

## The Data Controller

Bishop Auckland College/South West Durham Training is the Data Controller for any personal data you give us. Contact details:

Bishop Auckland College  
Woodhouse Lane  
Bishop Auckland  
County Durham  
DL14 6JZ  
01388 443000

South West Durham Training  
Durham Way South  
Aycliffe Business Park  
County Durham  
DL5 6AT  
01325 313194

The Data Protection Officer for both organisations is Vicky Nelson. If you have any questions about this Privacy Notice or the ways in which we use your personal information, please contact the Data Protection Officer:

Data Protection Officer  
Bishop Auckland College  
Woodhouse Lane  
Bishop Auckland  
County Durham  
DL14 6JZ  
01388 443100  
[DPO@bacoll.ac.uk](mailto:DPO@bacoll.ac.uk)

## Introduction

This Privacy Notice for applicants and Staff at Bishop Auckland College/South West Durham Training (hereafter to be termed ‘the Organisation’) has been prepared in accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act 2018. It explains why we collect personal data about you, how we use it, the conditions under which we may disclose it to others and how we keep it secure.

Whenever you provide personal information, we will treat that information in accordance with this Notice, current legislation and our Data Protection Registration. We also aim to meet current best practice.

Your personal data is information which is about you. It can be data that directly identifies you or data that can be put together with other data to identify you.

We are committed to ensuring that your personal data is secure. In order to prevent unauthorised access or disclosure, we have put in place appropriate technical, physical and operational procedures to safeguard and secure the information we collect from you.

## Information we may collect about you during application

The Organisation collects and processes personal data relating to its employees to manage the employment relationship. The Organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

- Personal information (such as name, address, email address, contact phone number, date of birth and gender)
- 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 the Organisation
- Information about your current level of remuneration, including entitlement to benefits such as pensions and sick pay
- Details of your bank account and national insurance number
- 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 as detailed within your enhanced DBS
- 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 sabbaticals and the reason 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 appraisals, performance reviews and ratings, 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
- Details of trade union membership
- Equal opportunities monitoring information, including information about your key protected characteristics

### How we collect information

The Organisation collects information in a variety of ways. For example, data might be contained in application forms, CVs, obtained from your passport or other identity documents or other identity documents such as your driving licence, from forms completed by you at the start of or during employment (such as Personnel Information forms), from correspondence with you, or through interviews, meetings or other assessments.

In some cases, the Organisation collects personal data about you from third parties, such as references supplied by former employers and information from criminal records checks permitted by law.

Data will be stored in a range of different places including on your application record, in Human Resources (HR) management systems and on other IT systems (including email).

### Why we process personal data

The Organisation needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefit and pension entitlements.

In some cases, the Organisation needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to meet Keeping Children Safe in Education guidelines, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. It is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the Organisation has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allow the organisation to:

- Run recruitment and promotion processes
- 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 employee contractual and statutory rights
- Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace
- Operate and keep a record of Enhanced DBS checks to ensure Safeguarding requirements are met
- Operate and keep a record of employee performance and related processes, to plan for career development and for succession planning, workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled
- Obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law and ensure that employees are receiving the pay or other benefits to which they are entitled

- 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 the Organisation complies with duties in relation to leave entitlement and to ensure that employees are receiving the pay or other benefits to which they are entitled
- Ensure effective general HR and business administration
- Provide references on request for current or former employees
- Respond to and defend against legal claims
- Maintain and promote equality in the workplace

Where the Organisation relies on legitimate interests as reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, are processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes). Information about trade union membership is processed to allow the Organisation to operate check-off for union subscriptions.

Where the Organisation processes other special categories of personal data, such as information about the protected characteristics, this is done for the purposes of equal opportunities monitoring.

### **Who has access to your data**

Your information will be shared internally, including with members of the HR and recruitment team (including payroll), your Line Manager, managers in the business area in which you work and IT staff, if access to the data is necessary for performance of their roles.

The Organisation shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third party providers and obtain necessary criminal records checks from Disclosure and Barring Service (DBS). The Organisation may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances, the data will be subject to confidentiality arrangements.

The Organisation also shares your data with third parties that process data on its behalf, in connection with payroll, the provision of benefits and the provision of occupational health services.

Information on the Current Video Surveillance Systems may be shared with a limited group as detailed in the Information Security Policy.

The Organisation will not transfer your data to countries outside the European Economic Area.

### **How your data will be protected**

The Organisation takes the security of your data seriously. It has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed and is not accessed except by authorised persons. The Organisation's policies and procedures can be found on the staff portal by department (for BAC) and the shared area in QMS (for SWDT). Policies and procedures to refer to are General Data Protection Regulation Policy (ref: POL-DP-01), Acceptable Use Policy (ref: POL-IT-06), Information Security Policy (ref: POL-IT-07), Assessment Policy (ref: POL-C-03), Learning Area Review Procedure (ref: BAC-Q-13), etc.

Where the Organisation engages third parties to process personal data on its 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.

## Retention of information

The Organisation will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are:

| Type of data   | Retention period  | Reason                              |
|--|---|-------------------------------------|
| Personnel files including training records, medical information, records of disciplinary and grievance proceedings | Duration of employment + 6 years  | References and potential litigation |
| Application forms and interview notes  | 6 months, if unsuccessful   | Time limits on litigation           |
| Facts relating to redundancies where less than 20 staff  | 3 years from date of redundancy, unless current staff duration of employment + 6 years    | As above                            |
| Facts relating to redundancies where 20 or more staff  | 12 years from date of redundancies, unless current staff duration of employment + 6 years | Limitation Act 1980                 |

## If you do not provide personal data

You have some obligation under your employment contract to provide the Organisation 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 the Organisation 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 the Organisation to enter a contract of employment with you. If you do not provide other information, this will hinder the Organisation’s ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

## Your individual rights

You have the following rights:

|  |   | <b>Contact/Department</b>   |
|--|---|---|
| <b>The right to be informed</b>  | This Privacy Notice provides information on how we process your personal information as an applicant.   | Data Protection Officer<br><a href="mailto:DPO@bacoll.ac.uk">DPO@bacoll.ac.uk</a> |
| <b>The right of access</b>   | <p>You have the right to request information that is held and processed by the Organisation about you.</p> <p>There is no charge for us providing you with this data and it will usually be provided within a month of the request (unless the request is unfounded or excessive).</p> <p>If you would like to request information the Organisation holds on you please refer to the Data Subject Individual Rights Procedure (ref: BAC-DP-01).</p> | Data Protection Officer<br><a href="mailto:DPO@bacoll.ac.uk">DPO@bacoll.ac.uk</a> |
| <b>The right to rectification</b>  | If you believe that any data which the Organisation holds on you is incorrect (e.g. address) you can contact the Organisation to inform us of any changes necessary and we will confirm that the changes have taken place.  | Data Protection Officer<br><a href="mailto:DPO@bacoll.ac.uk">DPO@bacoll.ac.uk</a> |
| <b>The right to erasure</b>  | You may exercise your right to have your personal data erased in a number of circumstances (e.g. if the data is no longer necessary in relation to the purpose for which it was created or you withdraw your consent). Where possible we will comply with all such requests, though some details are part of the Organisation's records, which we are required to keep for funding and legal purposes.  | Data Protection Officer<br><a href="mailto:DPO@bacoll.ac.uk">DPO@bacoll.ac.uk</a> |
| <b>The right to restrict processing</b>                                    | <p>You can inform us that we can keep your data but must stop processing it, including preventing future mailings and communications.</p> <p>However, we must continue to process some information for funding and legal purposes.</p>  | Data Protection Officer<br><a href="mailto:DPO@bacoll.ac.uk">DPO@bacoll.ac.uk</a> |
| <b>The right to data portability</b>                                       | <p>You have the right to obtain and reuse your personal data for your own purposes across different services.</p> <p>If you request your data to be provided in a specific format we will endeavour to do this. However, if we are unable to provide you with your information in a specific format we will provide it in a suitable alternative.</p>   | Data Protection Officer<br><a href="mailto:DPO@bacoll.ac.uk">DPO@bacoll.ac.uk</a> |
| <b>The right to object</b>   | <p>We will stop processing your data if you object to processing based on legitimate interests or the performance of a task in the public interest / exercise of official authority (including profiling).</p> <p>We will stop processing your data for direct marketing if you tell us to.</p>   | Data Protection Officer<br><a href="mailto:DPO@bacoll.ac.uk">DPO@bacoll.ac.uk</a> |
| <b>The rights related to automated decision making including profiling</b> | We do not use any automated decision making processes.  | Not applicable  |

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

To learn more about your above rights please visit the ICO website:  
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>