

Privacy Statement

Privacy Statement for Employees

Car Benefit Solutions (CBS) believe that the responsible use of your personal information collected during the course of your employment is an essential element of the employment contract and relationship. This Privacy Statement will provide you with a clear understanding about what data we will gather and your rights under the General Data Protection Regulation (GDPR), in the interests of transparency.

Personal data for these purposes means any information relating to an identified or identifiable person

Sensitive data means personal data consisting of information relating to:

- the racial or ethnic origin of the individual,
- their political opinions,
- their religious or philosophical beliefs,
- their membership of a trade union,
- their physical or mental health or condition,
- their sexual orientation,
- the commission or alleged commission by them of any offence,
- any proceedings for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings,
- genetic data; and
- biometric data where processed to uniquely identify a person (for example a photo in an electronic passport)

Data controller means the person or organisation who determines the purposes for which and the manner in which any personal data is processed and in this case is CBS.

What personal data do we process?

It is necessary for us to gather and process personal data of both job applicants and employees to identify the individual for the purposes of recruitment and to maintain information for the general purpose of an ongoing employment relationship and a duty of care.

We have a legal reason for processing certain data including right to work checks, the provision of a written employment contract and for health and safety issues. We also have a legitimate reason to process data for the following reasons:

- The assessment of suitability for employment
- Production of employment contract and related documentation
- Safeguarding the health and safety of job applicants and employees
- Transferring employee data for administrative purposes including employee HR benefits
- Ensuring network and information security

We may from time to time need to process sensitive personal data such as medical records or information relating to an individual's health and well being. In this case, we will always seek explicit consent unless the processing of that data is necessary by way of our obligations as an employer.

There is no strict statutory or contractual requirement for you to provide data to us but if you do not provide at least the data that is necessary for us to assess suitability for employment and then to conduct the employment relationship, then it will not practically be possible for us to employ you.

How will we use your information?

- For management and administrative needs
- To enable us to run the business and manage the working relationship effectively, lawfully and appropriately

When will we use your information?

- During the recruitment process
- Whilst you are working for us
- When your employment ends
- After you have left CBS

This includes the use of data to enable us to comply with the employment contract, legal requirements, to pursue the legitimate interests of CBS and to protect our legal position in the event of any legal proceedings.

Who will receive your personal data?

Your personal data may be received by the following:

- Our People, Culture & Values Department and any other relevant CBS employee;
- In the case of job applicants, the interviewer, the prospective manager and any other relevant CBS employee;
- Any individual authorised by us to maintain personnel files;
- Our professional advisers; and
- Appropriate external regulators and authorities (such as HMRC and HSE)

We do not envisage that your data would be transferred to another country. If we perceive the need to do that we would discuss that with you and explain the legal basis for the transfer of the data at that stage.

How long will we store your personal data?

We will keep personal data for no longer than is strictly necessary, having regard to the original purpose for which the data was processed. In some cases we will be legally obliged to keep your data for a set period. We will keep your personal data for 7 years after you leave employment with CBS.

What are your rights regarding your personal data?

The right to be informed

You have the right to be informed about the collection and use of your personal data, the elements of which are contained within this document. This is a key transparency requirement under the GDPR.

The right to be forgotten

You have the right to request that your personal data is deleted if:

- it is no longer necessary for us to store that data having regard to the purposes for which it was originally collected; or
- in circumstances where we rely solely on your consent to process the data (and have no other legal basis for processing the data), you withdraw your consent to the data being processed; or
- you object to the processing of the data for good reasons which are not overridden by another compelling reason for us to retain the data; or
- the data was unlawfully processed; or
- the data needs to be deleted to comply with a legal obligation.

However, we can refuse to comply with a request to delete your personal data where we process that data:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation or the performance of a public interest task or exercise of official authority;
- for public health purposes in the public interest;
- for archiving purposes in the public interest, scientific research, historical research or statistical purposes; or
- the exercise or defence of legal claims.

The right to data portability

You have the right to receive the personal data which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit that data to another controller without hindrance from the controller to which the personal data has been provided (us) where:

- the processing is based on consent or on a contract; and
- the processing is carried out by automated means.

Note that this right only applies if the processing is carried out by “automated means” which means it will not apply to most paper based data.

The right to withdraw consent

Where we process your personal data in reliance on your consent to that processing, you have the right to withdraw that consent at any time. You may do this in writing to the Head of People, Culture & Values.

The right to object to processing

Where we process your personal data for the performance of a legal task or in view of our legitimate interests you have the right to object on “grounds relating to your particular situation”. If you wish to object to the processing of your personal data you should do so in writing to the Head of People, Culture & Values stating the reasons for your objection. Where you exercise your right to object we must stop processing the personal data unless:

- we can demonstrate compelling legitimate grounds for the processing, which override your interests, rights and freedoms; or
- the processing is for the establishment, exercise or defence of legal claims.

The right of subject access

So that you are aware of the personal data we hold on you, you have the right to request access to that data. This is sometimes referred to as making a Subject Access Request. A form for this can be found on BreatheHR or by request from the PCV Team.

The right to rectification

If any of the personal data we hold on you is inaccurate or incomplete, you have the right to have any errors rectified. Where we do not take action in response to a request for rectification you have the right to complain about that to the Information Commissioner’s Office (ICO).

The right to restrict processing

In certain prescribed circumstances, such as where you have contested the accuracy of the personal data we hold on you, you have the right to block or suppress the further processing of your personal data.

Rights related to automated decision making and profiling

The GDPR defines profiling as any form of automated processing intended to evaluate certain personal aspects of an individual, in particular to analyse or predict:

- performance at work;
- economic situation;
- health;
- personal preferences;
- reliability;
- behaviour;
- location; or
- movement

You have the right not to be subject to a decision when it is based on automated processing; and it produces a legal effect or a similarly significant effect on you. However, that right does not apply where the decision is necessary for purposes of the performance of a contract between you and us.

We may use data related to your performance or attendance record to make a decision as to whether to take disciplinary action. We consider that to be necessary for the purposes of conducting the employment contract. In any event that is unlikely to be an automated decision in that action will not normally be taken without an appropriate manager discussing the matter with you first and then deciding whether the data reveals information such that formal action needs to be taken. In other words there will be human intervention for the purposes of the GDPR and you will have the chance to express your point of view, have the decision explained to you and an opportunity to challenge it.

Complaints

Where you take the view that your personal data is processed in a way that does not comply with the GDPR, you have a specific right to lodge a complaint with the ICO.