

Privacy Notice

for Colleagues, Workers and Contractors

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PURPOSE OF THIS PRIVACY NOTICE

The Midcounties Co-operative Limited is committed to protecting the privacy and security of your personal data.

This Privacy Notice describes how we collect and use personal data about you during and after your working relationship with us, in accordance with the General Data Protection Regulation 2016 (GDPR), the Data Protection Act 2018 and any other applicable legislation.

It applies to all current and former colleagues, workers and contractors.

The Midcounties Co-operative Limited is a "data controller". This means that we are responsible for deciding how we hold and use personal data about you. We are required under data protection legislation to notify you of the information contained in this Privacy Notice.

This Privacy Notice does not form part of any contract of employment or other contract to provide services.

It is important that you read and familiarise yourself with the contents in this Privacy Notice, and any other ad-hoc notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using such information.

Data protection principles

We will comply with data protection law. This says that the personal data we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

Changes to this Privacy Notice

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 data.

CONTACT US

We have a designated person to oversee compliance with this Privacy Notice across all the Society's business groups, and to ensure the Society remains compliant with the legislation when processing personal data.

If you have any questions about this Privacy Notice, or about how we handle your personal data, please contact the **Society's Data Protection Manager ("DPM")**¹ at data-protection@midcounties.coop; or by telephone on 01926 516 007; or by writing to: Alexandra Borghesi, Senior Assistant Secretary & Governance Officer, The Midcounties Co-operative, Co-operative House, Secretariat Group, Warwick Technology Park, Warwick CV34 6DA.

THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data means any information about a living individual from which that person can be identified. It does not include data where the identifiers have been removed (anonymous data).

The legislation also includes "special category" data which requires a higher level of protection when processing it. This type of personal data refers to race; ethnic origin; political, religious or sexual orientation; trade union membership; genetics and biometrics (where used for ID purposes); and health and medical information.

We will collect, store, and use the following categories of personal data about you:

- Personal contact details such as name, title, addresses, telephone numbers and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.

¹ Under the GDPR, the Society has an obligation to formally appoint a Data Protection Officer (DPO) for the Energy, Phone Co-op and Healthcare businesses. The role of the DPO is held by the Society's DPM.

- Start date.
- Location of employment or workplace.
- Copy of driving licence.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, training records and professional memberships).
- Compensation history.
- Performance information.
- Disciplinary and grievance information.
- CCTV footage and other information obtained through electronic means such as swipe card records and voice recordings.
- Information about your use of our information and communications systems.
- Photographs.

We may also collect, store and use the following "special categories" of more sensitive personal data:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about your health, including any medical condition, health and sickness records.
- Genetic information and biometric data.
- Information about criminal convictions and offences.

HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal data about colleagues, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider.

We may sometimes collect additional information from third parties including former employers, Government departments, credit reference agencies or other background check agencies such as the Disclosure and Barring Service (DBS).

We will collect additional personal data in the course of job-related activities throughout the period of you working for us.

HOW WE USE YOUR PERSONAL INFORMATION

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights don't override those interests.

We may also use your personal data in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest.

Situations in which we will use your personal data

We need all the categories of information in the list above (see *The kind of information we hold about you*) primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases, we may use your personal data to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights don't override those interests.

The situations in which we will process your personal data are listed below.

- Deciding about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are a colleague, deducting tax and National Insurance contributions.
- Providing benefits to you such as pension benefits, company car, life assurance, private medical cover and salary sacrifice schemes.
- Liaising with your pension provider.
- Administering the contract we have entered into with you, including complying with our legal obligations and policies.
- Business management and planning, including accounting and auditing. This could include group restructuring, the sale of any part of the Society's business or the acquisition of or merger with other businesses.
- Developing our business generally including through marketing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued employment or engagement.

- Deciding for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, or other colleagues, workers and contractors, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness/holiday absence, maternity, parental leave and other time off.
- Administering any travel and/or accommodation arrangements.
- Recording time at work.
- Complying with health and safety obligations.
- Complying with regulations and professional requirements which the Society is subject to.
- To prevent and detect crime. This might include processing special category data including information about offences or alleged offences.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand colleague retention and attrition rates.
- To promote and monitor equal opportunities and trade union membership. This might include the processing of special category data including religious or similar beliefs, ethnic origin and trade union membership.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

If you fail to provide personal data

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use special category data

The processing of special category data requires higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data. We may process special category data in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring, and in line with our data protection policy.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Our obligations as an employer

Your special category data may be processed in any of the following circumstances:

- We will use information relating to leaves of absence, which may include sickness absence or family-related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to pay trade union premiums, register the status of a protected colleague and to comply with employment law obligations.

Do we need your consent?

We don't need your consent if we use special category data in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data.

If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our Data Protection Policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

For certain roles within the Society, we obtain and hold information about criminal convictions. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Where appropriate, we will collect information about criminal convictions as part of the recruitment process, or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role.

In particular:

- We are legally required to carry out criminal record checks for certain roles such as pharmacists within our Healthcare business, those wishing to work in our Childcare nurseries and those applying for a personal licence in relation to our licensed premises.
- Certain roles within our Healthcare and Childcare businesses, which involve the safeguarding of children and vulnerable adults, are eligible for enhanced checks with the Disclosure and Barring Service and are also listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023).

For certain other roles, such as within our Post Offices (handling significant sums of money) or Energy (where access to customers SMART meter records is involved) businesses which require a high degree of trust and integrity, we may ask you to seek a basic disclosure of your criminal records history.

Automated decision-making

Automated decision-making takes place when an electronic system uses personal data to decide something about an individual without human intervention. We are allowed to use automated decision-making in the following circumstances:

- a) Where we have notified you of the decision and given you 21 days to request a reconsideration.
- b) Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
- c) In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive data, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We don't envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

DATA SHARING

We may have to share your data with third parties, including third-party service providers, suppliers, data processors or other entities within the Society's Group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

Why do you share my personal data with third parties?

We will share your personal data with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Which third-party service providers process my personal data?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within the Society's Group. For example, processing activities carried out by third-party service providers include certain benefits provision to you, such as car schemes, or providers of background checks such as the Disclosure and Barring Service and credit reference agencies.

How secure is my information when shared with third parties?

All our third-party service providers and other entities within the Society's Group are required to take appropriate security measures to protect your personal data in line with our policies. We don't allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

When do you share my personal data with other entities?

We will share your personal data with other entities in our Group as part of our regular reporting activities on performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data and for general business development activities such as marketing.

What about other third parties?

We may share your personal data with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal data with an industry regulator, or to otherwise comply with the law.

International transfers

We don't transfer your personal data outside the European Economic Area (**EEA**). If we do, you can expect a similar degree of protection in respect of your personal data.

HOW WE KEEP YOUR INFORMATION SECURE

We have put in place technical and organisational measures to protect the security of your personal data. This includes both software/hardware and system security put in place by our IT department, as well as policies and procedures to ensure all colleagues processing personal data are aware of the correct way to do so.

Third parties will only process your personal data on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

In addition, we limit access to your personal data to those colleagues, agents, contractors and other third parties on a need-to-know basis, ie. where their role and responsibilities justify the processing of your personal data. In such cases, they will only process your personal data on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so. The Society's DPM is responsible for assessing all incidents on a case-by-case basis and decide whether any reporting is necessary.

HOW LONG WE RETAIN PERSONAL DATA

How long will you use my personal data for?

We will only retain your personal data for as long as it is necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal data are available in our Data Retention & Disposal Policy, which is available on Colleagues Connect.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal data so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Once you are no longer a colleague, worker or contractor of the company we will retain your personal data, and then securely destroy it once it is no longer required, in accordance with our policies and any applicable laws and regulations.

YOUR RIGHTS

Your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with personal data

Under certain circumstances, by law you have the right to:

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to access and/or obtain copies of the personal data we hold about you, and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal data (commonly known as "right to be forgotten"). This enables you to ask us to delete or remove the personal data we hold about you where there is no good reason for us continuing to process 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).
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal data for direct marketing purposes.
- **Request the restriction of 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 establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal data (commonly known as "data portability") to another data controller.

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, please contact the Society's DPM.

No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights) is legitimate. This is another appropriate security measure to ensure

that personal data is not disclosed unlawfully or inappropriately to any third party who shouldn't see it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time.

To withdraw your consent, please contact the Society's DPM.

Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Complaints

It is important that you read this Privacy Notice. If you don't think that we have processed your data in accordance with this notice, you should let the Society's DPM know as soon as possible.

Should you remain unhappy about how the Society has processed your personal data, you 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.

You can contact them directly: <https://ico.org.uk/global/contact-us/>, or log a complaint: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>.