

Employee Privacy Policy and Statement

Introduction

This policy applies to Longhurst Group and its member companies.

We collect and use personal data from, and about, prospective, current and former employees to comply with labour, tax, health and safety, and other laws, to administer benefits, to operate our businesses, and to serve our customers.

This policy statement sets out our position and commitment relating to data protection and human resources. We hold and process individual's personal and sensitive personal data in regards to recruitment and employment. We hold individual data in secure paper based, and electronic files and systems.

The data we process may relate to former, present and potential future employees. We collect and maintain such data in order to meet our legitimate interests as an employer, to comply with statutory requirements and fulfil individual employment contracts with our employees.

Definitions

Personnel Record A personnel record is any printed or handwritten document, microfiche digitised image, sound recording or computer file which:

- (a) Refers by name - or any other means of identification - to a current, potential or past employee, and
- (b) Represents any information about any matter relating to an employee (whether past, present or future) of a potentially private or sensitive nature.

The term "Personnel" shall include any person or individual who is, has been, or who has agreed to be an employee of Longhurst Group and/or who will be (during the next three months) placed onto the payroll of either Longhurst Group or one of its member companies, and shall also include contract workers employed at our premises, or working directly on our behalf, including agency staff. All such personnel shall be covered by this policy.

Data Protection Registration Details

Longhurst Group is a data controller in its own right. It also provides Human Resource and Financial Services for member companies, processing human resource and payroll data on their behalf.

Each company is registered with the Information Commissioner's Office under the following registration numbers.

Longhurst Group - Z5282684.

L&H Homes - Z199532X

Spire Homes - Z528270X

Friendship - Z9330863.

Where personal data is to be processed, all members of staff are responsible for ensuring data is processed in line with the Data Protection Act 1998. (Please refer to the Longhurst Group's Data Protection Policy for more details).

Policy Statement

We will work closely with individuals and other third parties to ensure that legislation and policy dealing with data protection in the human resources context strikes a workable balance between the legitimate interests of Longhurst Group and its member companies as the employer, and our prospective, current and former employees.

We will abide by the law and meet the expectations of our workers and of the marketplace in which we operate. We recognise that we must meet our data protection obligations toward our prospective, current and former employees and that those obligations do not disappear simply because the employees are networked together and their data is processed at a distant location or by a third party on our behalf.

We have established systems in place to protect individual's employment-related personal data. Our company codes of conduct/policies protect employee data while allowing us to utilise process's designed to make our businesses more efficient and effective in managing and supporting our workforce.

In protecting our workforce personal data we will not allow the misuse of individual's data and we shall protect our legitimate interests as an employer, and the vital interests and freedoms of our work force.

All personal data relating to Longhurst Group and member company Personnel data shall be:

- obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the employee concerned;
- processed within the strict terms of the law, including but not limited to the Data Protection Act 1998, and any associated rules, regulations, statutory provisions, extensions or re-enactments thereof and where possible, in line with any current guidance and other publications of the Information Commissioner;
- relevant for the purposes for which it is to be used;
- accurate, complete and up to date;
- kept for no longer than is necessary for its declared purpose;
- held in the full knowledge of the individual employee (except in cases specifically excluded under the 1998 Act);
- protected by reasonable security safeguards against such risks as loss or unauthorised access, destruction, use, modification or disclosure of data;
- protected from unauthorised cross border transmission to any other state which does not meet those standards laid down by the Council of Europe Convention (1981), the EC Data Protection Directive (95/46/EC) and the

1998 Act;

The principal purposes for holding data relating to Personnel on personnel files held by the Longhurst Group as a Data Controller include, but are not limited to:

- recruitment, promotion, training, redeployment and/or career development;
- the calculation of payroll data and the transfer of such data for use by Finance staff and independent auditors (including but not limited to details of bank/building society wage transfers and the payment of authorised expenses);
- the determination and calculation of certain benefits, including superannuation;
- for contacting next of kin and arranging medical attention in connection with death, illness or injury of an employee whilst at work;
- compliance with statutory requests from the Inland Revenue, the Department of Social Security, the Benefits Agency and other relevant public authorities/agencies;
- disciplinary purposes arising from an employee's conduct or capability to perform their job requirements;
- for occupational health and sickness monitoring purposes;
- the provision of references/reports to financial institutions, qualified legal representatives, appropriate bodies in connection with the holding of public office, facilitate entry onto educational courses, permit participation on reserve military/civil protection services, assist qualified medical practitioners and potential future employers.

In all those cases cited above the relevant information will only be disclosed following a written request from the employee/former employee concerned instructing the Data Controller, and giving consent to the Data Controller to make such disclosure. We will require a fee of £10 and must be satisfied of the identity of the individual making the Subject Access Request.

Sensitive Information

The following categories of information are subject to statutory restriction and will only be held on file for specific, legitimate purposes.

(a) *Racial or ethnic origin*

This will only be recorded on personnel files, with the express permission of each employee concerned, strictly for statistical purposes in connection with 'ethnic monitoring'. – i.e. to identify and keep under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins, with a view to enabling such equality to be promoted or maintained.

(b) *Religious or philosophical beliefs*

This will only be held on file with the express permission of each employee.

(c) *Trade Union Membership*

This will only be held on file, with the express permission of each employee concerned, for the purposes of collecting union subscriptions by Longhurst Group or member company payroll staff.

(d) *The processing of data concerning gender, sexual orientation and gender re-assignment*

This will only be held with the express permission of the employee or in the case of gender where it is necessary to meet specific employment regulations or duties.

(e) *The processing of data concerning health*

Only data relating to:

- (i) occupational health;
- (ii) sickness absence records;
- (iii) the chronic illness of a specific employee in circumstances which may affect their ability to perform all aspects of the normal work; and
- (iv) data to comply with the Disability Discrimination Act (1995)

Data relating to iii) and iv) above will be collected and retained only with the express permission of the individual employees concerned. All Human Resources Staff who have access to health records shall be instructed that such information must be treated as confidential.

We recognise the rights of employees under the Rehabilitation of Offenders Act 1974 and any associated Orders of the Secretary of State, other rules, regulations, or statutory provisions and will maintain any conviction records (Data Barring Service Checks) on file for only those periods which are permissible under the Act. This will be in line with our entitlement under Schedule 3(2),(1) of the 1998 Data Protection Act.

Under Section 8 of the Asylum and Immigration Act of 1996 we are entitled to request, and hold copies of, documents specified within the Act for all new, and prospective, employees entering (or applying for) employment after 31 January 1997. This will be carried out without prejudice to employees' (and prospective employees') rights under the Race Relations Act 1976.

We reserve the right to 'back up' data files and hold secure multiple copies of personal data relating to specific employees in order to protect our interests in the event of data loss.

Restriction of Access to Personnel Data

We may place all or part of our files onto secure computer networks and restrict access to personnel data. When implemented access to individual employee data will only be granted to the following data users and only for specific and legitimate

purposes:

- Staff employed in the Human Resources Department;
- A member of staff's Head of Department/Executive/line manager;
- Staff employed in the payroll section of the Finance Department;
- Any specified and contracted third party (acting under the direction of the Data Controller, or his/her representative) used to process internal corporate data - providing secure processing facilities and data access in line with statutory provisions and the requirements of Longhurst Group and its member companies.

Evaluation based on Automated Processing of Data

No data shall be held on our personnel files which is based solely on automated processing of data intended to evaluate certain personal aspects relating to an individual employee, such as his performance at work, creditworthiness, reliability or conduct.

Further Information

All employees have the right to know whether or not any personal data relating to them is being processed and to receive information relating to the description of the data, the purposes for which their personal data is or is to be processed, from whom it is received, and to whom it is disclosed. All employees have the right to receive a copy of such personal data and have the right to correct any errors which exist on record about them. When further data is requested from them, they may know if replies to the questions are obligatory or voluntary and the possible consequences of failure to reply.

Access to Personnel Files by Employees

All employees shall have reasonable access to their own personnel files, where they have requested this, and under the terms of the Access to Medical Records Act (1988) and Access to Medical Records Act (1990) and Data Protection Act 1998. A charge of £10 shall be required for the provision of this information. Employees who wish to gain access to these reports/records should write to the Head of Human Resources Corporate Services requesting this. The provision of personnel data relating to an individual employee shall be satisfied within forty days from receipt of a written request from that employee.

In all cases the relevant information will only be disclosed following a written request from the employee/former employee concerned instructing the Data Controller, and giving consent to the Data Controller to make such disclosure. We will need to be satisfied of the identity of the individual making the Subject Access Request. We reserve the right to withhold:

- information in the case of repeat requests from individual employees made unreasonably frequently;
- specific information if Longhurst Group or its member companies cannot comply with an employee's request without disclosing information relating to another individual who can be identified from that information (including

its source). This will be waived where:

- (i) We are satisfied that the other individual has consented to the disclosure of the information to the employee making the request, or
 - (ii) It is reasonable in all the circumstances to comply without the consent of the other individual;
- any data which is excluded through legislation on the grounds of national security, breaches of ethics for regulated professions, or is relevant to any current investigation concerning any possible criminal/civil legal action. Personal data are also exempt if they consist of a reference given or to be given in confidence by the Data Controller for the purposes of:
 - (iii) the education, training or employment or prospective education, training or employment, of the data subject;
 - (iv) the appointment, or prospective appointment, of the data subject to any office, or
 - (v) the provision, or prospective provision, by the data subject of any service.

It is important to note that these exemptions only apply to confidential references given to any third party. A Data Subject has the right to request a copy of such a reference from the person to whom it was sent. However, they do not have the right to ask the originator for a copy.

All manual files must be examined under supervision within the Human Resources Department and this will be arranged by the Head of Human Resources Corporate Services or a senior member of Human Resources staff. Appropriate clarification/guidance concerning the computerised or manual files will be given, on request, by specialist human resources staff. No record may be altered or removed without the express permission of the Head of Human Resources, acting as the Data Controller's representative.

The data supplied will, whenever practicable, relate to the date when the request was first received. Employees have the right to make any reasonable request for the amendment of their own personnel records provided that:

- (a) they can readily demonstrate the existence of an identifiable error, necessary update, relevant omission, superfluous fact, or
- (b) it is unlawful to maintain such a record.

Retention

Application forms, interview records and references for unsuccessful internal and external candidates should be kept for a period of six months following the interview. Retention beyond this period would require demonstration of a clear business need by Longhurst Group and consent obtained from the individual. This applies to all manual files including any notes taken by anyone at interviews as well as computerised files. Care should be taken by anyone at an interview panel as all their notes/scribbles become part of the file and must be produced within forty days of a written request

being received by the Head of Human Resources Corporate Services.

All employee data other than the name, job title, department and period of employment at the Longhurst Group or member company should be deleted six years after employment has ended. Data relating to disciplinary and grievance records of current employees are removed from personal files once they become spent in accordance with our disciplinary procedure. Where disciplinary or grievance cases have involved concerns of sufficient severity or gravity, data will be deleted five years from the date issued.

Once an employee has left the Longhurst Group any data relating to them within their department should be sent to the HR Shared Services Team.

The Right to Object

An employee is entitled at any time, by notice in writing to Longhurst Group, to request us to cease, within a reasonable time, from processing any personal data because it is causing or likely to cause, substantial damage or distress to themselves or another individual. The reasons for this request must be clearly stated and specified at the time. We as the Data Controller will respond within twenty one days stating whether it intends or has complied as the reasons why the notice is unjustified and the extent to which it intends to comply (if at all.)

We reserve the right to collate, process and disseminate statistics based on an aggregation or data held on our personnel files, provided the data relating to any individual employee may not be identified from the resulting analysis. All employees have a general duty to respect the rights of Longhurst Group to protect any information relating to our products, services, methods, organisation and/or plans. The right will extend to patents, patent applications, copyrighted material, registered designs and design applications, 'insider' financial details and all information of a commercially sensitive nature which is clearly understood by the employee to be confidential and where no authorised use has been granted. In the case of a dispute concerning any specific application of this policy, the matter should be brought to the attention of the Head of Human Resources Corporate Services.

Updated by John Fletcher and Diane Raphael May 2015