

## PRIVACY STATEMENT

July 2020

### **TBMH Employees, Workers, individuals providing services on a self-employed basis and applicants for job vacancies**

#### **Purpose**

This statement provides information about how Tri-borough Music Hub (TBMH) processes personal data for employees, workers, individuals providing services on a self-employed basis and applicants for job vacancies.

#### **What is personal data?**

Personal data means any information which can directly or indirectly identify an individual.

#### **Where does your data come from?**

We keep a record of, and process, the data you provide when:

- applying for a vacant or new job at TBMH (e.g. application documents and records of the recruitment process)
- you complete paperwork in relation to a job or engagement, including, but not exclusively, details provided by your referees, personal and bank details
- you communicate with us about other HR related procedures whilst being an employee, worker, student worker or individuals providing services on a self-employed basis (e.g. regarding sickness absence, training, invoicing)

We store your personal data on secure manual filing systems or on password protected administrative systems and access is restricted to those TBMH staff who need it.

We do not use any automated processes to make decisions about individuals.

#### **Why do we need your data?**

We are required to obtain and process certain personal information so that, for example, staff can be recruited and paid and legal obligations to government complied with, including the following:

To manage the recruitment process and successful candidates' transition from applicant to employee

- to carry out pre-employment/engagement checks including right to work, occupational health, references and disclosure & barring service
- to manage all HR contractual processes, including probation, absence management, pension administration
- to administer payment processes including payroll, pension, staff benefits, expense claims and invoices from individuals providing services on a self-employed basis
- to support training and professional development

- to ensure the health, safety and wellbeing of employees, workers, individuals providing services and job applicants and accommodate special requirements where necessary (i.e. in respect of declared disability, religion)
- to meet our legal obligations to compile statistics and provide data to central government agencies and regulatory bodies
- to process equal opportunities data (e.g. legal sex, gender identity, relationship status, religion or belief, sexual orientation, nationality, ethnicity, disability)
- to ensure that you have access to TBMH's facilities
- to allow us to contact a chosen next of kin in the event of an emergency
- to manage the termination of employment by resignation, redundancy, retirement or dismissal
- for internal and external audit purposes
- to fulfil our obligations under other laws and legislative regimes as is required

### **What is the lawful basis of using and storing your data?**

We have identified that our using and storing your personal data is necessary for the purpose of either:

- complying with a legal obligation (e.g. checking your right to work in the UK)
- performing our contractual obligations with you or to take steps to enter into a contract (e.g. administering your employment contract; monitoring the recruitment process; making a payment for a contract for services)
- additionally, we may process data that is classed as a “special category” of personal data, this includes information about your legal sex, gender identity, relationship status, religion or belief, sexual orientation, nationality, ethnicity, disability. We have identified that our using and storing of special categories of personal data is necessary for the purpose of:
  - assessing the working capacity of our employees (e.g. occupational health checks and referrals)
  - carrying out obligations under employment, social security or social protection law (e.g. administering sickness records, statutory maternity pay records and other statutory frameworks)
  - performing statistical research to ensure we meet our public-sector equality duties (e.g. monitoring Equal Opportunities data)
  - when we require your explicit consent for processing your personal data for a specific purpose, then we will ask for your consent at the point of collecting that data from you (such as when prospective employers, landlords and other external organisations ask us to provide references about you, or in respect of an application for retirement on the basis of ill-health or incapacity). Any request for consent we make is clear and separate from other terms & conditions and you can withdraw your consent at any time.

### When do we share your data with external parties?

We have a legal or contractual obligation to share your personal data with the following external parties:

- Office for National Statistics (ONS) for statistical and government policy research purposes. For further details please visit their website: [ONS](https://www.ons.gov.uk).
- Her Majesty's Revenue & Customs (HMRC) for regulatory tax returns
- UK Visas & Immigration Service (UKVI) in order to comply with the Immigration and Nationality Act 2006 (e.g. ensuring we are able to provide evidence that all our employees and workers have the correct documents to support their right to work in the UK). More details can be found on the government website; [UKVI](https://www.ukvisas.gov.uk)
- External pension's provider(s) as relevant, either when you commence employment with TBMH (Employees), or when you meet the minimum criteria to be enrolled (Workers), unless you inform us that you do not wish to be in the scheme.
- Internal and external auditors when asked to do so. As a publicly-funded organisation, TBMH is subject to audit and is required on occasion to give the auditors' access to details of TBMH employees, workers, applicants for job vacancies and those providing services on a self-employed basis, in order for them to report on the integrity of TBMH's processes. The auditors will not normally retain personal data once an audit is complete.

The only other occasion where we might have to share data with an external party without your express consent would be where it is necessary in order to protect the vital interests of you or another person, for example in the case of an emergency, or in the case of legal proceedings.

We will never sell personal data to external parties.

### How long will we keep your data?

How long we keep your personal data depends on the kind of data and on your specific engagement or relationship with TBMH:

- if you are an employee; we will keep a record of your personal data for the full duration of your employment with TBMH and for a period of time after your employment has ended, depending on the kind of data and in accordance with legal and contractual obligations.
- if you are a worker; we will keep a record of your personal data for the full duration of your engagement with TBMH and for a period of time after your engagement has ended.
- if you are an applicant for a job vacancy; we will keep a record of any data you have provided to us during the recruitment process and for a period of time after the completion of the recruitment process. If you are the successful candidate, some recruitment related data will be retained on your personnel file.
- if you are an individual providing services on a self-employed basis we will keep a record of your personal data (i.e. your invoices) for the financial year in which you provided this service and for a period of time following, in accordance with HMRC regulations

**How can you access and update your personal details/data?**

As an employee, you can access and update certain personal details (e.g. bank account details, contact details and next of kin) via the Agresso portal. If you cannot gain access to Agresso, or wish to update personal data that you do not have access to, please contact human resources at RBKC for advice and assistance.

Additionally, you have the right to access all personal data we hold about you by submitting a Subject Access Request, which is free of charge and any request will be responded to within one calendar month. For further details please contact the Head of TBMH [Stuart.Whatmore@rbkc.gov.uk](mailto:Stuart.Whatmore@rbkc.gov.uk) by email.

**What can you do if you think your data is wrong?**

If you believe that any data we hold about you is inaccurate, or you have any other questions, then please contact [info@triboroughmusicclub.org](mailto:info@triboroughmusicclub.org) for advice and assistance.

Alternatively, please contact the Head of TBMH [Stuart.Whatmore@rbkc.gov.uk](mailto:Stuart.Whatmore@rbkc.gov.uk) by email.

**How can you complain about the way your data is being used?**

If you are unhappy about the way your data is being used and would like to make a complaint, then we hope to resolve any issues informally and reach an amicable agreement.

However, if we are not able to resolve the matter, then you may discuss the issue further with the Information Commissioner's Office; ICO.