

Tommy's Employee Data Protection and Privacy Policy

This Employee Data Protection and Privacy Policy explains what personal information we hold in connection with your employment, how we may use it and what your rights are.

Tommy's collects and processes personal data relating its employees to manage the employment relationship. Tommy's seeks to be transparent about how it collects and uses that data and meets its data protection obligations.

What information does Tommy's collect?

Tommy's collects and processes a range of information about you. This includes:

- your name, address and contact details, including your personal email address and telephone number, your date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with Tommy's;
- information about your remuneration, including entitlement to benefits such as pension;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about any criminal record you may have (if your role with Tommy's requires you to have a Disclosure and Barring Service check);
- psychometric assessments (during Tommy's recruitment processes);
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and Sabbaticals, and the reasons for the leave;
- details of any disciplinary, sickness absence or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you may have a disability for which Tommy's needs to make reasonable adjustments; and
- equal opportunities monitoring information including information about your age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other protected grounds.

Tommy's collects this information in a variety of ways. For example, data might be collected through application forms or CVs; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as forms completed during your HR induction); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, Tommy's may collect personal data about you from third parties, such as references supplied by former employers, and information from criminal records checks permitted by law.

Data is stored in a range of different places, including in your personnel file, in Tommy's paper-based and electronic HR record systems and in other IT systems (including Tommy's email system).

Why does Tommy's process personal data?

1 To fulfil contractual requirements

Tommy's needs to process data in order to enter into an employment contract with you and to meet our obligations under your employment contract. For example, we need to process your data to:

- provide you with an employment contract;
- pay you in accordance with your employment contract; and
- to administer holidays, pensions and other statutory rights and employee benefits.

2 To comply with legal obligations

In some cases, we need to process data to ensure that we are complying with our legal obligations. For example we are required to:

- establish all employees' entitlement to work in the UK in order avoid employing workers illegally;
- deduct tax from earnings;
- comply with health and safety laws such as keeping accident records;
- keep records to help us ensure employees take periods of leave to which they are entitled;
- process data about sickness absence in order to pay Statutory Sick Pay or company sick pay;
- process data about employees' spent and unspent criminal convictions (where roles include Government 'Regulated Activities' for which Disclosure and Barring Service checks are required), to help us make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups;
- keep records of underlying medical conditions and any history of illnesses or injuries disclosed to us, to enable us to respond appropriately to our employees' physical and mental health needs and to ensure any reasonable adjustments are made to job roles in line with our duties under the Equality Act;
- process other special categories of personal data for the purposes of equal opportunities monitoring, including information on employees':
 - age
 - disability
 - gender reassignment
 - marriage and civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation, and
 - any other protected grounds.

Data that we use for equal opportunities monitoring purposes is anonymised and is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

3 In Tommy's legitimate interests

In other cases, Tommy's has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows us to:

(a) Discharge our duty of care to you

This duty of care requires us to keep accurate and up-to-date employment records and contact details, including:

- keeping records of who to contact about you in the event of an employee emergency, and how to contact you personally as part of Tommy's disaster-recovery plan;
- operating and keeping a record of the amount of sickness absence and reasons for such absences (including absences to attend medical appointments), to allow effective workforce management using our absence management procedures, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- obtaining medical information and advice from GPs, medical specialists and occupational health providers, to ensure that Tommy's complies with its duties in relation to individuals with underlying medical conditions and disabilities, and meets its obligations under health and safety law;
- keeping records of maternity health and of employees' choices relating to their maternity and other family-related leave entitlements (including paternity and adoption leave), so that we can support them in exercising their rights and ensure that employees are receiving the pay and benefits to which they are entitled;
- circulating (at senior levels, and with employee consent) a centralised 'Communications Cascade' of personal email addresses and personal telephone numbers to enable Tommy's to maintain easy contact with employees for disaster-recovery purposes;
- seeking and providing employment references on request for prospective, current or former employees.

(b) Maintain standards of charity performance, behaviour and discipline

This includes:

- running and keeping records of recruitment processes, including the use of psychometric assessments;
- operating and keeping a record of employee performance, development and related processes, to enable Tommy's to plan for career development, succession and general workforce management;
- operating and keeping a record of disciplinary, sickness absence and grievance management processes, to ensure acceptable conduct throughout Tommy's workforce;
- ensuring effective general HR and business administration.

(c) Defend potential legal claims

This entails keeping sufficient employee information to enable Tommy's to respond to, and where necessary defend the charity against, any legal claims.

Who has access to data?

Your information may be shared internally with the following people:

- your line manager
- senior managers in the business area in which you work
- the HR Manager and those who support the HR function (the Head of Sporting Events currently provides this HR support in relation to certain health and safety activities such as keeping accident records, and to the recording of holidays)
- the Finance Department (including the management of payroll and pensions), and
- IT staff, if access to the data is necessary for performance of their roles.

We also share your data with third parties for the following specific reasons:

- We obtain information about you from your former employers, in the form of pre-employment references. The information we obtain is:
 - The start date of your employment
 - The end date of your employment
 - Your job title on leaving, and
 - Your salary on leaving.
- We use a security-vetting service (Cataphract) that accesses the Disclosure and Barring Service (DBS) on Tommy's behalf to check the criminal records of employees in roles which are subject to DBS checks (currently this is limited to those who work on Tommy's Information Line)
- In connection with other services, specifically:
 - the provision of pensions (Johnson Fleming is our pension broker and Standard Life is our pension provider)
 - the provision of childcare vouchers (Edenred)
 - the use of occupational health services (HealthcareRM) as part of our sickness-absence management
 - the use of psychometric assessments (DH Consulting) as part of our recruitment processes.
- If some or all of the charity were to be sold to another owner as a transfer of undertakings, we would also share your data with third parties (ie potential buyers of the charity) in the context of that sale. In those circumstances the data will be subject to confidentiality arrangements.

We will not transfer your data to countries outside the European Economic Area.

How does Tommy's protect your data?

We take the security of your data seriously. We design internal policies and controls with the aim of ensuring that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

- Paper-based personnel files for current employees are kept in a drawer (which is locked at night and when unattended) in the Chief Executive's office.
- Electronic HR records for past and current employees are kept in password-protected folders accessed and maintained by the HR Manager.
- Paper-based leavers' records are kept in locked drawers maintained by the HR Manager.
- Payslips are held electronically in password-protected folders in the Finance Department.
- Payroll information is kept in a locked drawer in the Finance Department.
- The destruction of Tommy's confidential paper-based data is managed by a confidential paper-shredding and recycling provider (Shred-It).

Where we engage third parties to process personal data on Tommy's behalf, we do so on the basis of written instructions which place those third parties under a duty of confidentiality and oblige them to implement appropriate technical and organisational measures to ensure the security of data.

For how long does Tommy's keep data?

Please see Appendix 1 – Framework on Retention of Employee Records. This document has been drawn up after consultation with the guidance of the Information Commissioner's Office, and the Chartered Institute of Personnel and Development.

After the relevant period has passed, paper-based records are shredded confidentially and electronic records are deleted.

What if you do not provide personal data?

You have some obligations under your employment contract to provide Tommy's with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide Tommy's with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable Tommy's to enter a contract of employment with you.

If you do not provide other information, this will hinder Tommy's ability to administer efficiently the rights and obligations arising as a result of the employment relationship. However, Tommy's upholds your right to object to the processing of your personal data, and will address any such objection procedurally and with legal guidance where necessary.

Automated decision-making

Tommy's employment decisions are not based solely on automated decision-making.

Policy changes

We may update the terms of this policy at any time, so please do check it from time to time. We will notify you about significant changes in the way we treat personal information.

Review

We review our application of this policy in three ways:

- Every four years we review our approach to consent and the balancing of legitimate interest with the rights and interests of the individual. If the balancing exercise indicates a different approach would be appropriate we change our approach accordingly.
- We monitor and regularly assess your feedback. If the feedback assessment indicates a different approach would be appropriate we change our approach accordingly.
- We review this policy if there is a change in the law that requires us to do so.

Your responsibility

All employees who process employee data are responsible for complying fully with this Employee Data Protection Policy. Breach of this policy by an employee will normally result in the implementation of the Disciplinary Procedure.

Your rights

As a data subject, you can:

- access and obtain a copy of your data on request;
- require Tommy's to change incorrect or incomplete data;
- require Tommy's to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of your data where Tommy's is relying on its legitimate interests as the legal ground for processing.

If you would like to exercise any of these rights, please contact the Data Protection Officer.

If you believe that Tommy's has not complied with your data protection rights, you can complain to the Information Commissioner.

If you wish to find out more about these rights, or to obtain a copy of the information we hold about you, please contact:

The Data Controller:

**Tommy's
Nicholas House
3 Laurence Pountney Hill
London
EC4R 0BB**

Tel: 0207 398 3461

The Data Protection Officer:

**Amy Thomas
Finance Director
(athomas@tommys.org)**

APPENDIX: TOMMY’S RETENTION OF EMPLOYEE RECORDS

**HR records listed below are managed by the HR Department.
Finance and Payroll records listed below are managed by the Finance Department.
No duplicate paper-based or electronic records may be retained by any other manager.**

Pre-employment

Data	Purpose of capture	Reason for retention	Retention period
CV, application form and interview notes for unsuccessful candidates	<ul style="list-style-type: none"> Recruiting managers can make informed and equitable decisions Adherence to Tommy’s recruitment process 	<ul style="list-style-type: none"> Verify adherence to recruitment process Defend potential employment tribunal claims 	6 months after interview
Psychometric assessments for unsuccessful candidates	<ul style="list-style-type: none"> Recruiting managers can make informed and equitable decisions Adherence to Tommy’s recruitment process 	<ul style="list-style-type: none"> Verify adherence to recruitment process Defend potential employment tribunal claims 	6 months after assessment
References from former employers: <ul style="list-style-type: none"> Start date Finish date Job title on leaving 	<ul style="list-style-type: none"> Verify employment details Contribute to the recruitment decision 	<ul style="list-style-type: none"> Defend potential contractual claims 	6 years after last day of employment

During and After Employment

Data	Purpose of capture	Reason for retention	Retention period
HR records:			
Anonymised equal opportunities monitoring forms	<ul style="list-style-type: none"> Implement Tommy’s Equal Opportunities Policy Comply with the Equality Act 2010 	<ul style="list-style-type: none"> No reason for retention, once the anonymised data have been transferred to the Equal Opportunities analysis 	Within one month of receipt by HR Manager of employee’s completed form
Interview notes for successful candidates	<ul style="list-style-type: none"> Recruiting managers can make informed and equitable decisions Tommy’s recruitment process is adhered to 	<ul style="list-style-type: none"> Verify adherence to recruitment process Defend potential employment tribunal claims 	6 months after interview

Personal email address and telephone number on Communications Cascade, distributed to Directors and Head of Function	<ul style="list-style-type: none"> Discharge duty of care to employees Ensure Tommy's remains operational during temporary forced exclusion from premises 	<ul style="list-style-type: none"> No reason for retention once employment has ended 	On ending of employment
DBS checks	<ul style="list-style-type: none"> Comply with Tommy's Child Protection Policy 	<ul style="list-style-type: none"> Evidence of formal management process discharged Defend potential contractual claims 	Original DBS form: 6 months after check carried out A record of the <u>outcome</u> only: 6 years after employment has ended
Psychometric assessments for successful candidates	<ul style="list-style-type: none"> Recruiting managers can make informed and equitable decision Tommy's recruitment process is adhered to 	<ul style="list-style-type: none"> Provide potential insights into career development, strengths and development needs 	2 years after date of assessment
<ul style="list-style-type: none"> Training records Appraisal records 	<ul style="list-style-type: none"> Foster and develop employee competence Maintain standards of charity performance and behaviour development 	<ul style="list-style-type: none"> Evidence of informal HR management processes discharged 	1 year after last day of employment
CV or application form for successful candidates	<ul style="list-style-type: none"> Recruiting managers can make informed and equitable decisions Tommy's recruitment process is adhered to 	<ul style="list-style-type: none"> Verify adherence to recruitment process Defend potential employment tribunal claims 	1 year after last day of employment
<ul style="list-style-type: none"> Annual leave cards Unpaid leave records TOIL records 	<ul style="list-style-type: none"> Ensure contractual and statutory rights fulfilled Assist smooth running of the charity 	<ul style="list-style-type: none"> Comply with Working Time Regulations Defend potential employment tribunal claims 	2 years after last day of employment
Accident records	<ul style="list-style-type: none"> Discharge duty of care to employees Comply with health and safety legislation 	<ul style="list-style-type: none"> Comply with HSE Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 	3 years after date of last entry
Passport copy	<ul style="list-style-type: none"> Establish evidence of the right to work in the UK 	<ul style="list-style-type: none"> Comply with Home Office requirements 	2 years after last day of employment

Sickness self-certificate forms, return-to-work interview records, doctors' and occupational health reports	<ul style="list-style-type: none"> • Discharge duty of care to employees 	<ul style="list-style-type: none"> • Evidence of formal HR management processes discharged • Defend potential contractual claims 	6 years after last day of employment
Records relating to paid maternity leave, paternity leave, adoption leave, shared parental leave and flexible working arrangements	<ul style="list-style-type: none"> • Ensure employee rights protected 	<ul style="list-style-type: none"> • Evidence of formal HR management processes discharged • Defend potential contractual claims 	6 years after last day of employment
Health and safety inductions and DSE workstation self-assessments	<ul style="list-style-type: none"> • Discharge duty of care • Comply with health and safety legislation 	<ul style="list-style-type: none"> • Evidence of formal HR management processes discharged • Defend potential contractual claims 	6 years after last day of employment
Records of formal disciplinary, sickness and grievance management	<ul style="list-style-type: none"> • Fulfil contractual and statutory rights • Assist smooth running of the charity 	<ul style="list-style-type: none"> • Defend potential employment tribunal or contractual claims 	6 years after last day of employment
Contract of employment and documents confirming changes to contract	<ul style="list-style-type: none"> • Fulfil contractual and statutory rights 	<ul style="list-style-type: none"> • Defend potential employment tribunal or contractual claims 	6 years after last day of employment
Unpaid parental leave	<ul style="list-style-type: none"> • Protect employee rights 	<ul style="list-style-type: none"> • Evidence of formal HR management processes discharged • Ensure continuity of application of statutory rights • Defend potential statutory or contractual claims 	Until the child's 18 th birthday
Employment start date, employment end date, date of birth (for identification purposes) and job title on leaving	<ul style="list-style-type: none"> • Provide factual references to potential future employers 	<ul style="list-style-type: none"> • Provide factual references to potential future employers 	Indefinitely

Finance and payroll records:			
Maternity, paternity, shared parental and adoption pay Pension contributions and pension payments Salary information Redundancy pay	<ul style="list-style-type: none"> Fulfil contractual and statutory rights 	<ul style="list-style-type: none"> Fulfil statutory obligations Defend potential employment or contractual claims 	6 years after the end of the relevant tax year
<ul style="list-style-type: none"> Timesheets 	<ul style="list-style-type: none"> Fulfil contractual and statutory rights 	<ul style="list-style-type: none"> Comply with Working Time Regulations Defend statutory or contractual claims 	6 years after the date they were made
<ul style="list-style-type: none"> Pensioners' records 	<ul style="list-style-type: none"> Fulfil contractual and statutory rights 	<ul style="list-style-type: none"> Fulfil contractual and statutory rights 	12 years after benefit ceases

Jenny Bradic / April 2018