

## **AHR 20 PRIVACY POLICY**

### **1. INTRODUCTION**

- 1.1 Aldanat Care is committed to safeguarding the privacy of its staff and service users in its capacity as a data controller and data processor.
- 1.2 The Company is resolved to being transparent about how it collects and uses personal data and to meeting its data protection obligations.

### **2. PURPOSE**

- 2.1 The purpose of the Aldanat Care Privacy Policy is to ensure that all employees, including bank staff, agency staff and volunteers, understand the Company's requirements in relation to the use of personal data and sensitive information.
- 2.2 For the purpose of this policy, *privacy* refers to the Company's use of personal and sensitive information.

### **3. SCOPE**

- 3.1 This policy applies to *all* workers employed directly or indirectly by Aldanat Care, including secondees into and out of the organisation, volunteers, students, honorary appointees, trainees, contractors, and temporary workers, including those working on a bank or agency contract; and to all service users supported by Aldanat Care.

### **4. THE COMPANY'S USE OF EMPLOYEES AND SERVICE USERS DATA**

#### **4.1 How Aldanat Care collects individuals' personal data.**

- 4.2 The Company may collect personal data in a variety of ways, for example:

- when an individual contacts the Company either via telephone or email;
- when an individual registers with Aldanat Care for recruitment and vacancy updates;
- when individuals' complete satisfaction surveys that Aldanat Care uses for performance purposes (although invited individuals are not obliged to respond to them);
- when an individual applies for a vacancy internally or externally;
- when the Company collects data through the implementation of any HR policies, for example, Disciplinary, Complaints & Grievance;
- in the course of managing an individual's employment with Aldanat Care, for example, Payroll;
- contact details employees placed on the company's internal staff directory;
- when individuals use any HR services; and,
- when the Company receives an individual's personal data from third parties, for example, security screening; and recruitment agencies.

### 4.3 The types of personal data the Aldanat Care may need to collect.

4.4 Aldanat Care collects and processes a range of personal data, including information relating to non-employees, for example, job applicants.

4.5 Aldanat Care may collect the following types of Personal Data:

- names, addresses, email addresses, telephone numbers and other contact information that allows the Company to meet its organisational and statutory obligations to individuals as an employer and provider of support to service users;
- details of family members and Next of Kin status;
- bank details;
- right to work documentation and other security screening information;
- details of individuals' qualifications, skills, experience, and employment history;
- information about job applicants' current level of remuneration, including benefit entitlements;
- whether or not job candidates have a disability for which the organisation might need to make reasonable adjustments during the recruitment process; and,
- information about job applicants' entitlement to work in the UK.

4.6 Some of the information the Company collects about individuals may include *Sensitive Personal Data* as defined in the Data Protection Act 1998. The Company will not utilise this data unless it has obtained expressed consent from individuals to do so.

4.7 **Recruitment data processing** Aldanat Care has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the Company to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The Company may also need to process data from job applicants to respond to and defend against legal claims.

4.8 Aldanat Care may collect recruitment information in a variety of ways. For example, data might be contained in application forms, CVs or resumés, obtained from passports or other identity documents, or collected through interviews or other forms of assessment.

4.9 The Company may also collect personal data about job applicants from third parties, such as references supplied by former employers. Such information will be sought from third parties only once a job offer has been made and the Company will inform applicants that this information will be requested.

4.10 Data will be stored in a range of different places, including on a candidate's application record, in HR management systems and on other IT systems (including email).

4.11 Aldanat Care may process special categories of data, such as information about ethnic origin, sexual orientation or religion or belief, to monitor recruitment statistics. The Company may also collect information about whether or not applicants are disabled in order to make reasonable adjustments for candidates who have a disability. Such information is processed to fulfil the Company's obligations and exercise specific rights in relation to employment.

4.12 Where a person's job application is unsuccessful, their information will ordinarily be retained for 6 months from the point of the given post being successfully recruited to. Aldanat Care may keep that individual's personal data on file in case there are future employment opportunities for

which they may be suited; in such cases the Company will seek consent from those individuals before it keeps their data for this purpose. Individuals are free to withdraw their consent at any time.

4.13 ***Rationale for processing personal data*** The Company needs to process data in order to be able to continue to take the steps to the prospective engagement of individuals initially made at their request prior to entering into a contract with them. The Company may then also need to process their data to be able to enter into a contract with them.

4.14 In some cases, the Company needs to process data to ensure that it is complying with its legal obligations. For example, it is mandatory to check a successful applicant's eligibility to work in the UK before employment starts.

#### **4.15 How Aldanat Care uses individuals' data.**

4.16 The Company may use individual's personal data in the following ways:

- to ensure that the information the Company holds about individuals is kept up to date;
- to deal with any employee/employers related disputes that may arise;
- for assessment and analysis purposes to help improve the operation of, and manage the performance of, the Company's business;
- to prevent, detect and prosecute fraud and other crime;
- for any other purpose for which an individual gives Aldanat Care their consent to use Personal Data;
- to comply with legal obligations e.g., HMRC, pensions, the Data Protection Act (1998) S29 requests.

4.17 In order to manage the business Aldanat Care will use information which personally identifies individuals. Notwithstanding, the Company may also use consolidated information.

#### **4.18 Sharing Personal Information**

4.19 Aldanat Care will not ordinarily share anyone's personal information with third parties. However, it may be necessary where the Company is under a legal obligation to do so; for example, where it is required to share information under statute, to prevent fraud and other criminal offences or because of a Court Order; for example, HRMC, the police.

4.20 Personal information may be shared internally for the purposes of recruitment. This includes members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their roles.

4.21 Aldanat Care will not share personal data with third parties, unless for example, an individual's application for employment is successful and the Company makes them an offer of employment. The Company will then share that candidate's personal data with former employers to obtain references for them, and with employment background check providers to obtain necessary background checks.

#### **4.22 Transferring personal data outside the European Economic Area**

4.23 Aldanat Care will not ordinarily have any requirement to transfer any data outside the European Economic Area. Where the Company may be required to do so it will ensure that such transfers are compliant with the Data Protection Act 1998 and that appropriate measures are put in place to keep an individual's Personal Data secure.

#### **4.24 Storage of personal data**

4.25 Aldanat Care takes the security of individuals' personal data very seriously. The Company has internal policies and controls in place to ensure that individuals' data are not lost, accidentally destroyed, damaged, misused or disclosed, and is not accessed except by its employees in the proper performance of their duties.

4.26 The Company will monitor on an ongoing basis that it has in place sufficient and appropriate technical and organisational measures to prevent unauthorised or unlawful processing of personal data.

4.27 The methods of storage of both paper and digital data are detailed in the Aldanat Care Data Protection policy.

#### **4.28 Authorised access to personal data**

4.29 All personal paper-based and electronic data will be stored in accordance with the Data Protection Act 1998 and will be secured against unauthorised access, accidental disclosure, loss or destruction.

4.30 Individual employees will have access to their own data. These will not be accessible by any other staff except those named individuals who are duly authorised to do so in the context of their roles within the Company.

4.31 All personal paper-based and electronic data will only be accessible to those named individuals who are duly authorised by Aldanat Care to have access.

#### **4.32 Retention and deletion of personal data**

4.33 **Recruitment** In cases where applications for employment are unsuccessful, the Company will hold personal data on file for 6 (six) months after the end of the relevant recruitment process. If the individual agrees to allow Aldanat Care to keep their personal data on file, the Company will hold their data on file for a further 6 (six) months for consideration for future employment opportunities. At the end of that period, or once the individual withdraws their consent, their data will be deleted or destroyed. Individuals may be asked at the time of their interview whether or not they give Aldanat Care their consent to hold their details for the full 12 (twelve) months in order to be considered for other positions.

4.34 In cases where applications for employment are successful, personal data gathered during the recruitment process will be transferred to each individual's Human Resources file (electronic and paper based) and retained for the duration of their employment. The periods for which data will be held will be advised in a new privacy notice.

4.35 **Employees** Employee's personal data will be retained for 6 (six) years post-employment. This is necessary, for example, for the Company to be able provide suitable references for any former employees.

4.36 **Service Users** Service user data will be held for 20 years, or for 8 years after their death.

## 5. UPHOLDING INDIVIDUAL RIGHTS

5.1 Individuals, as data subjects, have a number of rights under data protection law. They may:

- access and obtain a copy of their data on request;
- require the organisation to change incorrect or incomplete data;
- require the organisation to delete or stop processing their data, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of their data where Aldanat Care is relying on its legitimate interests as the legal ground for processing;
- complain to the Information Commissioner;
- withdraw their consent.

5.2 Aldanat Care will endeavour to uphold individual's rights and will actively assist data subjects in their pursuit of achieving these.

5.3 If an individual believes that the Company has not complied with their data protection rights, they have the right to complain to the Information Commissioner.

5.4 Individuals have the right to confirmation as to whether or not the Company processes their personal data and, where it does, to access to their personal data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data.

5.5 Individuals can request a copy of the information that Aldanat Care holds about them at any time by contacting the Company's Data Protection Officer. The provision of a first copy will be made free of charge, but additional copies and any subsequent requests may be subject to the payment of a fee (currently £10). The Company will provide this information only if the rights and freedoms of others are not affected.

5.6 Individuals have the right to have any inaccurate personal data about them rectified and, taking into account the purposes of the processing, to have any incomplete personal data about them completed.

5.7 Individual employees are responsible for ensuring that the personal data the Company holds about them is accurate and whether it needs to be updated.

5.8 No information about any individual will be used for marketing purposes unless the Company has sought and gained that person's expressed consent to do so.

5.9 **The right to erasure** In some circumstances individuals have the right to the erasure of their personal data without undue delay. Those circumstances include:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;

- the individual withdraws consent to consent-based processing;
- the individual objects to the processing under certain rules of applicable data protection law;
- the processing is for direct marketing purposes;
- the personal data have been unlawfully processed.

5.10 **Exclusions of the right to erasure** The general exclusions include where processing is necessary:

- for exercising the right of freedom of expression and information;
- for compliance with a legal obligation;
- for the establishment, exercise, or defense of legal claims.

5.11 **The right to restrict the processing of personal data** In some circumstances individuals have the right to restrict the processing of their personal data. Those circumstances are:

- the individual contests the accuracy of the personal data;
- processing is unlawful, but the individual opposes erasure;
- the Company no longer needs the personal data for the purposes of its processing, but the individual requires personal data for the establishment, exercise, or defense of legal claims;
- the individual has objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, the Company may continue to store the individual's personal data. However, the Company will only otherwise process it:
  - with the individual's consent;
  - for the establishment, exercise, or defense of legal claims;
  - for the protection of the rights of another natural or legal person;
  - or for reasons of important public interest.

5.12 **The right to object to the processing of personal data** Individuals have the right to object to Aldanat Care's processing of their personal data on grounds relating to their particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for:

- the performance of a task carried out in the public interest or in the exercise of any official authority vested in the Company;
- or the purposes of the legitimate interests pursued by Aldanat Care or by a third party.

5.13 If an individual makes such an objection, Aldanat Care will cease to process the personal information unless it can demonstrate compelling legitimate grounds for the processing which override the objecting individual's interests, rights and freedoms, or the processing is for the establishment, exercise, or defense of legal claims.

5.14 Individuals have the right to object to the Company's processing of their personal data for direct marketing purposes (including profiling for direct marketing purposes). If they make such an objection, the Company will cease to process their personal data for this purpose.

5.15 Individuals have the right to object to Aldanat Care's processing of their personal data for scientific or historical research purposes or statistical purposes on grounds relating to their particular situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

5.16 To the extent that the legal basis for Aldanat Care's processing of an individual's personal data is either:

- a) consent; or
- b) that the processing is necessary for the performance of a contract to which the individual is party, or in order to take steps at their request prior to entering into a contract,

the individual has the right to receive their personal data from the Company in a structured, commonly used, and readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.

5.17 If an individual considers that Aldanat Care's processing of their personal information infringes data protection laws, they have a legal right to lodge a complaint with a supervisory authority responsible for data protection. They may do so in the EU member state of their habitual residence, their place of work or the place of the alleged infringement.

5.18 To the extent that the legal basis for Aldanat Care's processing of an individual's personal information is consent, that individual has the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.

5.19 Individuals may exercise any of their rights in relation to their personal data (by written notice to Aldanat Care) in addition to any other methods specified in this section (Section 5).

5.20 Notwithstanding the other provisions of this section (Section 5), the Company may retain individual personal data where such retention is necessary for compliance with a legal obligation to which the Company is subject, or in order to protect an individual's vital interests or the vital interests of another natural person.

## **6. DATA PROTECTION OFFICER**

6.1 Aldanat Care is not legally bound to engage an employee in a dedicated Data Protection Officer role. However, the Company has designated an individual to deal with data protection and privacy issues as they arise.

## **7. RELATED POLICIES**

- ACS 05 Safeguarding
- AHR 16 Whistleblowing Policy
- AHR 19 Data Protection Policy
- AHR 20 Privacy Policy

## **8. THE LEGAL BASIS FOR THE ALDANAT CARE PRIVACY POLICY**

8.1 This policy is underpinned by legislation, including:

- The UK Data Protection Act 2018
- The Data Protection Act 1998
- The Freedom of Information Act 2000
- The Protection of Freedoms Act 2012

## 9. COOKIES

The cookies used on this site are as follows:

Name: vhideactivationmsg (Visual Composer)  
Functionality: Store a version number for website assets  
Expiration: 30 days

Name: \_fbp (Facebook)  
Functionality: To store and track visits across websites  
Expiration: 3 months

Name: \_gid (Google Analytics)  
Functionality: To store and count pageviews  
Expiration: 1 day

Name: \_gat (Google Analytics)  
Functionality: To read and filter requests from bots  
Expiration: 1 minute

Name: \_ga (Google Analytics)  
Functionality: To store and count pageviews  
Expiration: 2 years