request access to personal information (commonly known as a “data subject access request”). This enables the person to receive a copy of the personal information we hold about them and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about them. This enables them to have any incomplete or inaccurate information we hold about them corrected.
- Request erasure of their personal information. This enables them to ask us to delete or remove personal information where there is no good reason for us continuing to process it. This includes the right to ask us to delete or remove their personal information where they have exercised their right to object to processing (see below).
- Object to processing of their personal information where we are relying on a legitimate interest (or those of a third party) and there is something about their particular situation which makes them want to object to processing on this ground. They also have the right to object where we are processing their personal information for direct marketing purposes.
- Request the restriction of processing of their personal information. This enables them to ask us to suspend the processing of personal information about them, for example if they want us to establish its accuracy or the reason for processing it.
- Request the transfer of their personal information to another party.

Right to withdraw consent

In the limited circumstances where an employee/volunteer may have provided their consent to the collection, processing and transfer of their personal information for a specific purpose, they have the right to withdraw consent for that specific processing at any time.

Changes to this privacy notice

As an organisation that collects and uses personal information we are called a Data Controller. For any enquiries about our role as a Data Controller, contact the Chief Executive.

Merton Mencap reserves the right to update this privacy notice at any time, and we will make any revisions available to employees and volunteers. We may also notify employees and volunteers in other ways from time to time about the processing of your personal information.
