



HRSelect - HR Advisory & Admin, Payroll & Pensions Services Privacy Notice



KENT-TEACH.COM

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Who are we?

Cantium Business Solutions (Cantium) are a Local Authority Trading Company owned by Kent County Council. Cantium delivers a number of HR, payroll and related services to organisations including schools, academies, other educational settings, SME's, Health and other public bodies. We aim to maintain the highest possible standards and seek to adopt best practice with regards to the way in which we manage and process data in the course of our business.

Cantium collects, uses and processes personal information about you. When we do we are regulated under the UK Data Protection Act 2018 (DPA 2018) and the EU General Data Protection Regulation (GDPR) which applies across the European Union (including the United Kingdom). Depending on the service provided we are responsible as either a 'controller' or 'processor' of that personal information for the purposes of those laws. Our Data Protection Officer is iSystems.

We understand that your privacy is important to you and that you care about how your personal data is used. We respect and value the privacy of all our customers and their employees and other people with whom we interact in the course of undertaking our services. This Privacy Notice offers both our customers and their employees with meaningful and accessible guidance on our approach to handling personal data.

Our Services

Cantium offers a number of HR services including:

- HR Delivery - including administration and issuing of employment contracts
- HR Helpline - an online and telephone advice service offering support and guidance on staffing matters relating to terms and conditions
- HR Advisory Services - providing specialist advice regarding HR and employment matters such as sickness absence and disciplinary issues alongside bespoke work such as investigations and mediation services
- IntePay Payroll Services - a comprehensive payroll service including processing staff payroll and addressing individual queries
- Training - providing learning and development opportunities to individuals, groups and communities through our open course calendar, bespoke initiatives and personal development tools

In providing a service to our customers, it will be necessary for Cantium to gather, obtain, record and hold your personal information.

About the information we collect, use and retain

The section below summarises the information we collect, use and retain for wellbeing services, how and why we do so, how we use it and with whom it may be shared.

We seek to ensure that our information collection and processing is always proportionate. We will notify you of any changes to information we collect or to the purposes for which we collect and process it.

The personal information we collect and use

In the course of providing HR services to our customers we collect personal information about our customers' employees. This information may be provided directly by you, as the employee or by your employer on your behalf. This includes but is not limited to:

- **Personal information:** such as name, address, telephone number, email address, date of birth, national insurance number, identification documents
- **Special Categories of Data (also known as sensitive personal data):** including personal characteristics (such as gender, age, ethnic group, health and disability information), and data relating to your opinions or trade union membership
- **Employment information:** such as, information relating to Disclosure and Barring Service checks, work history, start dates, hours worked, post holdings, grade and salary information, attendance records, qualification details, training records and details of your professional registration and any restrictions which may apply
- **Financial details:** such as bank account details, payroll records, tax status information, pension and benefits information, details relating to statutory third-party payments i.e. court orders / attachment of earnings or voluntary payments
- **Personal data:** such as information related to recruitment, management, performance and employment of staff (for example disciplinary / absence / ill health / capability / performance management / grievance / investigation records)

We may also obtain personal data from third parties with whom we liaise in providing a service to our Customers (i.e. HMRC / LGPS / Teachers' Pension Scheme / Disclosure and Barring Service / Legal Advisors), or by a representative acting on your behalf (trade union representative / solicitor).

How we use your personal information

We use your personal information:

- To provide an HR service to our customer - including administering recruitment, issuing contracts of employment and contractual variations, payment of salaries and administration of pensions, maintaining your personnel / payroll file on behalf of your employer

- To provide advice to our customer regarding HR and employment matters related to your employment
- To undertake additional services that we offer to our customers e.g. investigation and mediation services.
- To provide training and development opportunities to individuals and groups of staff on behalf of our customers.
- To fulfil safeguarding obligations
- To meet the statutory and contractual obligations of our customers in relation to pay / deductions and comply with their obligations under employment law
- To communicate with you on behalf of our customers where necessary throughout your employment lifecycle

How we use your information to make automated decisions

An automated decision is where an electronic system makes a decision using personal information without human intervention (e.g. monitoring your online activities and emails or events which trigger actions such as your sickness absence triggering our capability policy). This helps us to make sure our decisions are quick, fair, efficient and correct, based on what we know. These automated decisions can affect the services we may offer you now or in the future.

Automated decision making is allowed in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration
2. Where it is necessary to fulfil our contractual obligations and requirements and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit consent and where appropriate measures are in place to safeguard your rights.

If an automated decision is made, based on any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must put in place appropriate measures to safeguard your rights.

The lawful basis for which we collect and use your personal data

The lawful basis for which we collect and use your personal data are as follows:

- with your consent

- for the performance of a contract. (Please note this may be in relation to your own contract of employment with your employer or in relation to our contract of service with your employer)
- for compliance with a legal obligation or,
- legitimate interests in offering employment practice advice and other services e.g Investigations and/or the legitimate interests of our clients to receive employment advice

The lawful basis on which we collect and use special categories/sensitive personal data is as follows:

- for carrying out legal obligations or exercising specific rights in employment or social law
- for occupational health assessment
- where it is necessary for the establishment, exercise or defence of legal claims or where the courts are acting in their judicial capacity
- we use consent where it is appropriate for us to do so

How long your personal data will be retained

We will not keep your information for longer than is necessary, for either:

- the purpose of administering your individual staff record
- or as is necessary in providing a service to our customer
- or as required by law

Upon expiry, any personal data which we are not legally obliged to retain, will be securely destroyed.

Who we share your personal information with

Other than our customer we may share your personal or sensitive personal data with the following:

- Representatives of recognised trade unions and professional associations or workplace colleagues identified by you to support in employment matters
- HM Revenue and Customs, Department for Work and Pensions, Local Government Pension Scheme and Teachers Pension Scheme
- Cabinet Office - National Fraud Initiative, for the purposes of assisting the prevention and detection of fraud under a legal obligation
- Third parties engaged by the customer for the provision of identified services - i.e. Occupational Health Providers / Legal Advisors

- Third Party organisations - where you have instructed us to make payments / contributions from your salary or where we are advised directly to make deductions from your salary.
- Local Authority Safeguarding Team/Local Authority Designated Officer (LADO) for the purposes of safeguarding children and young people
- Professional regulatory authorities such as the Teaching Regulation Agency
- Law enforcement, our regulators or other authorities if required by applicable law.

We will also share your personal information with third parties where it is necessary to administer our working relationship with you or where we have another legitimate interest in doing so (providing this is not overridden by your interests).

Where your employer purchases multiple services from Cantium the following information may be shared with other teams within Cantium where this is required to deliver the services: name, email address and employee number.

We may also need to share some of the categories of personal information with other parties where a transfer of the business takes place. Usually, information will be anonymised or pseudonymised, but this may not always be possible. The recipient of the information will be bound by confidentiality obligations and legally binding data sharing agreements.

Where information may be retained

Information may be retained at our offices and those of our service providers, representatives and agents as described above.

We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details see https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en

Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/international-transfers/>

Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US. For further information see European Commission: EU-US Privacy Shield: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the European Economic Area (EEA).

Reliance on UK exemptions from the GDPR

We may use information in reliance on the exemptions under the DPA 2018 where allowed e.g. where a claim to legal professional privilege would apply, in relation to the provision of confidential references or for the purposes of management forecasting (to the extent that such forecasting would be prejudiced by advance notification).

Your Rights

Under the DPA 2018 you have a number of rights which you can access free of charge which allow you to:

- Know what we are doing with your information and why we are doing it
- Ask to see what information we hold about you
- Ask us to correct any mistakes in the information we hold about you
- Object to direct marketing
- Make a complaint to the Information Commissioners Office

Depending on our reason for using your information you may also be entitled to:

- Ask us to delete information we hold about you
- Have your information transferred electronically to yourself or to another organisation
- Object to decisions being made that significantly affect you
- Object to how we are using your information
- Stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties.

Please note: your request may delay or prevent us delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioners Office (ICO) on individuals' rights under the General Data Protection Regulation: <https://ico.org.uk/>

If you would like to exercise a right, please contact dataprotection@cantium.solutions or write to Data Protection Officer, Cantium Business Solutions, Worrall House, 30 Kings Hill Avenue, West Malling, ME19 4AE.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost, used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and the ICO as regulator of any suspected data security breach where we are legally required to do so.

Who to Contact

Please contact dataprotection@cantium.solutions to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

You can contact our Data Protection Officer, iSystems at dataprotection@cantium.solutions or by writing to Data Protection Officer, Cantium Business Solutions, Worrall House, 30 Kings Hill Avenue, West Malling, ME19 4AE.

The General Data Protection Regulation also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone 03031 231113.

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 information.

This document was last reviewed September 2020.