Privacy Notice – Employees, Agency Employees and Self Employed Contractors

Who we are

WAVE Trauma Centre is a Northern Ireland based charity providing care *and support of those bereaved, traumatised or injured as a result of the 'Troubles'/Conflict in Northern Ireland and survivors of Historical Institutional Abuse and Mother and Baby Institutions,* Magdalene Laundries and Workhouses

We are committed to respecting and protecting the personal data we process.

We are the data controller in relation to the personal data we process and this document, the Privacy Notice, advises you what data we collect and how we process it. It also details your data protection rights.

What is the purpose of this Privacy Notice?

We are committed to protecting the privacy and security of our employees, agency employees and self employed contractors. This Privacy Notice describes what personal date we collect and how we process the personal data which we gather as part of the application process and during and your time of employment with us. The processing is carried out in accordance with the UK General Data Protection Regulation ("UK GDPR"), the Data Protection Act 2018 and the Data (Use and Access) Act 2025, collectively referred to as the relevant data protection legislation. This Privacy Notice applies to the personal data being processed by us in respect of all our current and former employees and agency employees.

It is important that you read this Privacy Notice, together with any other Privacy Notice we provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using personal data, but it will also ensure that you are aware of your rights under data protection legislation.

This Privacy Notice does not form part of any contract of employment or any other contract to provide services between you and us, and it may be updated or amended at any time. A copy is held in the HR Manual.

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 data.

What is Personal Data?

Personal data is any data relating to an identified or identifiable natural, living person. An identifiable natural person is one who can be identified, directly or indirectly, by reference to an identifier such as a name, an identification number, location data etc. Personal data is data that identifies you and relates to you.

Why do we collect Personal Data?

In our capacity as an employer we collect and process a range of personal data that we need to fulfil our statutory and contractual obligations in managing our relationship with employees, both former, current and those applying to work with us.

How do we Collect your Personal Data?

We collect personal data about you in a number of ways, including from your:

- Job application form, this may include special category data relating to requests for disability adjustments for interview processes
- FE Monitoring form (collected anonymously) – which also collects special category data on gender, ethnicity, religion, age grouping etc
- Contract of employment
- Employment agency
- Referees
- Starter forms
- Payroll data
- Pension data
- Emergency contact details
- Driving for work checks
- Performance and training / development reviews
- Performance and training / development records
- Absence records
- Medical data in relation to Health & Safety
- Medical data in relation to reasonable adjustments
- Entries in relevant human resources systems
- Third parties involved in right to work checks, such as AccessNI, including special category data such as criminal convictions.

We will also collect additional personal data about you during the time working for us or providing services to us.

Special Category Data

The UK GDPR classifies some types of personal data as likely to be more sensitive and gives them extra protection – these are known as special category data. During the course of applying to work with us and/or being an employee, a number of these special category data types are collected and processed as part of the appointment procedure and during your employment with us. These include:

- personal data revealing **racial or ethnic origin**;
- personal data revealing **religious or philosophical beliefs**;
- personal data revealing **trade union membership**;
- **behavioural biometric data** (if keystroke analysis is used);
- data concerning **health**, and
- data concerning a person's **sexual orientation**.

Any data collected and processed will be done so in accordance with Article 9 of the UK GDPR.

Data about allegations of criminal offences, criminal convictions, sentences

We may also process personal data about criminal allegations, proceedings or convictions. The UK GDPR gives extra protection to "personal data relating to criminal convictions and offences or related security measures". This is referred to as criminal offence data.

We have a responsibility to undertake certain checks during the recruitment process, including AccessNI checks for some posts. As part of this, you will have disclosed whether or not you have any unspent criminal convictions. This data allows our HR team to assess any disclosed unspent criminal convictions in order to consider your suitability for the role applied for.

For special category data and criminal conviction data, the principles as outlined in the Data Protection Act 2018, particularly, Section 10, Schedule 1 apply.

If, whilst an employee, you are the subject of criminal investigations, our HR team will gather data relating to allegations of criminal offences, criminal convictions and sentences. We may only use data relating to allegations of criminal offences, criminal convictions and sentences where the law allows us to do so. This will

usually be where such processing is necessary to carry out our employment obligations and provided we do so in line with our Data Protection Policy

All criminal conviction data will be retained for 7 years after the date on which employment with us is terminated. In the event that a criminal conviction is spent, you are entitled to request that it be removed from our records prior to the expiry of the 7 years.

If you fail to provide Personal Data

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

How will we use your Personal Data?

We will only use your personal data where we are permitted to do so by law and in accordance with the relevant data protection legislation, for example, to perform the contract of employment we have with you, if we need to comply with a legal obligation or where it is necessary in the public interest.

We may also use your personal data where we need to protect your interests (or someone else's interests), provided your interests or fundamental rights and freedoms do not outweigh those legitimate interests.

Lawful bases for processing Personal Data

Under UK GDPR legislation, there are 6 Lawful Bases for processing personal data and, the five detailed below will apply at different times to the data we collect about you. They are: -

(1) Consent: You have given clear consent for us to process your personal data for a specific purpose – for example, sharing your personal data with a healthcare benefit provider;

(2) Contract: The processing is necessary for the contract of employment we have with you; It will also apply to the sharing of data about an agency employee with their recruitment agency;

(3) Legal Obligation: The processing that is necessary for us to comply with the law (not including any contractual obligations) – for example HMRC payroll returns, data shared our pension provider.

(4) Vital Interests: The processing is necessary to protect someone's life. This may also include special category data in relation to the health of an individual, for example, to create and hold a Personal Evacuation Plan (PEP) in the event of an emergency evacuation. In the case of our employees, special category data will only be processed for the purpose set out in UK GDPR Article 9(2)(b) *"processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment…."*

(5) Legitimate Interests: The processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. It would also apply to periodic returns made to the Equality Commission (ordinarily anonymised).

There will be occasions when data defined as Special Category Data under Article 9 of the UK GDPR will be processed. This data may relate to gender and marital status, and underlying medical conditions or disability in the case where a request is made to us for alternative formats for application or assistance with same. Security checks as part of the employment process will include checking for criminal convictions.

When this data is being processed, it is for the purpose set out in the UK GDPR Article 9(2)(b) purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law.

The UK GDPR sets out principles for the collection and use of personal data and special category data as defined in Section 10 Schedule 1 Part 1 and Part 2.

On occasions personal data relating to Criminal Records may be processed. This data is being processed in accordance with GDPR Article 10 (1), for the purpose set out in the Data Protection Act 2018 Schedule 1.

More detail is available in our Appropriate Policy Document (APD).

How do we process Personal Data?

Most of the personal data that you provide to us is data that you are obliged legally to provide or personal data that is necessary to enable us to fulfil our contractual responsibilities to you, but some personal data is provided on a voluntary basis.

When collecting personal data from you, we will inform you whether you are required to provide certain personal data to us or if you have a choice in this.

We collect personal data about you during the time that you are working with us and also collect personal data about you as part of the application and recruitment process, either directly from you or indirectly from employment agencies, referees, former employers, or background check providers.

What Personal Data do we process about employees?

We process the following categories of personal data:

- special category data - fair employment monitoring forms (voluntary and anonymous) – including special category data such as ethnicity, religious beliefs, language, country of birth, and nationality;
- personal data such as name, age, date of birth and (occasionally) photographs;
- contact data such as address, emergency contact data and telephone number;
- recruitment data such as copies of references, curricula vitae and Access NI disclosures (where Access NI checks reveal criminal convictions, this will then be classified as criminal record data);
- financial data such as bank account details, National Insurance number and tax status;
- contractual data such as start dates, working hours, annual leave, and pay data;
- special category data – health – voluntary health needs / allergies for the purposes of reasonable adjustments, duty of care and other absence data such as sickness certificates, number of absences and absence reasons;
- performance data such as performance review and employee development materials;
- disciplinary and grievance data such as investigation reports and disciplinary sanctions;
- data technology usage data such as resource usage and websites accessed; and
- other relevant data such as Trade Union membership/professional body membership for the purposes of payroll deductions etc.

Why do we process this Data?

We need to process personal data about our employees (and people applying to work for us) so that we can carry out our role and meet our legal and contractual responsibilities as an employer.

Personal data is processed to check that employees and applicants are fit and suitable for their roles. This will include asking people to undertake Access NI

checks and to provide the outcome of the check for retention on employee records. Access NI checks will only be retained for six months.

When joining, employees will be asked to complete a 'conflict of interests' form to identify any services we offer or use to which they have close links (for example, because they have previously worked there or because the service is run by a close relative) or any other issues which could cause a perceived conflict of interest. Employees are regularly asked to update these forms.

We share personal data about our employees as required to meet our contractual obligations to them – for example, by sharing relevant personal data with pension service administrators. We also share personal data where required by law – for example, by providing data about our employees to HMRC.

We are subject to the provisions of the UK data protection legislation. In particular, all sharing of personal data must be in line with the following principles of the UK GDPR:

- Lawfulness, fairness and transparency;
- Purpose limitation;
- Accuracy;
- Accountability;
- Storage limitation, and
- Integrity and confidentiality.

How long do we retain Personal Data for?

We only keep personal data for as long as necessary to fulfil the purposes for which it was collected and to comply with all relevant legal, accounting and reporting requirements.

Unless specific personal data is subject to statutory retention periods, such as 5 years for Health and Safety representatives and employees' training records or 6 years from the end of the relevant tax year for payroll wage/salary records we will retain personal data for seven years after your employment with us ceases.

Sharing your personal data

We share your personal data to manage our responsibilities as an employer for example with HMRC, pension providers and a small number of third parties who provide certain services for us however Third party providers cannot do anything with your personal data unless we have instructed them to do it. They will not share your personal data with any organisation apart from us. They will hold it securely and retain it for the period we instruct.

Your personal data will be held in the UK and will not be transferred outside of the UK.

Your Rights

Under data protection legislation, you have rights which we need to make you aware of. They are as follows: -

Your right of access

You have the right to ask us for copies of your personal data we hold. There are some exemptions, which means you may not always receive all the data we process.

Your right to rectification

If you think that any of the personal data we hold on you is inaccurate or incomplete you have the right to ask us to rectify it or to complete it.

Your right to erasure

You have the right to ask us to erase your personal data, but only in circumstances where we no longer need your data for the original reason we collected or used it for.

Your right to ask us to restrict processing

You have the right to ask us to restrict the processing of our information in certain circumstances. However, this may have a negative impact on our ability to fulfil our obligations under your contract of employment.

Your right to object to processing

You have the right to object to processing your personal data, if we are able to do so, unless the process forms part of our public tasks or is in our legitimate interests.

Your right to data portability

This only applies to information you have given us. You have the right to ask that we transfer the information you gave us from one organisation to another or give it to you. The right only applies if we are processing information based on your consent or under, or in talks about entering into a contract and the processing is automated.

Your right to complain

If you think that we have infringed data protection legislation because of the way we have handled your personal information (or the personal information of someone you are acting on behalf of), you can complain to us.

You can exercise any of these rights by contacting our DPO using the contact details below. There is no charge for exercising your rights. We have up to one month to respond to you, but we will always try do so more quickly.

If you are unhappy about how we process your personal data or need to contact us about our processing of personal data, please use the contact details below.

If you are unhappy with any aspect of this Privacy Notice, or how your personal data is being processed, you have a right to request an independent assessment from the Information Commissioner's Office (ICO). The contact details are as follows: -

ICO

Wycliffe House

Water Lane

Wimslow

Cheshire

SK9 5AF

Tel: 0303 123 1113

Email: - icocasework@ico.org.uk

Contacting us about your personal data

We have a designated Data Protection Officer (DPO) whose role is to monitor and advise on how we meet our data protection responsibilities. If you would like further information about anything in relation to this Privacy Notice, please contact:

Data Protection Officer

WAVE Trauma Centre

5 Chichester Park South

Belfast BT 15 5DW

Tel 02890 779922