



FAIR PROCESSING NOTICE FOR EMPLOYEES OF FIRST LIGHT

First Light collect data and information about our employees so that we can run effectively as a service provider. We need this information to help meet our purpose of providing an effective, compassionate and high-quality service and to meet our legal and contractual obligations with our employees. This Fair Processing Notice explains what data we process, why we process it, our legal basis, how long we keep it and the rights of employees.

We will always make sure that our employee's information is protected and treated securely. Any information that we process will be held in accordance with the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and other UK or EU data protection legislation

Our contact details

First Light is the trading name of First Light South West Ltd

Company number: 3440794 | Charity registration number: 1090457

Registered address: The Business Centre, 2 Cattedown Road, Plymouth PL4 OEG

Phone: 03458 12 12 12

Email: info@firstlight.org.uk

Our Data Protection Officer is Kristy Gouldsmith and she can be contacted at dpo@firstlight.org.uk

What data do we process?

During your employment, we will process the following personal data:

- Proof of your identity to prove that you have the right to work in the UK, including a copy of your birth certificate and passport (name, date of birth, nationality, biometric photo, passport number);
- Name, address and date of birth;
- Documentary evidence of any relevant qualifications;
- A copy of each reference obtained about you;
- The dates on which you commence employment and cease employment;

- The position that you hold at First Light, the work that you perform and the number of hours for which you are employed each week;
- Either—
 - where the certificate is required for the position, an enhanced criminal record certificate; or
 - for all other positions, a criminal record certificate.
- Details of any criminal offences—
 - of which you have been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(4) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(5); or
 - in respect of which you have been cautioned by a constable and which, at the time the caution was given, you admitted.
- The personal data we hold for you will be in the form of correspondence, reports, records of disciplinary action, grievances, dismissal, maternity/paternity/adoption or parental leave records and requests, and any other records in relation to your employment;
- Health data for any sickness, maternity or other requirement (the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of First Light or of the employee in the field of employment and social security and social protection law);
- Images captured by CCTV
- NI number;
- Bank details; and
- Unique Tax Reference (UTR).

We collect information about our employees when they commence employment with First Light and we process it on an on-going basis.

Why do we need to process personal data on our employees?

First Light needs to process personal data about our employees in order to provide an effective, compassionate and high-quality service and to fulfil our legal and contractual obligations.

Our legal basis for processing personal data

By law, we need a legal basis for processing the personal data of an employee. The legal basis that we use are contract, legal obligation, legitimate interest and, occasionally, with your consent.

Contract:

We have a basis to process your personal data where we have a contract of employment with you. For example, we need your NI number in order to pay you and cannot employ you without it.

Legal obligation:

We have a basis to use your personal information where we need to do so to comply with one of our legal or regulatory obligations. For example, we need to see and copy your passport or other identification to prove that you have the right to work in the UK. We have a legal duty to share information with HMRC and our pension providers.

Legitimate interests:

We have a basis to use your personal information if it is reasonably necessary for us to do so and in our “legitimate interests” (provided that what the information is used for is fair and does not unduly impact your rights).

For example, First Light has a legitimate interest to keep your personal data on our systems in order to keep it secure, process it and to provide you with a service.

We only rely on legitimate interests where we have considered any potential impact on you, whether or not our processing is excessive and that our processing does not override your right

Consent:

Consent is given where we ask you for permission to use your information in a specific way and you agree to this. Where we use your information for a purpose based on consent, you have the right to withdraw consent for this purpose at any time. For example, we might ask if we could use your photo on social media but you are free to refuse.

Special categories of personal data are data revealing health, race, religious beliefs, political views, trade union membership, sex life or sexuality or genetic/biometric information. We will process this type of information about you only if we are required to do so and if we have a specific exemption under the GDPR, which are: your explicit consent or if we are required to do so for employment law purposes.

*We process the following data because we have a **legal obligation** to do so. We cannot employ a person without this data.*

- Proof of your identity to prove that you have the right to work in the UK, including a copy of your birth certificate and passport (name, date of birth, nationality, biometric photo, passport number);
- Name, address and date of birth;

- Either—
 - where the certificate is required for the position, an enhanced criminal record certificate; or
 - for all other positions, a criminal record certificate.
- Details of any criminal offences—
 - of which you have been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(4) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(5); or
 - in respect of which you have been cautioned by a constable and which, at the time the caution was given, you admitted.
- The personal data we hold for you will be in the form of correspondence, reports, records of disciplinary action, grievances, dismissal, maternity/paternity/adoption or parental leave records and requests, and any other records in relation to your employment
- Health data for any sickness, maternity or other requirement (the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of First Light or of the employee in the field of employment and social security and social protection law)
- NI number
- Unique Tax Reference (UTR)

*We process the following personal data due to our **legal obligation** to share it with regulators and others:*

- Employee records are shared with the Charity Commission, if required, with other regulators and agencies (see 'Who do we share an employees' data with?').
- Government agencies for the criminal record checks
- HMRC
- Pension providers due to auto-enrolment

*We process the following data to fulfil our **contract** with our employees. This data is required for a person to be employed by First Light.*

- Name, address and date of birth;
- Documentary evidence of any relevant qualifications;
- A copy of each reference obtained about you;
- The dates on which you commence employment and cease employment;
- The position that you hold at First Light, the work that you perform and the number of hours for which you are employed each week;
- Either—
 - where the certificate is required for the position, an enhanced criminal record certificate; or
 - for all other positions, a criminal record certificate.
- Details of any criminal offences—
 - of which you have been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(4) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(5); or
 - in respect of which you have been cautioned by a constable and which, at the time the caution was given, you admitted.
- The personal data we hold for you will be in the form of correspondence, reports, records of disciplinary action, grievances, dismissal, maternity/paternity/adoption or parental leave records and requests, and any other records in relation to your employment;
- NI number;
- Bank details; and
- Unique Tax Reference (UTR)

We process the following personal data with the explicit consent of the employee for Equality and Diversity purposes:

- data revealing racial or ethnic origin, religious or philosophical beliefs or health

We process the following personal data with the consent of the employee but you are free to decline or withdraw your consent at any time:

- photos or video used for marketing purposes

In the case of any disputes, we will process the following personal data because we have a legitimate interest and the processing is necessary for the establishment, exercise or defence of legal claims:

- all personal data will be shared, as required, with our legal advisors and our insurers

We will process the following personal data because it is a legitimate activity of First Light:

- Obtaining a reference about you;
- Capturing your image on CCTV.
- Storing data securely on servers and in the cloud

How long do we hold the personal data of our employees?

We hold your personal data while you are employed by us and for the next seven years, due to HMRC requirements. We take out any bank details, references, next of kin and right to work documents at the end of your employment.

Who do we share employee data with?

We share employee data, where required, with:

- HMRC;
- The Charities Commission;
- The courts, police or other law enforcement agencies if we have to by law or court order;
- Our insurance providers;
- Our legal advisors;
- Pension providers; and
- Our software and cloud service providers.

Data transfers out of the EU or EEA

We do not transfer any personal data of employees out of the EU or EEA.

Rights of employees

Your rights

You have rights in respect of our processing your personal data which are:

- To access your personal data and information about our processing of it. You also have the right to request a copy of your personal data (but we will need to remove information about other people).
- To rectify incorrect personal data that we are processing.
- To request that we erase your personal data if:
 - we no longer need it;
 - if we are processing your personal data by consent and you withdraw that consent;
 - if we no longer have a legitimate ground to process your personal data; or

- we are processing your personal data unlawfully
- To object to our processing if it is by legitimate interest.
- To restrict our processing if it was by legitimate interest.
- To request that your personal data be transferred from us to another company if we were processing your data under a contract or with your consent and the processing is carried out automated means.

If you want to exercise any of these rights, please contact us.

If you have a concern about the way we are collecting or using your personal data, please raise your concern with us in the first instance. You may also contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>.