

# **Lighthouse**

## **Employee Data Protection Policy**

### **Part 3 of Data Protection Policy**

#### **1. Introduction**

This Policy is specifically for employees and is to be read in conjunction with the Data Protection Policy and Data Retention Policy. All areas of those policies, and any other GDPR requirements apply to employees. This policy gives some further details information in certain areas that applies to employees.

Some sections are named to highlight them and the employee is expected to refer to the main policy for other areas.

This policy has four separate parts:

- 1. Main part**
- 2. Data Retention**
- 3. Data Breach**
- 4. Employee Data Protection – this document**

#### **2. Data Subject Access**

- 2.1 Employee data subjects may make subject access requests (“SARs”) at any time to find out more about the personal data which the Lighthouse holds about them, what it is doing with that personal data, and why.
- 2.2 Employees wishing to make a SAR should do using a Subject Access Request Form (available from the office), sending the form to the Lighthouse’s Data Protection Officer at 8, Linenhall Street, Ballymena, BT43 5AL or such address as replace this.
- 2.3 Responses to SARs shall normally be made within one month of receipt, however this may be extended by up to two months if the SAR is complex and/or numerous requests are made. If such additional time is required, the employee data subject shall be informed.
- 2.4 All SARs received shall be handled by the Lighthouse’s Data Protection Officer, Dr. Harvey Grahame-Smith.
- 2.5 The Lighthouse does not charge a fee for the handling of normal SARs. The Lighthouse reserves the right to charge reasonable fees for additional copies of information that has already been supplied to an employee data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.

#### **3. Rectification of Personal Data**

- 3.1 Employee data subjects have the right to require the Lighthouse to rectify any of their personal data that is inaccurate or incomplete.
- 3.2 The Lighthouse shall rectify the personal data in question, and inform the employee data subject of that rectification, within one month of the employee data subject informing the Lighthouse of the issue. The period can be

extended by up to two months in the case of complex requests. If such additional time is required, the employee data subject shall be informed.

- 3.3 In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of any rectification that must be made to that personal data.

#### **4. Erasure of Personal Data**

- 4.1 Employee data subjects have the right to request that the Lighthouse erases the personal data it holds about them in the following circumstances:
  - 4.1.1 It is no longer necessary for the Lighthouse to hold that personal data with respect to the purpose(s) for which it was originally collected or processed;
  - 4.1.2 The employee data subject wishes to withdraw their consent to the Lighthouse holding and processing their personal data;
  - 4.1.3 The employee data subject objects to the Lighthouse holding and processing their personal data (and there is no overriding legitimate interest or agreement to allow the Lighthouse to continue doing so) (see Part 18 of this Policy for further details concerning the right to object);
  - 4.1.4 The personal data has been processed unlawfully;
  - 4.1.5 The personal data needs to be erased in order for the Lighthouse to comply with a particular legal obligation;
- 4.2 Unless the Lighthouse has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the employee data subject informed of the erasure, within one month of receipt of the employee data subject's request. The period can be extended by up to two months in the case of complex requests. If such additional time is required, the employee data subject shall be informed.
- 4.3 In the event that any personal data that is to be erased in response to an employee data subject's request has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

#### **5. Restriction of Personal Data Processing**

- 5.1 Employee data subjects may request that the Lighthouse ceases processing the personal data it holds about them. If an employee data subject makes such a request, the Lighthouse shall retain only the amount of personal data concerning that data subject (if any) that is necessary to ensure that the personal data in question is not processed further.
- 5.2 In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

#### **6. Objections to Personal Data Processing**

- 6.1 Employee data subjects have the right to object to the Lighthouse processing their personal data based on legitimate interests or direct marketing (including profiling).

- 6.2 Where an employee data subject objects to the Lighthouse processing their personal data based on its legitimate interests, the Lighthouse shall cease such processing immediately, unless it can be demonstrated that the Lighthouse's legitimate grounds for such processing override the employee data subject's interests, rights, and freedoms, or that the processing is necessary for the conduct of legal claims.
- 6.3 Where an employee data subject objects to the Lighthouse processing their personal data for direct marketing purposes, the Lighthouse shall cease such processing immediately.

## 7. **Personal Data**

The Lighthouse holds personal data that is directly relevant to its employees. That personal data shall be collected, held, and processed in accordance with employee data subjects' rights and the Lighthouse's obligations under the GDPR and with this Policy. The Lighthouse may collect, hold, and process the personal data detailed in this Policy:

- 7.1 Identification information relating to employees:
  - 7.1.1 Name;
  - 7.1.2 Contact Details;
  - 7.1.3 Next of kin details.
- 7.2 Equal opportunities monitoring information (such information shall be anonymised where possible):
  - 7.2.1 Age;
  - 7.2.2 Gender;
  - 7.2.3 Ethnicity;
  - 7.2.4 Nationality;
  - 7.2.5 Religion;
- 7.3 Health records:
  - 7.3.1 Details of sick leave;
  - 7.3.2 Medical conditions;
  - 7.3.3 Disabilities;
  - 7.3.4 Prescribed medication;
  - 7.3.5 Health Questionnaires
  - 7.3.6 GP Details
- 7.4 Employment records:
  - 7.4.1 Interview notes;
  - 7.4.2 CVs, application forms, covering letters, and similar documents;
  - 7.4.3 Assessments, performance reviews, and similar documents;
  - 7.4.4 Details of remuneration including salaries, pay increases, bonuses, commission, overtime, benefits, and expenses;
  - 7.4.5 Details of trade union membership (where applicable);

- 7.4.6 Employee monitoring information (please refer below for further information);
- 7.4.7 Records of disciplinary matters including reports and warnings, both formal and informal;
- 7.4.8 Details of grievances including documentary evidence, notes from interviews, procedures followed, and outcomes;
- 7.4.9 Information for Access NI checks

#### 7.5 Financial information

- 7.5.1 Details required for processing Pay, pensions and also HMRC requirements.

### 8. Health Records

- 8.1 The Lighthouse holds health records on all employee data subjects which are used to assess the health, wellbeing, and welfare of employees and to highlight any issues which may require further investigation. In particular, the Lighthouse places a high priority on maintaining health and safety in the workplace, on promoting equal opportunities, and on preventing discrimination on the grounds of disability or other medical conditions. In most cases, health data on employees falls within the GDPR's definition of special category data. Any and all data relating to employee data subjects' health, therefore, will be collected, held, and processed strictly in accordance with the conditions for processing special category personal data. No special category personal data will be collected, held, or processed without the relevant employee data subject's express consent.
- 8.2 Health records shall be accessible and used only by approved people and shall not be revealed to other employees, agents, contractors, or other parties working on behalf of the Lighthouse without the express consent of the employee data subject(s) to whom such data relates, except in exceptional circumstances where the wellbeing of the employee data subject(s) to whom the data relates is at stake and such circumstances satisfy one or more of the conditions set out in this Policy.
- 8.3 Health records will only be collected, held, and processed to the extent required to ensure that employees are able to perform their work correctly, legally, safely, and without unlawful or unfair impediments or discrimination.
- 8.4 Employee data subjects have the right to request that the Lighthouse does not keep health records about them. All such requests must be made in writing and addressed to Dr. Harvey Grahame-Smith and will be considered on a case by case basis.
- 8.5 In the event this creates safety issues for the person themselves or others this will be discussed. If it has to be revealed, then there may be no alternative to ceasing the post if the information cannot be revealed. Dr. Harvey Grahame-Smith will endeavour that this is not the case.

### 9. Benefits

- 9.1 In cases where employee data subjects are enrolled in benefit schemes which are provided by the Lighthouse, it may be necessary from time to time for third party organisations to collect personal data from relevant employee data subjects. This applies to pension information.

- 9.2 Prior to the collection of such data, employee data subjects will be fully informed of the personal data that is to be collected, the reasons for its collection, and the way(s) in which it will be processed, as per the information requirements set out in this Policy.
- 9.3 The Lighthouse shall not use any such personal data except insofar as is necessary in the administration of the relevant benefits schemes.
- 9.4 The following schemes are available to employees. Please note that not all schemes may be applicable to all employees:
- Pensions Trust via BenPal, Growth Plan series 4. Lighthouse member number is E10323. For further information, please contact Mark Forsythe.

## 10. Employee Monitoring

- 10.1 The Lighthouse may from time to time monitor the activities of employee data subjects. In the event that monitoring of any kind is to take place (unless exceptional circumstances, such as the investigation of criminal activity or a matter of equal severity, justify covert monitoring), employee data subjects will be informed of the exact nature of the monitoring in advance.
- 10.2 Monitoring should not (unless exceptional circumstances justify it, as above) interfere with an employee's normal duties.
- 10.3 Monitoring will only take place if the Lighthouse considers that it is necessary to achieve the benefit it is intended to achieve. Personal data collected during any such monitoring will only be collected, held, and processed for reasons directly related to (and necessary for) achieving the intended result and, at all times, in accordance with employee data subjects' rights and the Lighthouse's obligations under the GDPR.
- 10.4 The Lighthouse shall ensure that there is no unnecessary intrusion upon employee data subjects' personal communications or activities, and under no circumstances will monitoring take place outside of an employee data subject's normal place of work or work hours, unless the employee data subject in question is using Lighthouse equipment or other facilities including, but not limited to the Lighthouse email or a service provided by the Lighthouse for employee use.

## 11. Data Breach Notification

See part 2

All personal data breaches must be reported immediately to the Lighthouse's Data Protection Officer.

## 12. Implementation of Policy

This Policy shall be deemed effective as of 11/6/18. No part of this Policy shall have retroactive effect and shall thus apply only to matters occurring on or after this date.

This Policy has been approved and authorised by:

**Name:** Mark Forsythe, Manager

**Date:** 15/4/21

**Due for Review by:** 1/5/23

**Signature:**

