

General Data Protection Regulations (GDPR) – Privacy Notice

The general Data Protection Regulations (GDPR) came into force in the UK on 25 May 2018. The purpose of the GDPR is to provide a set of laws to help protect individuals' data and to help individuals understand how their data is being used.

Out of Eden, as your employer, collects and processes personal data relating to you to manage the employment relationship. Out of Eden is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

As part of Out of Eden's obligations under the GDPR, we are required to provide our Team Members with a Privacy Notice, which describes how we collect and use personal information about you during and after your employment with us.

This Privacy Notice applies to all Team Members.

This notice does not form part of your contract of employment. We may update this notice at any time and if we do so, we will provide you with an updated copy as soon as is reasonably practical.

What information does Out of Eden collect?

We collect and process a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates with previous employers and with Out of Eden;
- information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
- details of your bank account, national insurance number, payroll records and tax status;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including probationary and performance reviews, training you have participated in, performance improvement plans and related correspondence;

- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;
- copy of your driving licence;
- copy of your passport;
- information about your use of our information and communication systems;
- your photograph;
- clocking information and CCTV footage; and
- information about any accidents and near misses you might have whilst at work.

Information about your health, including any medical condition, health and sickness records, and information about criminal convictions and offences fall into a special category of sensitive personal data under the GDPR and require higher levels of protection than other personal data.

Out of Eden collects your information in a variety of ways. For example, data is collected through application forms and CVs; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during your employment; from correspondence with you; or through interviews, meetings or other assessments.

In some cases, we collect personal data about you from third parties with your consent, such as references supplied by former employers.

Data is stored in a range of different places, including in your personnel file, in the organisation's HR Information System (HRIS) and in other IT systems (including the email system).

Why does Out of Eden process personal data?

The legal bases on which we can process your data are

1. to enter into an employment contract with you and to meet our obligations under your employment contract;
2. to ensure that we are complying with our legal obligations;
3. to pursue legitimate interests of our own or those of third parties. Where Out of Eden relies on legitimate interests as a reason for processing data, we have considered whether or not those interests are overridden by your rights and freedoms and have concluded that they are not;
4. to protect your interests or someone else's interests; or
5. where it is the public interest.

The ways in which we process your information are listed below. The numbers indicate the legal basis (above) on which we are processing the information.

- to run recruitment and promotion processes; 1, 2, 3

- to maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of your contractual and statutory rights; 1, 2, 3
- to check you are legally entitled to work in the UK; 2
- to pay you and deduct tax and National Insurance contributions; 1, 2
- to provide pension benefits to you and to liaise with your pension provider; 1, 2
- to provide other company benefits (quarterly bonus scheme, walk to work payments or time) to you; 3
- to monitor your time and attendance at work; 2, 3
- to operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace; 1, 3
- to operate and keep a record of your performance and related processes, to plan for career development, and for succession planning and workforce management purposes; 1, 2, 3
- to operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that you are receiving the pay or other benefits to which you are entitled; 1, 2, 3
- to operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that Out of Eden complies with duties in relation to leave entitlement, and to ensure that you are receiving the pay or other benefits to which you are entitled; 1, 2
- to obtain occupational health advice, to ensure that we are complying with duties in relation to individuals with disabilities, to meet our obligations under health and safety law, and ensure that you are receiving the pay or other benefits to which you are entitled; 1, 2, 3
- to provide education and training and meet development requirements; 2, 3
- to ensure effective general HR and business administration; 1, 2, 3
- to monitor your use of our information and communication systems to ensure compliance with our IT policies; 3
- to ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution 1, 3
- to provide references on request for current or former employees; 1, 3
- to respond to and defend against legal claims; 1, 3
- to ensure the security of the site; 3, and
- to maintain and promote equality in the workplace. 2, 5

We will only use your personal information for the purposes for which it was collected, 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.

Who has access to data?

Your information will be shared internally, including with the HR Manager and Accounts (for payroll purposes), your line manager, the Managing Director and other directors, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

Out of Eden shares your data with third parties in order to obtain pre-employment references from other employers. We may also share your data with third parties in the context of a sale of some or all of the business.

Out of Eden also shares your data with third parties that process data on its behalf, in connection with payroll; the provision of benefits, for example our pension provider; the provision of occupational health services; and in connection with our LMS.

We may transfer your data to countries outside the European Economic Area but only to countries who have acceptable levels of data legislation in place.

How does Out of Eden protect data?

Out of Eden takes the security of your data seriously. We have internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our Team Members in the performance of their duties. The controls that we use include username and password protection on all PCs for electronic data and further user name and password protection for the HRIS. Paper records are kept in a locked filing cabinet in the HR office.

Where we engage third parties to process personal data on our behalf, 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 do not allow third party 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

How long does Out of Eden keep personal data?

We will hold your personal data for the duration of your employment. After the end of your employment we will only keep your data for as long as necessary to fulfil the purposes for which it was collected, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Details of retention periods for different aspects of your personal information are available on request.

We will securely destroy your personal information at the end of its retention period.

Your rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require Out of Eden to change incorrect or incomplete data;
- require us to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where we are relying on its legitimate interests as the legal ground for processing; and
- ask us to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override Out of Eden's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact Barbara Screen, HR Manager, at barbara.screen@outofeden.co.uk.

You can make a subject access request by completing Out of Eden's Subject Access Request Form.

What if you do not provide personal data?

You have some obligations under your employment contract to provide Out of Eden with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide us with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable Out of Eden to enter a contract of employment with you. If you do not provide other information, this will hinder our ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

Automated decision-making

Employment decisions are not based solely on automated decision-making.

The Data Protection Representative for Out of Eden is the IT Manager.

If you have any questions about this Privacy Notice or how we handle your personal information, please contact Barbara Screen.

If you believe that Out of Eden has not complied with your data protection rights, you can complain to the Information Commissioner.