

Employee Privacy Notice

We Take Your Privacy Seriously

Rest assured - at GAP we're 100% committed to protecting your privacy and security. We completely understand how important it is to respect the information you've given us about yourself. You'll have heard by now about some new rules governing what can and can't be done with information about you.

They're contained within the General Data Protection Regulation (GDPR) - and we've been studying them for months to make sure we're crystal clear about our obligations.

In anticipation of the changes, we've adjusted elements of our Privacy Notice to give your data even more control and protection - and have re-written the Notice to cut through the legal jargon and spell out exactly what we do with what you've told us about yourself.

In a nutshell, it all boils down to four GAP Privacy Pledges. We promise that we will:

1. Only use the information you give us for the purposes we specify in this Privacy Notice.
2. Protect your data like it's our own
3. Only ever talk your language. No nonsense, no spam, and no cleverly worded sentences that leave you baffled!
4. Delete your information as soon as we no longer need it

This Employee Privacy Notice sets out what personal data we, GAP Ltd, hold about you and how we collect and use it during and after your employment with us. It applies to anyone who works for us and anyone who used to work for us.

We are required, under the new regulations, to give you the information in this Privacy Notice. It is important that you read the Privacy Notice carefully, together with any other similar or additional information that we might give you from time to time about how we collect and use your personal data.

This Privacy Notice applies from 25 May 2018, when the General Data Protection Regulation comes into force. It does not give you any contractual rights. We may update this Privacy Notice at any time.

Now, down to the nitty gritty!

Who is the controller?

GAP Ltd (Partnership Way, Shadsworth Business Park, Blackburn, BB1 2QP) is the "controller" for the purposes of data protection law. This means that we are responsible for deciding how we hold

and use personal data about you.

We also have a dedicated Data Protection Team that is committed to making sure GAP are looking after all your information. If you have any queries, you can reach our Data Protection super-team on privacy@gap.uk.com.

What type of personal data do we hold about you?

Personal data means any information relating to a living individual who can be identified (directly or indirectly) using the information you give us (e.g. name, NI number, employee number, email address, physical features). It can be factual (e.g. contact details or date of birth), or an opinion about an individual's actions or behaviour.

We hold and use various types of personal data about you, including, for example: biographical details (Name, Address, email address, Date of birth, etc.); recruitment information; details of the terms of your employment with us; pay and benefits details; working hours; performance information; details of your holidays and other leave; disciplinary, conduct and grievance matters; employee representation; health and safety; CCTV footage; business equipment, technology and systems usage information, etc.

Data protection law divides personal data into two categories: ordinary personal data and special category data. Any personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, or biometric or genetic data that is used to identify an individual is known as **special category** data. (The rest is **ordinary personal data**).

We hold and use various types of special category data about you, including: sickness absence and medical information (including Occupational Health reports); details of family leave which could include information about your health, religious beliefs; equal opportunities monitoring data which could include information about your race or ethnicity, religious beliefs, sexual orientation or health; biometric data we use on the time and attendance system to log your working hours and any criminal convictions (this is only relevant to employees who drive company vehicles).

Why do we hold your personal data and on what legal grounds?

We hold and use your ordinary personal data for employment, HR and business administration purposes. This will include, for example: to make sure you get paid and receive any benefits you are entitled to; monitoring and assessing your performance; provision and regulation of holidays and other leave; addressing conduct, disciplinary and grievance issues; performance of day-to-day business activities, etc.

Data protection law specifies the legal grounds on which we can hold and use personal data. Most commonly, we use on one or more of the following legal grounds when we process your personal data:

- We need it to perform the contract we have entered into with you. This may include, for

example, ensuring that we pay you correctly and that we give you the holidays you are entitled to.

- We need it to comply with a legal obligation. Typically, this may include legal obligations such as: to provide statutory holidays and statutory family leave and pay (maternity, paternity, adoption, shared parental, etc.); to pay the National Living Wage /National Minimum Wage; to comply with limits on working time; to meet health and safety requirements; not to discriminate or dismiss Employees unfairly.
- It is necessary for our legitimate interests (or those of a third party) and your interests and your rights (we will cover these later!) do not override those interests. For example, managing working your hours to ensure we are running as effectively as possible, and monitoring your use of company computers or other technology.

We hold and use your special category data for purposes including, for example: managing absence and ensuring cover; management of family related leave; paying sick pay, maternity, paternity, adoption or shared parental pay where applicable; monitoring equality of opportunity and diversity in our organisation; ensuring security of laptops/controlling access to our premises.

Since special category data is usually more sensitive than ordinary personal data, we need to have an additional legal ground to use and hold it. Most commonly, as well as one of the legal grounds listed above, we rely on one or more of the following additional legal grounds when we process this type of data:

- Where we need to exercise our legal rights or carry out our legal obligations in relation to your employment or social security and the processing is in line with our Data Protection Policy (**legal obligation/right in relation to employment**).
- Where it is needed in the public interest, such as for equal opportunities monitoring and is in line with our Data Protection Policy (**public interest in monitoring equal opportunities within the workforce**).
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards (**assessment of working capacity**).

Occasionally, we may also hold and use ordinary personal data: in the public interest for the detection or prevention of crime; or where needed to protect your vital interests or those of another person.

We may also occasionally hold and use special category data: to establish, exercise or defend a legal claim; where it is needed to protect your interests (or someone else's interests), where you are not capable of giving your consent, or where you have already made the information public.

Sometimes we may use your personal data for reasons that are different from the reason we collected it. This very rarely happens at GAP, but if it does we will contact you straight away and explain the situation to you.

If you would like to know more about the types of data we hold about you, please contact our Data

How do we collect your personal data?

You provide us with most of the personal data about you that we hold and use when you first start at GAP. Other personal data about you that we hold and use is generated by you in the course of carrying out your duties. For example, if you move house and you tell us about it or when you use the clocking-in and out system.

Some of the personal data we hold and use about you is provided by or generated from other employees or your line managers during the course of running our business. For example, colleagues may refer to you in emails or documents, your manager will assess you as part of the 1-1 and PDP process and information about you may be generated as part of our business and operational planning. For example when we undertake a new project, we may identify your skills as important to the success of it.

Some of the personal data about you that we hold and use may come from external sources. For example: when we offered you a job, we may have collected references from previous employers; we may obtain information about you from publicly available sources such as your LinkedIn profile or other media sources; we may ask for a report from an occupational health professional if you have long-term sickness absence; customers may give feedback about you; we might seek advice from a professional adviser that includes information about you.

If you give us someone else's personal data

Sometimes, you might provide us with another person's personal data – e.g. details of your emergency contact or next of kin. If you have given us this information we require you to inform the individual what personal data of theirs you are giving to us. You must also give them our contact details and let them know that they should contact us if they have any queries about how we will use their personal data.

Who do we share your personal data with?

We will only share your personal data with third parties where we have a legal ground for sharing it under the new regulations. Who we share it with and our legal grounds for sharing it with them are detailed below:

- We may share details of your employment with the HRMC for tax purposes. We have a legal obligation to share this information and will include data such as: name, address, NI number, employment start date etc.
- We may share information with legal/professional advisors, in the event of any dispute or for wider business operations. We would only share your information on a needs only basis and it may be to defend or establish a claim or in our legitimate business interest to share this data.

- As part of your role, you may be required to travel outside the EU to visit international suppliers. In this instance we may need to send some of your information, i.e. your passport details, to our international suppliers. We will speak with you on an individual basis and seek your consent before sending this information and we will make every effort to ensure that your data is secure when we share it.
- If your role requires you to be on sight with customers fitting product, we have a legal obligation to share some of your information with them (for example, details of your CSCS card) so that the customer knows you are covered in the event of an accident.
- Where your role requires you to drive our company vehicles or you have access to our pool cars, we will need to share some of your personal data with Jaama, this will include your name, address, age, email and licence details. We have a legal obligation to share this information for insurance purposes and a legitimate interest where you use a company vehicle not as the main part of your role to ensure that you are legally entitled to drive and not under any restrictions.
- If necessary, we will share some of your information with our Occupational health provider, information shared with them may include: details of your employment, sickness and medical information or accident information. In certain circumstances we will have a legal obligation to share this information and in others it will be necessary to share your data in performance of your contract of employment or to protect your interests.
- We may also share your data with private medical insurers and life insurance companies. This is only shared where you receive this as a benefit and it is necessary for us to do so in performance of your contract of employment. Data shared may include: name, address, employment start date, date of birth, medical records etc.
- We may share your information with Employer Liability insurers and Brokers. Information we share may include: Health and Safety records, accident information, and occupational health records if it is necessary. Our legal grounds for sharing this data falls under our right to defend or establish a claim or we have a legal obligation to share this data.
- We may share some of your data with our Health and Safety auditors, the types of information we share relates to your training records. It is in our legitimate interests to share this data for us to achieve certified standards of health and safety which benefits everybody!
- We may share your information with the providers of the specialist systems we use to store and process your data. If we have system issues, these providers may require access to our systems and your data. Don't worry, system errors very rarely happen and the information the system providers see is very limited. Examples of this include: Sage and Elf.

Consequences of not providing personal data

We only ask you to provide personal data when we have a good reason and there may therefore be consequences if you do not provide particular information to us.

Some of the personal data you provide to us is required by law. For example, if you do not provide your national insurance number, we will not be able to make correct tax/NI deductions, and, if you are pregnant, we require a MATB1 in order to pay statutory maternity or paternity pay.

We may require you to provide other personal data, where it is necessary for us or our pensions/benefits providers to fulfil our contractual obligations to you, or for you to fulfil your contractual obligations to us, or where our use of the data is necessary in our legitimate interests. For example, if you do not provide us with your licence details, we would list you as a driver of our vehicles and this may limit your capability to perform your job.

If you choose not to provide us with personal data requested, we will tell you about the particular implications of any such decision at the relevant time.

How long will we keep your personal data?

We will not keep your personal data for longer than we need it for our legitimate purposes.

We take into account the following criteria when we are deciding how long we should keep your data for:

- the amount, nature, and sensitivity of the personal data
- the risk of harm from unauthorised use or disclosure
- the purposes for which we process your personal data and how long we need the data to achieve these purposes
- how long the personal data is likely to remain accurate and up-to-date
- for how long the personal data might be relevant to possible future legal claims
- any applicable legal, accounting, reporting or regulatory requirements that specify how long certain records must be kept

Given the variety of Employees' personal data that we use and the varying circumstances in which we use it, it is difficult to specify ahead of time precisely how long we will keep particular items of personal data.

Where possible, the Tables in the Appendix to this Privacy Notice identify retention periods that apply to different types of data, which have been determined on the basis of the above criteria and specify the longest possible period we will keep your data for. We may often keep particular items of your personal data for less time.

However, there may also be circumstances in which it is appropriate for us to keep particular items of your personal data for a longer period than that set out in the Tables. In particular, we will always keep your personal data for so long as we are required to do so under legal, accounting, reporting or regulatory requirements.

Transferring personal data outside the EEA

An overseas transfer of personal data takes place when the data is transmitted or sent to, viewed,

accessed or otherwise used in, a different country. Data protection law restricts transfers of personal data to countries outside of the European Economic Area (EEA) because the law in those countries might not provide the same level of protection to personal data as the law in the EEA. To ensure that the level of protection afforded to personal data is not compromised, therefore, we are only able to transfer your personal data outside the EEA if certain conditions are met, as explained below.

We may transfer some of your personal data to our Asian suppliers:

- We have put in place the following appropriate measures to ensure that any personal data transferred to China is treated in a way that is consistent with and which respects the EEA and UK laws on data protection and receives an adequate level of protection: we will ensure that your details are secured and will only send this information with your consent to do so. We will also ensure that the data we share is only used for the specified purposes when we approach you for your consent.

Your rights

The new regulations set out the rights that everyone has if a business is processing data about you, they are:

- *The right to make a subject access request.* This enables you to receive certain information about how we use your data, as well as to receive a copy of the personal data we hold about you and to check that we are doing exactly what we say we are doing!
- *The right to request that we correct incomplete or inaccurate personal data* that we hold about you. This speaks for itself, if we have the wrong email address or phone number, you have the right to tell us to make it right!
- *The right to request that we delete or remove personal data* that we hold about you where we don't have a good reason for keeping hold of it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
- *The right to object to our processing* your personal data where we are relying on our legitimate interest (or those of a third party), where we cannot give a good reason for processing the data about you.
- *The right to request that we restrict our processing of your personal data.* This enables you to ask us to suspend the processing of personal data about you, for example if you want us to tell you how accurate the information is or you want to know why we are asking for this information.
- *The right to withdraw your consent* to us using your personal data. Alongside this, you also have the right to request that we delete or remove that data, if we do not have another good reason to continue using it.
- *The right to request that we transfer your personal data to another party,* in respect of data that you have provided where our legal ground for using the data is that it is necessary for

the performance of a contract or that you have consented to us using it (this is known as the right to “data portability”).

- *The right to object to a decision.* If you have completed an online application and you haven't heard from us and you think it is based on your application form, you have the right to request that we justify why we made that decision.

If, for whatever reason, you want to exercise any of these rights, please contact our Data Protection Team on privacy@gap.uk.com. Please be aware that these rights are not concrete and in some circumstances, we may be entitled to refuse some or all of your request.

If you have any questions or concerns about how your personal data is being used by us, you can contact our Data Protection Team on privacy@gap.uk.com

If you aren't happy with how GAP are processing your data, 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. Details of how to contact the ICO can be found on their website: <https://ico.org.uk>

Appendix

Please see below list of retention times for certain types of data, should you have any further queries; please contact our Data Protection Team on privacy@gap.uk.com.

Data Type	Retention	Data Type	Retention
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Biographical details (including name, title, contact details, DOB, gender, emergency contacts, photograph)	For duration of employment and 6 years after employment end date	Information contained in application forms/CVs/covering letters, including name, title, contact details, [photograph], employment history, experience, skills, qualifications/training (including educational, vocational, driving licences where appropriate), referees' names and contact details	For duration of employment and 6 years after employment end date
Employment details (including start date, contractual terms, location, job title, career history, induction record and holidays)	For duration of employment and 6 years after employment end date	Selection information, including correspondence, interview notes, internal notes, results of any written or online selection tests	For duration of employment and 6 years after employment end date
Qualifications (including educational, vocational, driving licences where appropriate) and training	For duration of employment and 6 years after employment end date	Right to work checks and related documentation	For duration of employment and 6 years after employment end date
Disciplinary, conduct and grievance matters about or involving Employees	For duration of employment and 6 years after employment end date	Sickness absence and medical information (including records relating to absence and its management, information about any medical condition and OH/doctor's reports and notes) [drug and alcohol testing]	For duration of employment and 6 years after employment end date, some documents under this category may be kept for 40 years under the Health and Safety Statutory retention times.
Changing terms of employment or termination of employment	For duration of employment and 6 years after employment end date	Family leave (including maternity, paternity, adoption and shared parental leave, parental leave and time off for dependents) (which could include information about [Employee health, religious beliefs, sexual life or sexual orientation])	For duration of employment and 6 years after employment end date

Personal data produced by Employees in the course of carrying out their jobs (e.g. job-related emails, minutes of meetings, written reports etc.)	For duration of employment and 6 years after employment end date	Employee accident & incidents Riddor Reports Accident Book EL Claims Letters Legal (Court Documents) Investigations	40 years Statutory retention time.
Performance and career progression (including appraisals, performance management, target/objective setting, consideration of new duties/roles)	For duration of employment and 6 years after employment end date	Occupational Health records	40 years Statutory retention time.
Training Records & Certificates	For the duration of the Validity of the certificate		