
Contractors

What is the purpose of this document?

Zenith Care is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act (DPA).

It applies to all employees, workers and contractors. For ease, a reference to 'employee' in this document includes workers and contractors. However, it's important to remember that with regards to employment law, workers and contractors are not recognized as employees. Wherever relevant, it also applies to volunteers.

Zenith Care is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers, contractors and volunteers. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation. This is included but not limited to the following:

- Your contract of employment, or volunteer agreement, or bank worker agreement, or contractual terms and conditions.
- Our IT policy
- Our Remote Working policy
- Our office procedures
- Our document retention schedules

1. Data Protection Principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.

Contractors

3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

2. The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection, such as information about a person’s health or sexual orientation.

Zenith Care will collect, store, and use the following categories of personal information about you as appropriate to your role:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependents.
- Next of kin and emergency contact information.
- National Insurance number.
- A copy of your passport or other information necessary to determine whether you have the right to work in the UK.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date and, if different, the date of your continuous employment.
- Leaving date and your reason for leaving.
- Location of employment or workplace.
- Copy of driving license if driving is a requirement of your role.

Contractors

- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships).
- Compensation history.
- Performance information.
- Disciplinary and grievance information.
- CCTV footage.
- Information about your use of our information and communications systems.
- Photographs (subject to your completion of our Photo Consent form).
- Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied.

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about your health, including any medical condition, health and sickness records, including:
 - where you leave employment and under any share plan operated by a group company the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision;
 - details of any absences from work including time on statutory parental leave and sick leave; and
 - Where you leave employment and the reason for leaving is related to your health, including information about that condition needed for pensions or other reasons.
- Information about criminal convictions and offences.

3. How is your personal information collected?

Zenith Care collects personal information about employees, workers, contractors and volunteers through the application and recruitment process, either directly from individuals or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

Contractors

We may also collect personal information from the trustees or managers of pension arrangements operated by a group company.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

We may also collect medical information on you from Occupational Health Advisers, your GP or other medical advisers (with your prior consent)

4. How we will use information about you

Zenith Care will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract or agreement we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

5. Situations in which we will use your personal information

Zenith Care need the categories of information in the list above (see number 2) primarily to allow us to perform our contract or agreement with you and to enable us to comply with legal obligations. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work or volunteer for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs).
- Providing employment benefits to you
- Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties.

Contractors

- Liaising with the trustees or managers of a pension arrangement operated by a group company, your pension provider and any other provider of employee benefits.
- Administering the contract or agreement we have entered into with you.
- Business management and planning, including accounting and auditing.
- Conducting performance reviews, supervisions/one to ones, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working or volunteering relationship.
- Education, training and development requirements. This includes sharing data with third party training companies for the purposes of accessing courses and providing certification.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorized access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

5.2. If you fail to provide personal information

If you fail to provide certain information when requested, Zenith Care may not be able to perform the contract or agreement we have entered into with you (such as paying you or providing a benefit), or

Contractors

we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers and volunteers).

5.3. Change of purpose

Zenith Care will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5.4. How we use particularly sensitive personal information

“Special categories” of particularly sensitive personal information require higher levels of protection. Zenith Care need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your prior explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

5.5. Our obligations as an employer

Zenith Care will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work or volunteer, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits including statutory maternity pay, statutory sick pay, pensions and permanent health insurance.

Contractors

- If you apply for an ill-health pension under a pension arrangement operated by a group company, we will use information about your physical or mental health in reaching a decision about your entitlement.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

5.6. Do we need your consent?

Zenith Care do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

6. Information about criminal convictions

Zenith Care may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our policies.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We may also process such information about you in the course of legitimate business activities with the appropriate safeguards.

We envisage that we will hold information about criminal convictions if your work involves working with children or vulnerable adults.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in the following ways:

- Deciding whether or not to employ or engage you;
- In order to comply with regularity obligations applicable to the work that Zenith Care performs

Contractors

We are allowed to use your personal information in this way to carry out our regulatory obligations and to safeguard our legitimate interests as an employer and those of the service users with whom we work.

7. Data sharing

Zenith Care may have to share your data with third parties, including third-party service providers and other entities such as clients, service users, Care Quality Commission (CQC), local authority funders and other similar parties.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We reserve the right to transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

7.1. Why might you share my personal information with third parties?

Zenith Care will share your personal information with third parties where required by law, where it is necessary to administer the working or volunteering relationship with you or where we have another legitimate interest in doing so. Where we consider it appropriate to do so to comply with relevant external legislation, we will provide you with a specific privacy notice from or regarding sharing this personal information.

We will provide references to prospective employers and recruitment agencies on your behalf when requested to do so.

7.2. Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents).

The following activities are carried out by third-party service providers:

- Payroll administration,
- Pension administration, benefits provision and administration
- IT services including cloud storage
- Financial services via our accountants and auditors
- Legal services via our legal adviser
- Human Resources advice via external HR Advisers
- Business advice via Management consultants

Where applicable, we will provide employee liability information concerning you with a potential transferee in order to comply with requirements under the Transfer of Undertakings (Protection of Employment) Regulations 2006

Contractors

7.3. How secure is my information with third-party service providers and other entities in our group?

All Zenith Care's third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

7.4. What about other third parties?

Zenith Care may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymized data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

We may also need to share your personal information with a regulator or to otherwise comply with the law. This may include making returns to HMRC, disclosures to stock exchange regulators and disclosures to shareholders such as directors' remuneration reporting requirements.

We are required by local authorities who provide funding to use the National Minimum Data Set for Social Care (NMDS) to manage our workforce responsibly and share information with CQC. Once you leave our workforce, we no longer process it through NMDS. (For further information, please request a copy of our full NMDS Privacy Notice.)

8. Data security

Third parties will only process your personal information on Zenith Care's instructions and where they have agreed to treat the information confidentially and to keep it secure. Wherever possible, we will request a data protection policy which incorporates the DPA and GDPR of the UK.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so. Please see our Data Protection Policy for this procedure.

Contractors

9. Data retention

How long will you use my information for?

Zenith Care will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

- We will retain the data identified above about you throughout the duration of your employment with us.
- We will retain all data identified above for seven years following the termination of your employment to protect the necessary interests of the business in the event of a legal claim by you, by us, or by a third party.
- We will retain financial details of your salary, benefits and payments for seven years to protect the necessary interests of the business in the event of a breach of contract claim.
- We will retain basic details of your name, start date, end date, job title and employee or volunteering identifiers indefinitely for the purposes of providing references.
- We will retain the information identified above for longer if we identify any actual or potential legal proceedings with respect to which data about you is relevant.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. If you have any queries about the retention of your personal data, please speak to your Head of Service to request our retention schedules.

In some circumstances we may anonymize your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker, volunteer or contractor of the company we will retain and securely destroy your personal information in accordance with any applicable laws and regulations.

10. Rights of access, correction, erasure and restriction

10.2. Your duty to inform us of changes

It is important that the personal information Zenith Care holds about you is accurate and current. Please keep us informed if your personal information changes during your working or volunteering relationship with us.

10.3. Your rights in connection with personal information

Contractors

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please refer to the procedure in our Data Protection Policy.

10.4. No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, Zenith Care may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

10.5. What we may need from you

Zenith Care may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

11. Right to withdraw consent

Contractors

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact your line manager or the Head of HR. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

12. Data protection officer

Zenith Care has appointed a Data Protection Coordinator who is the Head of HR and Resources. We are not legally obligated to appoint a Data Protection Officer but will continue to review this to keep in line with our lawful obligations. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. We encourage discussion with your line manager or the Head of HR before taking this step, so that we can provide you with the justification for processing your data and hopefully resolve your query ahead of a formal complaint to the ICO.

13. Changes to this privacy notice

Zenith Care reserves the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact the Head of HR and Resources – hr@centre404.org.uk