

## Data Protection Privacy Notice for Employees, Volunteers and Placements

### What is the purpose of this document?

York Archaeological Trust 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, volunteering or placement relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all employees, volunteers, placements, workers and contractors.

York Archaeological Trust 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, volunteers, placements, workers and contractors. 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.

It is important that you read 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.

### 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.
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.

## **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.

Depending on whether you are an employee, worker, contractor, volunteer or placement we may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Your start date with us.
- The location of your employment, volunteering, placement or workplace.
- A copy of driving licence and right to work in the UK documents eg Passport.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV, application form or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, training records and professional memberships).
- Volunteer/placement records (including the roles you undertake, the hours you donate, training records, review meetings, problem solving meetings, professional memberships you wish to share details about with us and copyright & confidentiality forms, policy signature forms).
- Pay and Compensation history.
- Performance information.
- Disciplinary and grievance information.
- CCTV footage in some locations and other information obtained through electronic means such as signing in or swipecard records.
- Information about your use of our information and communications systems.
- Photographs.

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

- Information about your health, including any medical condition, health and sickness records.
- Information about your nationality, race or ethnicity, religious beliefs and sexual orientation.
- Trade union membership.
- Biometric data.
- Information about criminal convictions and offences.

## **How is your personal information collected?**

We collect personal information about employees, volunteers, placements, workers and contactors through the application and recruitment processes, either directly from candidates or sometimes from an employment agency, volunteer or placement brokerage service, volunteer/placement software management such as Better Impact or local universities, colleges or organisations brokering volunteer and placement opportunities. We may sometimes collect additional information from third parties including former employers, teachers or places you have volunteered/undertaken a placement for or for certain roles we will collect information about criminal record history from the Disclosure and Barring Service.

We will collect additional personal information in the course of job-related and volunteer/placement role related activities throughout the period of you are working, volunteering or undertaking for us.

## How we will use information about you

We 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 we have entered into with you.
2. Where we need to manage the volunteer/placement relationship we have with you.
3. Where we need to comply with a legal obligation.
4. 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.

## Situations in which we will use your personal information

We need all the categories of information in the list above primarily to allow us to perform our contract or volunteer/placement relationship 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 may process your personal information are listed below.

Situation	Type of Data		Why we will use your data		
	Personal	Special Category	Perform our contract or volunteer/placement relationship	Legal Obligation	Legitimate Interests
Making a decision about your recruitment or appointment	X		X	<a href="http://www.gov.uk/check-job-applicant-right-to-work">www.gov.uk/check-job-applicant-right-to-work</a> Parts 2 and 5 Equality Act 2010	To promote the objectives of the organisation
Determining the terms or basis on which you work, volunteer or undertake a placement for us.	X		X	<a href="http://www.gov.uk/check-job-applicant-right-to-work">www.gov.uk/check-job-applicant-right-to-work</a> Parts 2 and 5 Equality Act 2010	To promote the objectives of the organisation
Checking you are legally entitled to work, volunteer/undertake a placement with us in the UK	X	X	X	<a href="http://www.gov.uk/check-job-applicant-right-to-work">www.gov.uk/check-job-applicant-right-to-work</a> Parts 2 and 5 Equality Act 2010	To maintain our reputation
Paying you and deducting tax and National Insurance contributions	X		X	Part II Employment Rights Act 1996 Part 4 National Minimum Wage Regulations 2015 <a href="http://www.gov.uk/government/organisations/hm-revenue-customs">www.gov.uk/government/organisations/hm-revenue-customs</a>	To maintain our reputation  To promote the objectives of the organisation
Liaising with and making payments to your pension provider.	X	X	X	Part 1 Pensions Act 2008	
Administering the contract or volunteer/placement relationship we have entered into with you and your statutory entitlement.	X	X	X	<a href="http://www.gov.uk/browse/working">www.gov.uk/browse/working</a>	To promote the objectives of the organisation
Business management and planning, including accounting and auditing.	X	X	X		To promote the objectives of the organisation

Conducting performance or volunteer/placement reviews, managing performance or your volunteer/placement role and determining performance requirements.	X	X	X	Parts 2 and 5 Equality Act 2010 Part V and X Employment Rights Act 1996	To promote the objectives of the organisation
Making decisions about salary reviews and compensation.	X	X	X	Parts 2 and 5 Equality Act 2010 Part V Employment Rights Act 1996	To promote the objectives of the organisation
Assessing qualifications for a particular job or task or volunteer/placement role, including decisions about promotions or allocation of new volunteer/placement roles/opportunities.	X	X	X	Parts 2 and 5 Equality Act 2010  www.hse.gov.uk	To promote the objectives of the organisation
Gathering evidence for possible grievance or disciplinary or problem solving hearings	X	X	X	Parts 2 and 5 Equality Act 2010 Part X Employment Rights Act 1996	To promote the objectives of the organisation  To maintain our reputation  Interests of a third party
Making decisions about your continued employment, volunteering, placement or engagement.	X	X	X	Parts 2 and 5 Equality Act 2010  Part X Employment Rights Act	To promote the objectives of the organisation
Making arrangements for the termination of our working, volunteer or placement relationship.	X	X	X	Parts 2 and 5 Equality Act 2010 Part X Employment Rights Act 2010	To promote the objectives of the organisation
Education, training and development requirements.	X	X	X	Parts 2 and 5 Equality Act 2010 Parts V, VI and X Employment Rights Act 1996	To promote the objectives of the organisation
Dealing with legal disputes involving you, or other employees, volunteers, placement workers and contractors, including accidents at work.	X	X	X	Parts 2 and 5 Equality Act 2010 Part X Employment Rights Act 1996 www.hse.gov.uk	To promote the objectives of the organisation  To maintain our reputation  Interests of a third party
Ascertaining your fitness to work or undertake a volunteer or placement role.	X	X	X	Parts 2 and Equality Act 2010 Part X Employment Rights Act 1996	To promote the objectives of the organisation
Managing sickness absence.	X	X	X	Part 2 Equality Act 2010 Part X Employment Rights Act 1996	To promote the objectives of the organisation
Complying with health and safety obligations.	X	X	X	Parts 2 and 5 Equality Act 20010 www.hse.gov.uk	To promote the objectives of the organisation  To maintain our reputation  Interests of a third

					party
To prevent fraud, bribery and corruption.	X		X	Part 7 Proceeds of Crime Act 2002 Sections 1 to 15, Bribery Act 2010	To promote the objectives of the organisation  To maintain our reputation
To monitor your use of our information and communication systems to ensure compliance with our IT policies.	X			Parts 2 and 5 Equality Act 2010 Part 2 Data Protection Act 2018 Chapters II, III, IV and V, General Data Protection Regulation	To promote the objectives of the organisation  To maintain our reputation
To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.	X			Part 2 Data Protection Act 2018 Chapters II, III, IV and V, General Data Protection Regulation	To promote the objectives of the organisation
To conduct data analytics studies to review and better understand employee, volunteer and placement retention and attrition rates.	X	X	X	Parts 2 and 5 Equality Act 2010 Part X Employment Rights Act 1996	To promote the objectives of the organisation  To maintain our reputation.  Interests of a third party
Social Media, Marketing and promotional materials	X	X			To promote our interests, work and activities
Equal opportunities monitoring.	X	X	X	Parts 2 and 5 Equality Act 2010	To promote the objectives of the organisation  Interest of third party
Managing invitations to social events	X		X		To promote the objectives of the organisation
Monitoring and allocating long service awards	X		X		To promote the objectives of the organisation

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information. Not all the steps will be relevant for placements and volunteers.

#### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract or relationship we have entered into with you (such as paying you or providing a benefit or paying your volunteer expenses), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers, volunteers and placements).

#### **Change of purpose**

We 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.

## **How we use particularly sensitive personal information**

"Special categories" of particularly sensitive personal information require higher levels of protection. We 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 explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in relation to your employment, volunteer or placement relationship with us.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our 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.

## **Our obligations to Employees and Volunteers**

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

- We will use information relating to 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, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- 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 and to comply with our employment law obligations.
- We will use trade union membership information to register the status of a protected employee and to comply with employment law obligations.

## **Do we need your consent?**

We 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 or relationship with us that you agree to any request for consent from us.

## **Information about criminal convictions**

We 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 Data Protection policy.

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 members or former members in the course of legitimate business activities with the appropriate safeguards.

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, volunteering or undertaking a placement for us.

### **Automated decision-making**

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

### **Data sharing**

We may have to share your data with third parties, including third-party service providers and other entities in the group.

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

Other than for Better Impact, very rarely we may need to transfer your personal information outside the EU but you will be made aware of this.

If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

### **Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. The following activities are carried out by third-party service providers: pension administration, benefits provision and administration, IT services and professional advisers – including accountancy, legal and HR advice, volunteer/placement applications/expressions of interest and records management (such as Better Impact).

Better Impact are joint controllers of your personal data and their privacy notice can be found at [www.betterimpact.com/siteguide/privacy-policy](http://www.betterimpact.com/siteguide/privacy-policy).

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

All our third-party service providers and other entities in the group 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.

### **When might you share my personal information with other entities in the group?**

We will share your personal information with other entities in our group as part of our regular reporting activities on Trust performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data

### **What about other third parties?**

We may share your personal information with other third parties, for example in the context of the possible transfer, sale or restructuring of the organisation. We may also need to share your personal information with a regulator or to otherwise comply with the law.

### **Transferring information outside the EU**

Personal Data shared with Better Impact will be stored in Canada. The European Commission have determined Canada to be favourable for data storage. More information can be found out about Better Impact's own Privacy Policy at [www.betterimpact.com/siteguide/privacy-policy](http://www.betterimpact.com/siteguide/privacy-policy)

Except for Better Impact we will only transfer your personal data outside the European Economic Area (EEA) if:

- (a) you specifically ask us to do so;



(b) the data is contained on a mobile device that is taken outside the EEA to enable us to maintain contact with you and we will ensure that it only processed in accordance with the rules applicable within the UK and maintain the same level of security

If we transfer data outside of the EEA at your request you will need to ensure that any country outside of the EEA have sufficient safeguards to protect your data.

Should any third party request the transfer of your data outside of the EEA will advise you of this at the time so that you can decide whether or not the information may be passed to them. Before making that decision you should make yourself aware of what safeguards are in place to protect your data.

### **Data security**

We have put in place measures to protect the security of your information. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised 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. Details of these measures may be obtained from the Data Protection Officer.

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.

### **Data retention**

#### **How long will you use my information for?**

We 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. Details of retention periods for different aspects of your personal information are available from the Data Protection Officer. 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 unauthorised 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.

In some circumstances we may anonymise 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, placement or contractor of the company we will retain and securely destroy your personal information no later than 7 years after your employment/volunteer or placement relationship in accordance with applicable laws and regulations.

Better Impact systems will be accessible to you via your Better Impact account set-up in order to apply. Better Impact holds this information in accordance with their Privacy Policy ([www.betterimpact.com/siteguide/privacy-policy](http://www.betterimpact.com/siteguide/privacy-policy)). If you do not log into your Better Impact account information is deleted by Better Impact after set periods of time (usually around 2-5 years). You can contact Better Impact via their Privacy Policy link to have your information deleted earlier than this.

### **Rights of access, correction, erasure, and restriction**

#### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working, volunteering or placement relationship with us.

#### **Your rights in connection with personal information**

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 contact the Data Controller in writing.

#### **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, we 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.

#### **What we may need from you**

We 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.

#### **Right to withdraw consent**

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 the Data Controller. 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.

#### **Data protection officer**

**We have appointed a Data Protection Officer (DPO) Gill Gimes, Chief Financial Officer**, to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO by email: [ggimes@yorkat.co.uk](mailto:ggimes@yorkat.co.uk) or phone: **01904 663008**

You also 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.

#### **Changes to this privacy notice**

We reserve 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 HR Manager if you query is about employee data, or the Head of Volunteering if your query is about volunteer or placement roles data.**

**York Archaeological Trust for Excavation and Research Limited (“The Trust”) is a data controller, meaning that it determines the processes to be used when using your personal data.**

**Our registered Office address is 47 Aldwark, York YO1 7BX.**