

## MJTS PRIVACY NOTICE (employees, volunteers, service users)

**Data controller:** Michaeljohn Training School

**Controller's representative:** Simon Stuart

**Data protection officer:** Kate Ainsworth

### INTRODUCTION

MJTS collects and processes personal information, or personal data, relating to its employees and volunteers to manage the working relationship. This personal information may be held by MJTS on paper or in electronic format in accordance with ESFA contractual obligations and safer recruitment expectations including DBS and data sharing protocols. This Policy should be read in conjunction with the **General Data Protection Policy**.

MJTS is committed to being transparent about how it handles your personal information, to protecting the privacy and security of your personal information and to meeting its data protection obligations under the General Data Protection Regulation ("GDPR") and the Data Protection Act 2018. The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information both during and after your working relationship with MJTS. We are required under the GDPR to notify you of the information contained in this privacy notice.

This privacy notice applies to all current and former employees and volunteers. It is non-contractual and does not form part of any employment contract, consultancy agreement or any other contract.

MJTS has appointed data protection officer Kate Ainsworth and a data compliance manager Simon Stuart to oversee compliance with this privacy notice. If you have any questions about this privacy notice or about how we handle your personal information, please contact Sandra or Simon.

**Data protection principles** (further information [ICO: Guide to Data Protection](#))

Under the GDPR, there are six data protection principles that MJTS must comply with. These provide that the personal information we hold about you must be:

1. Processed lawfully, fairly and in a transparent manner.
2. Collected only for legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to those purposes.
4. Accurate and, where necessary, kept up to date.
5. Kept in a form which permits your identification for no longer than is necessary for those purposes.
6. Processed in a way that ensures appropriate security of the data.

MJTS is responsible for, and must be able to demonstrate compliance with, these principles. This is called accountability.

### **What types of personal information do we collect about you?**

Personal information is any information about an individual from which that person can be directly or indirectly identified. It does not include anonymised data, i.e. where all identifying particulars

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have been removed. There are also “special categories” of personal information, and personal information on criminal convictions and offences, which requires a higher level of protection because it is of a more sensitive nature. The special categories of personal information comprise information about an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic and biometric data.

MJTS collects, uses and processes a range of personal information about you. This includes (as applicable):

- your contact details, including your name, address, telephone number and personal e-mail address
- your emergency contact details/next of kin
- your date of birth
- your gender
- your marital status and dependants
- the start and end dates of your employment or engagement
- recruitment records, including personal information included in a CV, any application form, cover letter, interview notes, references, DBS applications and update approvals, copies of proof of right to work in the UK documentation, copies of qualification certificates, copy of driving licence and other background check documentation
- the terms and conditions of your employment or engagement (including your job title and working hours), as set out in a job offer letter, employment contract, written statement of employment particulars, re: job description, statements of changes to employment or engagement terms and related correspondence
- details of your skills, qualifications, experience and work history, both with previous employers and with MJTS
- your professional memberships
- your salary, entitlement to benefits and pension information
- your National Insurance number
- your bank account details, payroll records, tax code and tax status information
- any disciplinary, grievance and capability records, including investigation reports, collated evidence, minutes of hearings and appeal hearings, warning letters, performance improvement plans and related correspondence
- appraisals, including appraisal forms, performance reviews and ratings, targets and objectives set
- training records
- annual leave and other leave records, including details of the types of and reasons for leave being taken and related correspondence
- any termination of employment or engagement documentation, including resignation letters, dismissal letters, redundancy letters, minutes of meetings, settlement agreements and related correspondence
- information obtained through electronic means
- information about your use of our IT systems, including usage of telephones, e-mail and the Internet
- photographs, videos and social media.

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**MJTS may also collect, use and process the following special categories of your personal information (as applicable):**

- information about your health, including any medical condition, whether you have a disability in respect of which MJTS needs to make reasonable adjustments, sickness absence records (including details of the reasons for sickness absence being taken), medical reports and related correspondence
- information about your racial or ethnic origin, religious or philosophical beliefs and sexual orientation
- information about criminal convictions and offences.

**If you are wanting to access our learning programmes for yourself or your employees:**

- Your name
- Your job title
- Your organisation (if applicable)
- Your address (personal or business)
- Your email address
- Your telephone number
- Sensitive information that may be (required in regard to eligibility of government funded training and the apprenticeship [ESFA Privacy Notice](#))

If you are applying for an apprenticeship or an advertised job:

- Your application form and personal related information may be shared with the prospective employer.
- Once you have secured an apprenticeship any additional information may be provided to them to enable this to proceed.
- Employers and learners are more than likely located inside the European Economic Area (EEA) but may be outside of the EEA. Personal data shall not be transferred to a country or territory outside the EEA unless that country or territory ensures an adequate level of protection or the appropriate safeguards are in place for your rights and freedoms. Before such a transfer takes place outside of the EEA, we will provide you with further information concerning this.
- Other trusted third parties that we may share your data with are the Education and Skills and The Department for Education and its agencies.
- Personal information will not be passed on to any other third party. Unless required by funding and awarding organisations or required by law for the purpose of criminal activity, safeguarding and health and safety.

**If you are wanting to access our training services for your apprentices:**

- Your personal information may be shared with other trusted third parties that we may share your data with for eligibility purposes (The Education Skills Funding Agency, Apprenticeship Services).
- Personal information will not be passed on to any other third party. Unless required by funding and awarding organisations or required by law for the purpose of criminal activity, safeguarding and health and safety.
- If accessing government funding for delivery of a course or programme, data will be collected as outlined by funding and/or awarding body requirements.

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***If you are applying for an apprenticeship or an advertised job:***

- We will rely on your consent to process the information which you provide.
- Information and documentation to establish your right to work is processed by us as we are legally obliged to do so under government funding rules of eligibility.
- In respect of medical information, the basis for us processing this will depend on the circumstances but will usually be because it is necessary to protect health and safety or to prevent discrimination on the grounds of disability.
- Information in relation to criminal record checks, which are relevant for some roles, will be processed on the basis that it is necessary for us to comply with the law and safeguarding requirements.
- Once a position has been secured, we may also process your data in connection with the delivery and funding of your apprenticeship or training programme.

***If you are wanting to access our training services for your employees:***

- We will rely on your consent to process the information which you provide, however under funding and awarding body regulations recognition of prior qualification, personal and sensitive information may be required to be taken and kept for the period required by these organisations and/or required under safeguarding and health & safety requirements.

***How do we collect your personal information?***

MJTS may collect personal information about employees and volunteers in a variety of ways. It is collected during the recruitment process, either directly from you or sometimes from a third party such as an employment agency. We may also collect personal information from other external third parties, such as references from former employers, information from background check providers, information from credit reference agencies and criminal record checks from the Disclosure and Barring Service (DBS).

We will also collect additional personal information throughout the period of your working relationship with us. This may be collected in the course of your work-related activities. Whilst some of the personal information you provide to us is mandatory and/or is a statutory or contractual requirement, some of it you may be asked to provide to us on a voluntary basis. We will inform you whether you are required to provide certain personal information to us or if you have a choice in this.

Your personal information may be stored in different places, including in your personnel file, in MJTS' staff management system and in other IT systems, such as the e-mail system.

***Why and how do we use your personal information?***

We will only use your personal information when the law allows us to. These are known as the legal bases for processing. We will use your personal information in one or more of the following circumstances:

- where we need to do so to perform the employment contract, consultancy agreement or contract for services we have entered into with you
- where we need to comply with a legal obligation
- where it is necessary for our legitimate interests (or those of a third party), and your interests or your fundamental rights and freedoms do not override our interests.

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We may also occasionally use your personal information where we need to protect your vital interests (or someone else's vital interests).

We need all the types of personal information listed under *"What types of personal information do we collect about you?"* primarily to enable us to perform our contract with you and to enable us to comply with our legal obligations and contractual responsibilities. In some cases, we may also use your personal information where it is necessary to pursue our legitimate interests (or those of a third party), provided that your interests or your fundamental rights and freedoms do not override our interests. Our legitimate interests include: performing or exercising our obligations or rights under the direct relationship that exists between MJTS and you as its employees and volunteers; pursuing our business by employing (and rewarding) employees and volunteers; performing effective internal administration and ensuring the smooth running of the business; ensuring the security and effective operation of our systems and network; protecting our confidential information; and conducting due diligence on employees and volunteers. We believe that you have a reasonable expectation, as our employee and volunteers, that we will process your personal information.

The purposes for which we are processing or will process your personal information, is to:

- enable us to maintain accurate and up-to-date employee and volunteer records and contact details (including details of whom to contact in the event of an emergency)
- run recruitment processes and assess your suitability for employment, engagement or promotion
- comply with statutory and/or regulatory requirements and obligations, e.g. checking your right to work in the UK
- comply with the duty to make reasonable adjustments for disabled employees and workers and with other disability discrimination obligations
- maintain an accurate record of your employment or engagement terms
- administer the contract we have entered into with you
- make decisions about pay reviews
- ensure compliance with your statutory and contractual rights
- ensure you are paid correctly and receive the correct benefits and pension entitlements, including liaising with any external benefits or pension providers or insurers
- ensure compliance with income tax requirements, e.g. deducting income tax and National Insurance contributions where applicable
- operate and maintain a record of disciplinary, grievance and capability procedures and action taken
- operate and maintain a record of performance management systems
- record and assess your education, training and development activities and needs
- plan for career development and succession
- manage, plan and organise work
- enable effective workforce management
- operate and maintain a record of annual leave procedures
- operate and maintain a record of sickness absence procedures
- ascertain your fitness to work
- operate and maintain a record of maternity leave, paternity leave, adoption leave, shared

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- parental leave, parental leave and any other type of paid or unpaid leave or time off work
- ensure payment of SSP or contractual sick pay
  - ensure payment of other statutory or contractual pay entitlements, e.g. SMP, SPP, SAP and ShPP
  - meet our obligations under health and safety laws
  - make decisions about continued employment or engagement
  - operate and maintain a record of dismissal procedures
  - provide references on request for current or former employees and volunteers
  - prevent fraud
  - monitor your use of our IT systems to ensure compliance with our IT-related policies\*
  - ensure network and information security and prevent unauthorised access and modifications to systems
  - ensure effective HR, personnel management and business administration, including accounting and auditing
  - ensure adherence to Company rules, policies and procedures
  - monitor equal opportunities
  - enable us to establish, exercise or defend possible legal claims
  - enable MJTS to engage and comply with ESFA contacts

Please note that we may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law.

### ***What if you fail to provide personal information?***

If you fail to provide certain personal information when requested or required, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations. You may also be unable to exercise your statutory or contractual rights.

### ***Why and how do we use your sensitive personal information?***

We will only collect and use your sensitive personal information, which includes special categories of personal information and information about criminal convictions and offences, when the law allows us to.

Some special categories of personal information, i.e. information about your health or medical conditions and trade union membership, and information about criminal convictions and offences, is processed so that we can perform or exercise our obligations or rights under employment law or social security law and in line with our data protection policy. Information about health or medical conditions may also be processed for the purposes of assessing the working capacity of an employee or medical diagnosis, provided this is done under the responsibility of a medical professional subject to the obligation of professional secrecy, e.g. a doctor, and again in line with our data protection policy.

We may also process these special categories of personal information, and information about any criminal convictions and offences, where we have your explicit written consent. In this case, we will first provide you with full details of the personal information we would like and the reason we need it, so that you can properly consider whether you wish to consent or not. It is entirely your choice whether to consent. Your consent can be withdrawn at any time.

The purposes for which we are processing, or will process, these special categories of your

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personal information, and information about any criminal convictions and offences, are to:

- assess your suitability for employment, engagement or promotion
- comply with statutory and/or regulatory requirements and obligations, e.g. carrying out criminal record checks
- comply with the duty to make reasonable adjustments for disabled employees and workers and with other disability discrimination obligations
- administer the contract that MJTS has entered with you
- ensure compliance with your statutory and contractual rights
- operate and maintain a record of sickness absence procedures
- ascertain your fitness to work
- manage, plan and organise work
- enable effective workforce management
- ensure payment of SSP or contractual sick pay
- meet our obligations under health and safety laws
- make decisions about continued employment or engagement
- operate and maintain a record of dismissal procedures
- ensure effective staff management and business administration
- ensure adherence to Company rules, policies and procedures
- monitor equal opportunities

Where MJTS processes other special categories of personal information, i.e. information about your racial or ethnic origin, religious or philosophical beliefs and sexual orientation, this is done only for the purpose of equal opportunities monitoring and in line with our data protection policy and equality policy. Personal information that MJTS uses for these purposes is either anonymised or is collected with your explicit written consent, which can be withdrawn at any time. It is entirely your choice whether to provide such personal information.

We may also occasionally use your special categories of personal information, and information about any criminal convictions and offences, where it is needed for the establishment, exercise or defence of legal claims.

### ***Change of purpose***

We will only use your personal information for the purposes for which we collected it. If we need to use your personal information for a purpose other than that for which it was collected, we will provide you, prior to that further processing, with information about the new purpose, we will explain the legal basis which allows us to process your personal information for the new purpose and we will provide you with any relevant further information. We may also issue a new privacy notice to you.

### ***Who has access to your personal information?***

Your personal information may be shared internally within MJTS, including with members of the director's team, MJTS staff who process wages including company accountant, your line manager, other managers in the department in which you work and IT staff if access to your personal information is necessary for the performance of their roles.

MJTS may also share your personal information with third-party service providers (and their designated agents), including:



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- external organisations for the purposes of conducting pre-employment reference and employment background checks
- benefits providers and benefits administration, including insurers
- pension scheme provider and pension administration
- occupational health providers
- external IT services
- external auditors/inspectors
- professional advisers, such as lawyers and accountants
- employers, networking partners

MJTS may also share your personal information with other third parties in the context of a potential sale or restructuring of some or all of its business. In those circumstances, your personal information will be subject to confidentiality undertakings.

We may also need to share your personal information with a regulator or to otherwise comply with the law.

We may share your personal information with third parties where it is necessary to administer the contract we have entered into with you, where we need to comply with a legal obligation, or where it is necessary for our legitimate interests (or those of a third party).

### ***How does MJTS protect your personal information?***

MJTS has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, volunteers and other third parties who have a business need to know in order to perform their job duties and responsibilities. You can obtain further information about these measures from our data protection officer Sandra and data compliance manager Simon.

Where your personal information is shared with third-party service providers, we require all third parties to take appropriate technical and organisational security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal information for specified purposes and in accordance with our written instructions and we do not allow them to use your personal information for their own purposes.

MJTS also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are legally required to do so.

### ***For how long does MJTS keep your personal information?***

MJTS will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed, including for the purposes of satisfying any legal, tax, health and safety, reporting, ESFA, awarding organisations, OFSTED or accounting requirements.

MJTS will generally hold your personal information for the duration of your employment or engagement. The exceptions are:

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- any personal information supplied as part of the recruitment process will not be retained if it has no bearing on the ongoing working relationship
- personal information about criminal convictions and offences collected in the course of the recruitment process will be deleted once it has been verified through a DBS criminal record check, unless the information has been assessed by MJTS as relevant to the ongoing working relationship
- a DBS criminal record check will be deleted once the conviction is “spent” (unless information about spent convictions may be retained because the role is an excluded occupation or profession)
- disciplinary, grievance and capability records will only be retained until the expiry of any warning given (but a summary disciplinary, grievance or performance management record will still be maintained for the duration of your employment).

Once you have left employment or your engagement has been terminated, we will generally hold your personal information for [one year] after the termination of your employment or engagement, but this is subject to: (a) any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records, and (b) the retention of some types of personal information for up to six years to protect against legal risk, e.g. if there could be relevant to a possible legal claim in a tribunal, County Court or High Court.

We will hold payroll, wage and tax records (including salary, overtime, expenses, benefits and pension information, National Insurance number, PAYE records, tax code and tax status information) for six years after the termination of your employment or engagement. Overall, this means that we will “thin” the file of personal information that we hold on you one year after the termination of your employment or engagement, so that we only continue to retain for a longer period what is strictly necessary.

Personal information which is no longer to be retained will be securely and effectively destroyed or permanently erased from our MIS systems and we will also require third parties to destroy or erase such personal information where applicable.

In some circumstances, we may anonymise your personal information so that it no longer permits your identification. In this case, we may retain such information for a longer period.

### ***Your rights in connection with your personal information***

It is important that the personal information we hold about you is accurate and up to date. Please keep us informed if your personal information changes, e.g. you change your home address, during your working relationship with MJTS so that our records can be updated. MJTS cannot be held responsible for any errors in your personal information in this regard unless you have notified MJTS of the relevant change.

As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- request access to your personal information – this is usually known as making a data subject access request and it enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- request rectification of your personal information – this enables you to have any inaccurate or incomplete personal information we hold about you corrected

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- request the erasure of your personal information - this enables you to ask us to delete or remove your personal information where there is no compelling reason for its continued processing, e.g. it is no longer necessary in relation to the purpose for which it was originally collected
- restrict the processing of your personal information - this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy
- object to the processing of your personal information - this enables you to ask us to stop processing your personal information where we are relying on the legitimate interests of the business as our legal basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground
- data portability – this gives you the right to request the transfer of your personal information to another party so that you can reuse it across different services for your own purposes.

If you wish to exercise any of these rights, please contact Sandra or Simon or complete the electronic form on MJTS's website. We may need to request specific information from you in order to verify your identity and check your right to access the personal information or to exercise any of your other rights. This is a security measure to ensure that your personal information is not disclosed to any person who has no right to receive it.

In the limited circumstances where you have provided 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. This will not, however, affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact Sandra or Simon. Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legal basis for processing.

If you believe that MJTS has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

### ***Transferring personal information outside the European Economic Area***

MJTS will not transfer your personal information to countries outside the European Economic Area.

### ***Social media platforms***

Communication, engagement and actions taken through external social media platforms that Michaeljohn Training School participate on are subject to the terms and conditions as well as the privacy policies held with each social media platform respectively.

Users are advised to use social media platforms wisely and communicate / engage upon them with due care and caution in regard to their own privacy and personal details. Michaeljohn Training School will never ask for personal or sensitive information through social media platforms and only encourage users wishing to discuss sensitive details to contact them through primary communication channels such as by telephone or email.

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### **Automated decision-making**

Automated decision-making occurs when an electronic system uses your personal information to make a decision without human intervention.

We do not envisage that any employment decisions will be taken about you based solely on automated decision-making, including profiling. However, we will notify you in writing if this position changes.

### **Changes to this privacy notice**

MJTS reserves the right to update or amend this privacy notice at any time, including where MJTS intends to further process your personal information for a purpose other than that for which the personal information was collected or where we intend to process new types of personal information. We will issue you with a new privacy notice when we make significant updates or amendments. We may also notify you about the processing of your personal information in other ways.

### **Contact**

If you have any questions about this privacy notice or how we handle your personal information, please contact our data protection officers Kate Ainsworth. You may also contact our data compliance manager Simon Stuart. as follows:

Simon Stuart – [simon.stuart@mj-training.co.uk](mailto:simon.stuart@mj-training.co.uk)

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