

# ARK Housing Association Ltd

---

## Fair Processing Notice (How we use employee information)

---

This notice explains what information we collect, when we collect it and how we use this. During the course of our activities we will process personal data (which may be held on paper, electronically, or otherwise) about you and we recognise the need to treat it in an appropriate and lawful manner. The purpose of this notice is to make you aware of how we will handle your information.

1. ARK Housing Association Ltd, a Scottish Charity (Scottish Charity Number SC015694), a registered society under the Co-operative and Community Benefit Societies Act 2014 with Registered Number 1899RS and having our Registered Office at The Priory, Canaan Lane, Edinburgh EH10 4SG (“we” or “us”) is committed to a policy of protecting the rights of individuals with respect to the processing of their personal data and adhere to guidelines published in the General Data Protection Regulation (EU) 2016/679, together with any domestic laws subsequently enacted. We collect and use personal data for a variety of reasons.

We are notified as a Data Controller with the Office of the Information Commissioner under registration number Z9714372 and we are the data controller of any personal data that you provide to us.

Our Data Protection Officer is Kelly Patterson: [dataprotection@arkha.org.uk](mailto:dataprotection@arkha.org.uk) 0131 447 9027

Any questions relating to this notice and our privacy practices should be sent to our Head of People and Organisational Development: [walter.kane@arkha.org.uk](mailto:walter.kane@arkha.org.uk) 0131 447 9027, or to our Data Protection Officer, at the contact details provided above

2. We collect the following information from you through a variety of resources (i) directly from you; or (ii) third parties (including Employment Agencies, pensions service):

- (a) Name;
- (b) Date of Birth;
- (c) Address (over previous 10 years for purposes of Disclosure referral);
- (d) Employee Number;
- (e) Work location/ team;
- (f) Telephone Number;
- (g) E-mail address;
- (h) Bank details;
- (i) NI number;
- (j) Pension Number;
- (k) Salary information, including payment of Statutory Sick Pay, and Maternity/Paternity/ Parental Leave Pay;
- (l) Relevant identification such as passport or driving licence;
- (m) Personal characteristics such as gender, trade union membership, health requirements (disability), religion, sexual orientation and ethnic group;
- (n) Criminal Convictions;
- (o) Employment History;
- (p) Qualifications;
- (q) Nationality, and information in relation to restrictions to working in the UK;
- (r) Signature;
- (s) Absence information, and associated relevant health information;
- (t) Training records;
- (u) PVG Number;
- (v) Details of Professional Registrations such as SSSC registration; and
- (w) Emergency contact details.

We collect and use the above information and personal data for:

- a. Administration of contracts of employment;
- b. Payment of salaries;
- c. Recruitment and selection;
- d. Pensions and associated benefits;
- e. Appraisal, training and development;
- f. Membership of professional bodies;
- g. The administration of formal processes such as grievance or disciplinary, and relevant business processes such as maintaining business continuity contacts lists;

- h. Ensuring that we comply with relevant legal obligations, such as when we require to request a reference in relation to a prospective employee, or make a referral to a Regulator such as the SSSC; and
- i. Ensuring that we comply with best practice guidance, and insurers' requirements, in relation to retention of records, in accordance with ARK's legitimate interests.

Some of the personal data that we process in relation to you is called 'special category data'. This type of data is more sensitive, and therefore needs more protection. We process special category data, as relevant, in relation to health, ethnic origin, trade union membership, sexual orientation, and religion. We process this data in order that we can administer your contract of employment, to fulfil our legal obligations, and for the purposes of carrying out our obligations and exercising our and your specific rights in the field of employment and social security and social protection law.

3. We may disclose to and share information about you with third parties for the purposes set out in this notice, or for purposes approved by you, including the following:
  - To support your recruitment with ARK, when we require to request a reference in relation to you, or with subsequent employers, when they ask us to provide a reference;
  - To process your regular salary payments;
  - To allow your pension provider to process pensions information and handle your pension;
  - To comply with the legal expectations of our regulators, such as the Care Inspectorate, Scottish Housing Regulator, SSSC, and Disclosure Scotland, as well as with the work of our auditors;
  - To manage your training and Qualification records, where there is involvement by external funders, training providers, verifiers or accrediting agencies;
  - To deal with any issues which are raised in terms of our Disciplinary or Grievance policies, and also where these need to be reported to regulators, shared with ACAS, or shared with relevant legal or Union representatives;
  - To provide an archive service for relevant former employee records; and

- If we enter into a joint venture with or are sold to or merged with another business entity, your information may be disclosed to our new business partners or owners.
4. Your information will only be stored within the UK and EEA, although we may transfer your information outside the UK and/ or EEA either by email, or to software service providers (such as SurveyMonkey in relation to employee surveys). In these circumstances, data may be stored in countries where data protection laws do not provide the same level of protection as those in the European Economic Area, such as the USA.

We will only share your personal data with email or software providers who transfer your personal information outside the EEA, where either the transfer is to a country which the EU Commission has decided (subject to relevant conditions) ensures an adequate level of protection for your personal information, or where the service provider itself has confirmed that its processing is compliant with UK Data Protection laws.

5. When you give us information we take steps to make sure that your personal information is kept secure and safe. We will only store relevant information in accordance with the following policies, copies of which are available on request:
  - Privacy Policy; and
  - Email, Internet & ICT Policy.
6. We review our data retention periods regularly and will only hold your personal data for as long as is necessary for the relevant activity, or as required by law (we may be legally required to hold some types of information), or as set out in any relevant contract we have with you.

Data retention guidelines on the information we hold are attached to this Fair Processing Notice.

7. You have the right at any time to:
  - Ask for a copy of the information about you held by us in our records; and
  - Require us to correct any inaccuracies in your information.

8. If you would like to find out more about how we use your personal data or want to see a copy of information about you that we hold or wish to exercise any of your above rights, please contact ARK's Data Protection Officer at the contact details provided above.

You have the right to complain to the Information Commissioner's Office in relation to our use of your information.

The accuracy of your information is important to us – please help us keep our records updated by informing us of any changes to your personal and contact details.

| ITEM   | RETAIN FOR  | FORMAT                                       | BASIS FOR RETENTION PERIOD                                  | RESPONSIBLE  |
|--|---|--|---|--|
| <b>Employment</b>  |   |  |   |  |
| Former employees' personnel records, including copy contracts, changes to Ts and Cs, supervision records, grievance records, disciplinary records which do not relate to an allegation of abuse, sickness records, occupational health invoices, records in relation to appraisal and review (eg end of year reviews, performance improvement plans etc), references to other employers etc. (excl. ID & Disclosure details – removed) | 6 years from termination  | 1 <sup>st</sup> year hard copy, then scanned | Croner-i Human Resources (HR Legal Advice Service) Guidance | Director of People and Organisational Development/ All ARK Managers (in relation to supervision records) |
| Health records   | During employment and 3 years thereafter if reason for termination of employment is connected to health | Electronic/ hard copy                        | SFHA Guidance   | Director of People and Organisational Development  |
| General statements of Terms & Conditions   | 6 years from date replaced  | Electronic                                   | SFHA Guidance   | Director of People and Organisational Development  |
| Former employees - training records database, and  | 50 years from   | Electronic                                   | Insurance   | Director of People and   |

|  |  |                      |                            |   |
|--|--|----------------------|----------------------------|---|
| associated declarations  | termination  |                      | requirement                | Organisational Development                        |
| Former employees – records of qualifications and professional registrations  | 50 years from termination  | Electronic           | Insurance requirement      | Director of People and Organisational Development |
| All employees, Disciplinary Information (which relates to an allegation of abuse and results in a referral to relevant regulators- eg SSSC, Disclosure Scotland) | 50 years from termination  | Electronic           | Insurance requirement      | Director of People and Organisational Development |
| Recruitment Unsuccessful Applications, shortlists, interview notes   | 1 year   | Electronic/hard copy | SFHA Guidance              | Director of People and Organisational Development |
| Recruitment Unsuccessful criminal convictions form,  | Destroyed if not successful  | Electronic/hard copy | Disclosure Scotland        | Director of People and Organisational Development |
| Recruitment Unsuccessful/Successful equalities monitoring form,  | Destroyed at time of input   | Electronic/hard copy |                            | Director of People and Organisational Development |
| Recruitment Successful Applications Interviews shortlist   | 1 year   | Electronic/hard copy | SFHA Guidance              | Director of People and Organisational Development |
| criminal convictions form,   | 6 months   | Electronic/hard copy |                            | Director of People and Organisational Development |
| PVG, Disclosure,   | When employee leaves employment  | Electronic/hard copy | Disclosure Scotland        | Director of People and Organisational Development |
| References in relation to applicants for employment  | Unsuccessful applicants- 1 year Successful applicants- 6 years from termination of employment contract | Electronic/hard copy | Safer Recruitment Guidance | Director of People and Organisational Development |
| Salary/wage details incl.: PAYE, NI, P45, P60, expenses etc. – current staff   | Duration of employment   | Electronic           | Taxes Management Act 1970  | Director of People and Organisational Development |
| Salary/wage details incl.: PAYE,   | 6 years from   | Electronic           | Taxes                      | Director of People                                |

|  |   |  |   |   |
|--|---|--|---|---|
| NI, P45, P60, expenses etc. – former staff   | termination   |  | Management Act 1970   | and Organisational Development                    |
| Statutory maternity/paternity and adoption pay records, calculations, certificates (MAT 1Bs) or other medical evidence | 3 years after the end of the tax year to which they relate  | Electronic/hard copy                         | Statutory Maternity Pay (General Regulations) 1986/ SFHA Guidance | Director of People and Organisational Development |
| Parental Leave   | 5 years from birth/adoption of the child or 18 years if the child receives a disability allowance | Electronic/hard copy                         | SFHA Guidance   | Director of People and Organisational Development |
| Statutory Sick Pay records, calculations, certificates, self-certificates  | 3 years after the end of the tax year to which they relate  | Electronic/hard copy                         | SFHA Guidance   | Director of People and Organisational Development |
| Documents proving the right to work in the UK  | 2 years after employment ceases   | Electronic/hard copy                         | SFHA Guidance   | Director of People and Organisational Development |
| Redundancy details, payments & refunds   | 6 years from date of redundancy   | 1 <sup>st</sup> year hard copy, then scanned | SFHA Guidance   | Director of People and Organisational Development |
| Trade union agreements   | 10 years after ceasing to be effective  | Electronic (scanned)                         | Unite Agreement/ Croner-i Human Resources Guidance                | Director of People and Organisational Development |