

Staff Privacy Notice



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Staff Privacy Notice

Amey is committed to protecting the privacy and security of your personal information, to providing clear information about how your personal information is processed and to complying with data protection laws.

This Privacy Notice ("**Notice**") applies to current and former employees, and where relevant, to current and former workers, agency workers, consultants, interns and others whose personal information is provided to Amey in the context of a working relationship. Where we refer to 'employees' and 'employment', for the purpose of this Notice, this includes all the categories listed above.

Introduction

About this Privacy Notice

This Notice does not form part of any contract of employment, or other contract to provide services.

Amey is committed to protecting your privacy. This Notice tells you what personal information we collect, why we need it, how we use it during and after your employment with us and what protections are in place to keep your personal information secure. It also sets out your rights in relation to your personal information.

It is important that you read this Notice, and any subsequent privacy notice we may provide to you, carefully so that you are aware of how and why we are processing your personal information.

We may update, or otherwise amend, this Notice at any time.

About us

Amey act as data controller in respect of the personal information that we process. This means that we are responsible for deciding how we hold and use personal information about you.

We have appointed a Data Protection Manager to oversee Amey's compliance with data protection laws.

If you have any questions about this Notice, how we handle your personal information or you would like to update the information we hold about you, please contact Information Governance in the first instance at informationgovernance@amey.co.uk.

About you

Our obligations in relation to processing your personal information are set out in this Notice, and in our *Data Protection Policy and related procedures which can be found on Ameyworld*.

You also have responsibilities in relation to personal information, and must comply with our *Data Protection Policy, which can be found on Ameyworld*, which includes:

- taking appropriate steps to protect the security of personal information;
- being careful about who personal information is disclosed to;
- protecting your communications and devices;
- reporting data breaches;
- following other business processes in relation to the handling of third party personal information.

What personal information do we hold about you?

What is 'personal information'?

Your 'personal information' means any information about you from which you can be identified - either by reference to an identifier (for example your name, location data or online identifier (e.g. IP address)) or from factors specific to your physical, cultural or social identity (e.g. your social background, outside interests etc).

It does not include information where the identity has been removed (such as anonymous information).

What personal information do we process?

Amey collect and use personal information that you provide as part of the recruitment and on-boarding processes, as well as additional personal information that is collected in the course of your employment or engagement (e.g. for performance reviews). We primarily use this personal information for the recruitment process, to comply with contracts of employment, for managing the workforce and business purposes.

The personal information about you that we may collect, store and use includes, but is not limited to, the following categories of information:

- General information, such as your name, address, contact details (work and personal), date of birth, gender, marital status, dependents, next of kin and emergency contact information.
- Recruitment information, such as your right to work documentation, driving licence, references, employment records, salary and benefits history and other information included in a CV or covering letter as part of the application process.
- Financial information, such as your bank account details, payroll records, tax status information and national insurance number.
- Remuneration and benefits information, such as salary, pension, benefits and annual leave.
- Current employment terms and employment records, such as start date, job title, workplace, working hours, attendance records, SSP records, holiday and leave records, performance, disciplinary & grievance records, education & training records and professional memberships.
- Images and recordings, such as CCTV footage, electronic records – e.g. Swipe card footage, photographs, driver surveillance, information about your access to IT & communications systems.

Please note that the type of personal information we collect about you will depend to some extent on your circumstances, your role and our legal obligations.

What 'special category' personal information do we process?

Certain 'special categories' of more sensitive personal information (such as information about racial/ ethnic origin, sexual orientation, political opinions, religious/ philosophical beliefs, trade union membership, biometric or genetic data and health data) are given a higher level of protection by data protection laws.

The special categories of more sensitive personal information we may collect, store and use includes, but is not limited to, the following categories of information:

- Information about your race or ethnicity and disability, religious beliefs and sexual orientation
- Information about your health, including any medical condition, health and sickness records
- Trade union membership information

Where do we collect your personal information from?

Where does your personal information come from?

We collect your personal information:

- From you: we typically collect your personal information directly from you through the application and recruitment process – personal information is contained in application forms, CVs, from your passport, driver's license or other identity documents, or collected through interviews or other forms of assessment.
- From third parties: we sometimes collect additional information from third parties including recruitment agencies, former employers, HMRC, payroll providers, credit reference agencies, medical officers or other background check agencies and details of those third parties are available from HR. The categories of personal information we may collect, store and use from third parties includes the following categories of information:
 - References and employment history
 - Credit details
 - Occupational health reports
 - Tax details
 - Payroll details
 - Benefits information
 - CCTV footage
- In the course of job-related activities: throughout the period you are working for us, we collect additional personal information about you, including from your line manager, other managers and colleagues (e.g. feedback on your performance as part the performance reporting process).

How do we use your personal information?

What is the legal basis for using your personal information?

We will only process your personal information when the law allows us to. In most cases, we will process your personal information where it is necessary:

- to perform the contract we have entered into with you for the purposes of employment (e.g. your bank details in order to pay you) (**Basis 1**)
- to comply with a legal obligation (e.g. providing tax information to a government department or regulatory body) (**Basis 2**)
- for our legitimate interests as a business and as an employer (or those of a third party) (e.g. performance reviews and workforce planning) (**Basis 3**)

Where we rely on legitimate interests as the reason for processing personal information we have considered whether those interests are overridden by any separate rights or freedoms of our workforce and have concluded that they are not. Our legitimate interest is the purpose for which we process the data (e.g. for data we process during the recruitment process, the legitimate reason for processing that data is recruitment).

In most cases, the legitimate interest is to enable us to carry out our responsibilities (to employees, customers and the organisation) that arise in relation to the purpose in question (e.g. for personal information we process during the recruitment process, the legitimate interest for processing that information is to carry out our responsibilities in relation to recruitment).

If you require further information about our legitimate interests as the legal basis for processing your personal information, please request this from Information Governance in the first instance at informationgovernance@amey.co.uk.

We may also process your personal information in the following circumstances, but this is likely to be rare:

- with your specific consent
- where we need to protect your interests (or someone else's interests)
- where it is needed in the public interest

What is the purpose for processing your personal information?

We need all the personal information referred to above in the section ***What personal information do we process***. We process your personal information for a number of purposes including, but not limited to, the following. In relation to each, we have also identified the legal basis for processing your personal information by reference to each legal basis set out in ***What is the legal basis for using your personal information***:

- Recruitment decisions (1)
- Diversity monitoring (3)
- Checking your legal entitlement to work in the UK (2)
- Administering your employment contract (1)
- Payroll (1, 2)
- Providing & facilitating benefits (1)
- Education, training & development & professional membership requirements (1)
- Performance & salary reviews & promotions (1)
- Disciplinary & grievance processes (1)
- Recording and managing sickness absence & other leave (1, 2)
- Business management/ planning & risk compliance (1, 2)
- Health & safety compliance (2)
- IT & communications monitoring, security & compliance (1)
- Dealing with legal disputes, including accidents at work(1, 2)
- Managing the termination of your employment (1)
- CCTV (2)
- Re-accreditation & Benchmarking (3)

Some of the purposes for processing will overlap, and in some cases, there will be several purposes which justify our use of your personal information.

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 purpose that is compatible with the original purpose.

If we need to use your personal information for an unrelated purpose, we will notify you and explain the basis upon which that is necessary.

What is the legal basis for processing your 'special category' personal information?

We may process special categories of personal information when the law allows us to, which will be in the following situations:

- Where we need to do so to fulfil our legal obligations or exercise our rights in connection with employment law (e.g. for making reasonable adjustments for individuals with a disability)*
- Where it is necessary for reasons of substantial public interest (e.g. for equal opportunities monitoring)*
- Where it is needed to assess your working capacity on health grounds (e.g. for an occupational health report), subject to appropriate confidentiality safeguards
- Where it is necessary in order to establish, exercise or defend a legal claim
- Where, in exceptional circumstances, it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent (e.g. in a medical emergency)
- With your explicit consent, where the processing is voluntary - this will only be in limited circumstances

** We have in place an appropriate Data Protection Policy (see Ameyworld) which we are required by law to maintain when processing such data.*

What is the purpose for processing 'special category' personal information?

'Special categories' of particularly sensitive personal information attract higher levels of protection, and we must have further justification for collecting, storing and using this type of personal information.

Where we process such data, we will use it in the following ways:

- Information about your race or ethnicity and disability, religious beliefs, sexual orientation to ensure meaningful equal opportunity monitoring and reporting
- Information about your health, including any medical condition, health and sickness records to monitor and manage sickness absence, to assess your fitness to work, to provide appropriate workplace adjustments, to ensure your health and safety in the workplace, to administer benefits and to comply with employment law obligations
- Trade union membership information, to comply with employment law obligations, to pay trade union premiums and to register the status of a protected employee

Information about criminal convictions

We may process information about criminal convictions.

We may only use information relating to criminal convictions where the law allows us to do so.

Where 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. We will use information about criminal convictions and offences in order to determine your suitability to carry out your proposed or actual role within Amey taking into account the requirements and expectations attached to your role together with Amey's wider interests.

Although this will be rare, we may also use information relating to criminal convictions where it is necessary in relation to legal claims or 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.

Do we need your consent?

When might we need your consent?

We will only seek and rely on your consent where you are fully informed and your consent can be freely given.

There may be limited circumstances where we will approach you to obtain your explicit consent to allow us to process certain particularly sensitive data, or other personal information.

If so, we will provide you with full details of the information that we require and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that you do not have to provide your consent and it will not impact on your contract with us if you do not consent.

Your right to withdraw consent

If you do provide your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for that purpose.

If you have given consent in relation to a specific purpose but wish to withdraw it, please contact Information Governance team in the first instance at informationgovernance@amey.co.uk.

What steps do we take to protect your data?

How do we secure your data?

Amey have security measures in place to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, or inappropriately altered or disclosed. In addition, we limit access to your personal information to those who need to process that information for business reasons. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

Details of these security measures may be obtained from Information Governance team in the first instance at informationgovernance@amey.co.uk.

We have put in place procedures to deal with any suspected information security breach and will notify you and any applicable regulator of a suspected breach as appropriate and in accordance with our legal obligations.

Who do we share your personal information with?

Sharing your personal information within Amey

Where this is relevant to their role, your line managers, certain HR professionals, payroll, IT and in some cases certain colleagues (i.e. where necessary to fulfil business requirements) will have access to some of your personal information.

What is the legal basis for sharing your personal information with third parties?

We may share your personal information with third parties, including third party service providers and other Amey group companies in the following situations:

- 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, as a business and as your employer

In these circumstances, we require third parties to ensure the security of your personal information and to treat it in accordance with the law.

What protections are in place?

The terms of our contracts with third parties include obligations on them in relation to what personal information they can process and what they can do with that information. All our third party service providers, professional advisers 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 permit our third party service providers to use your personal information for their own purposes – they may only process your personal information for specified purposes and in accordance with our instructions.

Which third parties process your personal information?

We may disclose your personal information to the third parties listed below where relevant to the purposes described in this Notice. This may include:

- other Amey group companies as part of our regular reporting activities on company and individuals' performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data
- agents, contractors that provide services to us including vehicle tracking, payroll, pension administration, benefits provision and administration, IT services
- HMRC
- professional advisers
- medical officers, occupational health officers
- UK Visas and Immigration

Further details can be obtained from HR in the first instance at informationgovernance@amey.co.uk.

Do we use automated decision making and profiling?

What is automated decision making?

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention.

We do envisage that decisions may be taken about you using automated means during the course of your employment or engagement with us.

When can we use automated decision making?

We are permitted to use automated decision making where this is necessary to perform the contract with you, and appropriate measures are in place to safeguard your rights. You must also have been notified of the decision, and given 21 days to request a re-consideration.

In certain circumstances you have the right not to be subject to a decision that is based solely on automated decision making if that decision has a significant effect on you. In any event, you have the right to:

- express your views on an automated decision
- obtain an explanation of the decision and contest it, and
- request that the decision is made by an individual, instead of an automated process

When do we use automated decision-making?

Amey use automated decision making in the context of:

- HR recruitment activities
- Pensions administration
- Marketing activities (Metering)

What safeguards are in place?

We implement technical and organisational safeguards in our automated decision-making processes to minimise the risk of errors arising and to enable inaccuracies to be corrected.

Which countries do we transfer data to?

International data transfers

Your personal information may be disclosed to members of the Amey group outside the EEA. Certain suppliers and service providers may also have personnel or systems located outside the EEA. Your personal information may therefore be transferred to non-EEA countries.

A list of those countries can be requested from HR in the first instance at informationgovernance@amey.co.uk.

What protections are in place?

Amey have an intra-group data transfer agreement in place which regulates cross-border transfers of your personal information within the group.

Where third parties transfer your personal information outside the EEA, we take steps to ensure that information receives an adequate level of protection (e.g. by entering into information transfer agreements or by ensuring that the third parties are certified under appropriate information protection schemes).

You have a right to request further information relating to the transfer of your personal information and the safeguards in place. If you require further information, please request this from your HR contact in the first instance.

How long do we use your personal information for?

Data retention

We will retain your personal information only for as long as is reasonably necessary to satisfy the purposes for which it was collected, and for the purposes of satisfying any legal, accounting or reporting requirements. These legal and other requirements require us to retain certain records for a set period of time, including following the termination of your employment. In addition, we retain certain records in order to resolve queries and disputes that may arise from time to time.

When you are no longer an employee, we will retain and subsequently securely destroy your personal information in accordance with our *Data Retention Policy which can be found on Ameyworld*.

What are your rights and responsibilities?

Inform us of changes

Please ensure you inform us if your personal information changes while you are working with us as it is important that the personal information we hold about you is accurate and current.

Failure to provide personal information

Certain information must be provided so that we can enter into a contract with you (e.g. your contact details, right to work in the UK and payment details). You also have some obligations under your contract to provide certain information to us, e.g. to report absences. Without this information, we may not be able to carry out the rights and obligations efficiently that arise as a result of the employment relationship.

In addition, you may have to provide us with information so that you can exercise your statutory rights, e.g. parental leave. If you fail to provide the necessary information, this may mean you are unable to exercise your statutory rights.

Your rights in relation to your personal information

You have rights in relation to the personal information that we hold about you, including the right:

- to request access to any personal information we hold about you (if you wish to request access please contact the Information Governance at informationgovernance@amey.co.uk - or in some cases, to obtain a portable copy of it or to have it transferred to a third party
- to ask to have inaccurate data amended
- to erase your personal information, or to restrict or challenge the processing of your personal information in limited circumstances
- to lodge a complaint with Information Commissioner's Office (the UK supervisory authority for data protection issues) or other appropriate supervisory authority

Further information about your rights are listed in the Data Protection Policy which can be found on Ameyworld.

If you want to make one of these requests (other than to access your personal information in which case you should use the form set out above), please put your request in writing to HR at informationgovernance@amey.co.uk in the first instance.