**PLACE2BE STAFF PRIVACY POLICY**

**INTRODUCTION**

* This Staff Privacy Policy explains what we do with your personal data from the point at which you join Place2Be until after our Relationship ends.
* It describes how we collect, use and process your personal data, and how, in doing so, we comply with our legal obligations to you. Your privacy is important to us, and we are committed to protecting and safeguarding your rights.
* To be clear, when we refer to this policy applying to "Staff", we include all categories of worker listed in the glossary to this policy.
* For the purpose of applicable data protection legislation (including but not limited to the UK version of the General Data Protection Regulation (EU) 2016/679 which is part of UK law by virtue of the European Union Withdrawal Act 20218 (the "**GDPR**") and the Data Protection Act 2018 (the “**2018 Act**”), the company responsible for your personal data ("**Place2Be"** or "**us**") is Place2Be, 175 St John Street, Clerkenwell, London EC1V 4LW.
* The data protection legislation says that the personal information we hold about you must be:
	+ Used lawfully, fairly and in a transparent way;
	+ Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
	+ Relevant to the purposes we have told you about and limited only to those purposes;
	+ Accurate and kept up to date;
	+ Kept only as long as necessary for the purposes we have told you about; and
	+ Kept securely.
* This Staff Privacy Policy is non-contractual and we may amend it from time to time. Please visit this policy if you want to stay up to date, as we will post any changes in our approach to data privacy here.
* If you are dissatisfied with any aspect of our Staff Privacy Policy, you may have legal rights which we have described where relevant.
* This is a non-contractual policy which Place2Be can amend at any time, however, to the extent that it imposes any obligations on you, you shall comply with them.

**WHAT KIND OF PERSONAL DATA DO WE C****OLLECT?**

We collect data about you to enable us to ensure that our Relationship runs smoothly and that we are each able to comply with our contractual and other duties to each other as part of our Relationship and our duties to third parties such as tax authorities and government agencies. Depending on the relevant circumstances and applicable laws and requirements, we may collect some or all of the information listed below to help us with this, where appropriate:

* + Name;
	+ Age/date of birth;
	+ Sex/gender;
	+ Marital status;
	+ Nationality/citizenship/place of birth;
	+ Contact details, including your email address and phone number;
	+ Education details;
	+ Employment history;
	+ Emergency contacts and, where relevant, details of any dependants;
	+ Referee details;
	+ Immigration status;
	+ Copy of driving license/passport;
	+ Financial information (where we need to carry out financial background checks);
	+ Social security number and any other tax-related information;
	+ Bank details;
	+ Diversity information including racial or ethnic origin, religious or other similar beliefs, physical or mental health, sexual orientation and Trade Union membership;
	+ Religious affiliation (where appropriate);
	+ Biometric data (where appropriate);
	+ Health-related information such as COVID-19 vaccination status and/or COVID-19 test results (a separate privacy policy will be provided at the time we collect this information, stating what information is collected, and why);
	+ Child or carer arrangements;
	+ Details of any criminal convictions (where appropriate);
	+ Details about your remuneration, pension and benefits arrangements (including any benefit-specific information that we are required, or consider useful, to process);
	+ Details of any grievance or disciplinary matters, whether brought by or against you or in which you are otherwise involved;
	+ Details of any leave you take or request during our Relationship or sickness absence, including health-related information;
	+ Start Date;
	+ Location of your employment or workplace;
	+ CCTV footage and other information obtained through electronic means such as swipecard records;
	+ Photographs;
	+ Information about your performance in your role at Place2Be, including details of any bonuses or promotions you receive during our Relationship, and other information that relates to your employment, your interaction with colleagues and employment-related issues that arise;
	+ Extra information that you choose to tell us;
	+ Extra information that your colleagues choose to tell us about you;
	+ Extra information that your referees choose to tell us about you;
	+ Extra information that our service users choose to tell us about you, or that we find from other third party sources;
	+ Communications which pass through Place2Be's servers or on/from Place2Be's Devices, including emails, instant messages, social media posts and text messages that you send and receive from your Place2Be email address, Place2Be-related social media accounts, communications via apps on Place2Be's Devices, and any comments you post on client profiles

Please note that the above list of the ways in which we collect your personal details is not exhaustive.

* A number of the items listed above are required to enable us to fulfil our contractual duties to you or to others. Some, for example your social security number and, where appropriate, religious affiliation, are required by statute or other laws. Other items may simply be needed to ensure that our Relationship can run smoothly.
* Depending on the type of personal data in question and the grounds on which we may be processing it, should you decline to provide us with such data, we may not be able to fulfil our contractual requirements or, in extreme cases, may not be able to continue with our Relationship.
* For details of the legal bases that we rely on to be able to use and process your personal data, please see the below section entitled "*Legal bases for us processing your data*".

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**HOW DO WE COLLECT YOUR PERSONAL DATA?**

We collect your personal data in three primary ways:

1. Personal data that you give to us;
2. Personal data that we receive from other sources; and
3. Personal data we collect automatically.

**Personal data you give to us**

Place2Be needs to know certain information about you in order to fulfil our obligations to you, to ensure that you are properly fulfilling your obligations to us, and to ensure that we are both fulfilling our obligations to others. This information will enable us to operate a usual Relationship, along with all that entails.

There are numerous ways that you can share your information with us. These include:

* When you complete employee registration forms upon joining Place2Be;
* By updating your details on Cascade (HRIS);
* In meetings with your line manager, our HR team or other colleagues; and
* Data you put on our Systems, for example via documents you create.

**Personal data we receive from other sources**

We also receive personal data about you from other sources. These may include:

* Information obtained about you when we searched third party sources such as LinkedIn and other job sites for potential candidates for your role;
* If you were referred to us through a recruitment agency, they may have shared personal information about you with us;
* Information obtained about you from third party service providers who undertook background checks about you on our behalf at the start of our Relationship;
* Your referees may have disclosed personal information about you to us;
* Our service users or donors may share personal information about you with us;
* Your colleagues may share personal information about you with us;
* Medical professionals may (where appropriate and in limited circumstances) share personal information about you with us;
* Your pension and benefits providers may share relevant personal information about you with us;
* Other third parties like HMRC may share your personal data with us; and
* If you 'like' our page on Facebook or 'follow' us on Twitter (or similar), we will receive your personal information from those sites.

**Personal data we collect automatically**

* Communications which pass through Place2Be's Systems or on/from Palce2Be's Devices, including emails, instant messages, social media posts, text messages and app-based messages (such as WhatsApp) that you send and receive from your corporate email address, corporate-related social media accounts (including LinkedIn) or on Place2Be's Devices, including BYO Devices where communications are sent via our Systems.

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HOW DO WE USE YOUR PERSONAL DATA?

Having obtained data about you, we then put it to good use.

Where appropriate and in accordance with any laws and requirements, we generally use employee data in five ways:

* + **To ensure the smooth running of our Relationship (including all of the activities that need to be undertaken in a usual relationship of that type);**
	+ **Assessing your performance;**
	+ **To undertake equal opportunities monitoring;**
	+ **To help us to establish, exercise or defend legal claims; and**
	+ **To help us to help you if you suffer from a health condition or disability.**

Here are some more details about each:

**To ensure the smooth running of our Relationship (including all of the activities that need to be undertaken in a usual relationship of that type)**

We have listed below various ways in which we may process or use your personal data for this purpose, where appropriate and in accordance with any relevant laws:

* + Collecting your data from you and other sources, such as your referees;
	+ Determining the terms on which you work for us;
	+ Assessing qualifications for a particular job or task, including decisions about promotions;
	+ Making decisions about your continued employment or engagement;
	+ Carrying out exit interviews;
	+ Verifying information we have received, using third party resources (such as psychometric evaluations or skills tests), or through information requests (such as references, qualifications and potentially any criminal convictions, to the extent that this is appropriate and in accordance with the law);
	+ Storing your details (and updating them when necessary) on our databases;
	+ Facilitating our payroll and invoicing processes;
	+ Where applicable, liaising with your Place2Be pension and benefits providers and ensuring that your benefits can be administered appropriately;
	+ Complying with our legal obligations in connection with the detection of crime or the collection of taxes or duties;
	+ Keeping a record of when you work for us, including any holiday you request or take, and any other leave of absence that you have, including reasons for those absences;
	+ Carrying out performance reviews (including keeping records of our conversations and meetings and seeking feedback from your colleagues and managers) and performance management;
	+ Keeping a record of any promotions, salary rises or bonuses you are awarded;
	+ Where necessary, when carrying out investigations, disciplinary or grievance proceedings (please refer to the intranet under Resources > Policies and Procedures > HR for more information about our disciplinary and grievance policies);
	+ Making arrangements for the termination of our Relationship;
	+ Conducting data analytics studies to review and better understand employee retention and attrition rates;
	+ Sending your details to third party providers so that you can participate in specialist training to help to improve your performance;
	+ Intercepting and monitoring communications which pass through Place2Be's Systems or on/from Place2Be's Devices, including emails, instant messages, social media posts, text messages and app-based messages (such as WhatsApp) that you send and receive from your corporate email address, corporate-related social media accounts (including LinkedIn), or on Place2Be's Devices, including BYO Devices where communications are sent via our Systems (in accordance with our policies, which we review and update as necessary), and any comments you post on candidate or client profiles;
	+ Keeping a record of security pass data so that we can be sure who is on our premises at any given time;
	+ Running CCTV at our premises to ensure the safety and security of our Staff and property; and
	+ Carrying out any other obligations or necessary requirements arising from the Relationship between us.

**Assessing your performance**

* In addition to the usual human resources processes, as technology advances it may become possible in the future for us to use machine learning, profiling and algorithms to help us to make recruitment and promotion decisions and to more accurately assess your performance and to help us to make other decisions about our Relationship. In relevant circumstances, and where legally permissible, we may require your consent to carry out some of these activities.

**To undertake equal opportunities monitoring**

* We are committed to ensuring that our employment processes are aligned with our Equal Opportunities Policy.
* Some of the data we may collect about you (in appropriate circumstances and in accordance with relevant legal requirements) comes under the umbrella of "diversity information". This could be information about your ethnic background, gender, disability, age, sexual orientation, religion or other beliefs, and/or social-economic background. Where appropriate, we will use this information on an anonymised basis to monitor our compliance with our Equal Opportunities Policy.

**To help us to establish, exercise or defend legal claims**

* In more unusual circumstances, we may use your personal data to help us to establish, exercise or defend legal claims, including accidents at work.

**To help us to help you if you suffer from a health condition or disability**

* If you suffer from any health conditions or disabilities during our Relationship, we may record details of them so that we can make reasonable adjustments to your workplace and working arrangements if required, including phased return arrangements. Where appropriate, we may also liaise with medical professionals about your condition to ensure that you are getting the support you need and to assess your working capacity more generally.

On rare occasions, we may also use your personal information where we need to protect your interests (or someone else's interests) or where it is needed in the public interest (or for official purposes).

Please note that the above list of the ways in which we use your personal data for this purpose is not exhaustive.

We will only use your personal data for the purposes for which we collect 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.

To find out more about the legal bases that we rely on to be able to use and process your personal data in the above ways, please see below under "Legal bases for us processing your data".

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**WHO DO WE SHARE YOUR PERSONAL DATA WITH?**

* Where appropriate, we may share certain of your personal data, in various ways and for various reasons, with the following categories of people:
	+ Appropriate colleagues within Place2Be;
	+ Your family and personal representatives;
	+ Our professional advisers;
	+ Individuals and organisations who hold information related to your reference or application to work with us, such as current or past employers, educators and examining bodies, immigration agencies and employment and recruitment agencies;
	+ Prospective employers (for example, when providing a reference);
	+ Third parties, in order to comply with our legal obligations;
	+ Third parties who hold information related to your financial record such as financial organisations, credit reference agencies and debt collection and tracing agencies;
	+ Medical professionals such as your GP or an occupational health specialist;
	+ Tax, audit, or other authorities, when we believe in good faith that the law or other regulation requires us to share this data (for example, because of our obligations to tax authorities or in connection with any anticipated litigation);
	+ Third party service providers who perform functions on our behalf (including benefits administration (such as share plan administrators, insurers, private medical and dental providers and pension scheme administrators), external consultants, business associates and professional advisers such as lawyers, auditors, accountants, technical support functions and IT consultants carrying out testing and development work on our business technology systems);
	+ Third party outsourced IT and document storage providers where we have an appropriate processing agreement (or similar protections) in place;
	+ Third parties involved in, or assisting with, litigation (including legal advisers, witnesses, experts and judicial and quasi-judicial authorities);
	+ If Place2Be merges with another charity in the future, (or is in meaningful discussions about such a possibility) we may share your personal data with the other charity; and
	+ Third parties who we have retained to provide services such as reference, qualification and criminal convictions checks, to the extent that these checks are appropriate and in accordance with any relevant laws.

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**HOW DO WE SAFEGUARD YOUR PERSONAL DATA?**

* We care about protecting your information. That's why we put in place appropriate measures that are designed to prevent unauthorised access to, and misuse of, your personal data. These include measures to deal with any suspected data breach.
* We are committed to taking all reasonable and appropriate steps to protect the personal data that we hold from misuse, loss, or unauthorised access. We do this by having in place a range of appropriate technical and organisational measures.
* If you suspect any misuse or loss of or unauthorised access to your personal data please let us know immediately. Please raise your concern with the Chief Financial Officer under the Place2Be Grievance Policy, in the first instance, and we will investigate the matter and update you as soon as possible on next steps.
* For further information about some of the information security policies and procedures we have in place, please see our Data Handling Policy, Information Security Policy and Policy on the Use of IT Resources and Electronic Communication.

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**HOW LONG DO WE KEEP YOUR PERSONAL DATA FOR?**

* Subject to your rights (as explained in this Policy) we will ordinarily process your data throughout the course of your employment and will then retain it for a period after we have parted ways. The precise length of time will depend on the type of data, our legitimate business needs and other legal or regulatory rules that may require us to retain it for certain minimum periods. For example, we may be required to retain certain data for the purposes of tax reporting or responding to tax queries. We may also retain it if it might be relevant to any potential litigation.
* In determining the appropriate retention period for different types of personal data, we always consider the amount, nature, and sensitivity of the personal data in question, the potential risk of harm from unauthorised use or disclosure of that personal data, the purposes for which we need to process it and whether we can achieve those purposes by other means (in addition of course to ensuring that we comply with our legal, regulatory and risk-management obligations, as described above).
* Once we have determined that we no longer need to hold your personal data, we will Delete it from our Systems.

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**HOW CAN YOU ACCESS, AMEND OR TAKE BACK THE PERSONAL DATA THAT YOU HAVE GIVEN TO US?**

One of the GDPR's main objectives is to protect and clarify the rights of UK citizens with regard to data privacy. Even if we already hold your personal data, you still have various rights in relation to it, which we have set out below.

To get in touch about these rights (including if you wish to exercise any of them), please contact us. You can write to us at Place2Be, 175 St John Street, Clerkenwell, London EC1V 4LW. Alternatively, you can send an email to: Privacy@Place2be.org.uk**.** We will seek to deal with your request without undue delay, and in any event within one month (subject to any extensions to which we are lawfully entitled). Please note that we may keep a record of your communications to help us resolve any issues which you raise.

The GDPR gives you the following rights in relation to your personal data:

* **Right to object**: This right enables you to object to us processing your personal data where we do so for one of the following four reasons: (i) because it is within our legitimate interests; (ii) to enable us to perform a task in the public interest or exercise official authority; (iii) to send you direct marketing materials; and/or (iv) for scientific, historical, research, or statistical purposes.
* The "legitimate interests" category above is the one most likely to apply in relation to our Relationship, and if your objection relates to us processing your personal data because we deem it necessary for our legitimate interests, we must act on your objection by ceasing the activity in question unless:
	+ We can show that we have compellinglegitimate grounds for processing which overrides your interests; or
	+ We are processing your data for the establishment, exercise or defence of a legal claim.
* **Right to withdraw consent:** Where we have obtained your consent to process your personal data for certain activities (for example, for automatic profiling), you may withdraw this consent at any time and we will cease to carry out the particular activity that you previously consented to, unless we consider that there is an alternative legal basis to justify our continued processing of your data for this purpose, in which case we will inform you of this condition.
* **Right to submit a data subject access request (DSAR):** You may ask us to confirm what information we hold about you at any time, and request us to modify, update or Delete such information. We may ask you for more information about your request. If we provide you with access to the information we hold about you, we will not charge you for this unless your request is "manifestly unfounded or excessive". If you request further copies of this information from us, we may charge you a reasonable administrative cost. Where we are legally permitted to do so, we may refuse your request. If we refuse your request we will tell you the reasons for doing so.
* **Right to erasure:** You have the right to request that we "erase" your personal data in certain circumstances. Normally, the information must meet one of the following criteria:
	+ The data are no longer necessary for the purpose for which we originally collected and/or processed them;
	+ Where previously given, you have withdrawn your consent to us processing your data, and there is no other valid reason for us to continue processing;
	+ The data has been processed unlawfully (i.e. in a manner which does not comply with the GDPR);
	+ It is necessary for the data to be erased in order for us to comply with our obligations as a data controller under UK law; or
	+ If we process the data because we believe it necessary to do so for our legitimate interests, you object to the processing and we are unable to demonstrate overriding legitimate grounds for our continued processing.
* We would only be entitled to refuse to comply with your request for erasure for one of the following reasons:
	+ To exercise the right of freedom of expression and information;
	+ To comply with legal obligations or for the performance of a public interest task or exercise of official authority;
	+ For public health reasons in the public interest;
	+ For archival, research or statistical purposes; or
	+ To exercise or defend a legal claim.
* When complying with a valid request for the erasure of data we will take all reasonably practicable steps to Delete the relevant data.
* **Right to restrict processing**: You have the right to request that we restrict our processing of your personal data in certain circumstances. This means that we can only continue to store your data and will not be able to carry out any further processing activities with it until either: (i) one of the circumstances listed below is resolved; (ii) you consent; or (iii) further processing is necessary for either the establishment, exercise or defence of legal claims, the protection of the rights of another individual, or reasons of important public interest.
* The circumstances in which you are entitled to request that we restrict the processing of your personal data are:
	+ Where you dispute the accuracy of the personal data that we are processing about you. In this case, our processing of your personal data will be restricted for the period during which the accuracy of the data is verified;
	+ Where you object to our processing of your personal data for our legitimate interests. Here, you can request that the data be restricted while we verify our grounds for processing your personal data;
	+ Where our processing of your data is unlawful, but you would prefer us to restrict our processing of it rather than erasing it; and
	+ Where we have no further need to process your personal data but you require the data to establish, exercise, or defend legal claims.
* If we have shared your personal data with third parties, we will notify them about the restricted processing unless this is impossible or involves disproportionate effort. We will, of course, notify you before lifting any restriction on processing your personal data.
* **Right to rectification**: You also have the right to request that we rectify any inaccurate or incomplete personal data that we hold about you, including by means of providing a supplementary statement. If we have shared this personal data with third parties, we will notify them about the rectification unless this is impossible or involves disproportionate effort. You may also request details of the third parties that we have disclosed the inaccurate or incomplete personal data to. Where we think that it is reasonable for us not to comply with your request, we will explain our reasons for this decision.
* **Right of data portability**: If you wish, you have the right to transfer your personal data between data controllers. In effect, this means that you are able to transfer the details we hold on you to another employer or a third party. To allow you to do so, we will provide you with your data in a commonly used machine-readable format so that you can transfer the data to another employer. Alternatively, we may directly transfer the data for you. This right of data portability applies to: (i) personal data that we process automatically (i.e. without any human intervention); (ii) personal data provided by you; and (iii) personal data that we process based on your consent or in order to fulfil a contract.
* **Right to lodge a complaint with the Information Commissioner's Office**: You also have the right to lodge a complaint with the Information Commissioner's Office in the UK. You can contact them in the following ways:
	+ Phone: 0303 123 1113
	+ Email: casework@ico.org.uk
	+ Live chat via ICO.org.uk
	+ Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

If you would like to exercise any of these rights, please contact us. You can write to us at Place2Be, 175 St John Street, Clerkenwell, London, EC1V 4LW. Alternatively, you can send an email to our Data Protection Officer at: Privacy@place2be.org.uk. Please note that we may keep a record of your communications to help us resolve any issues which you raise.

Please note that it is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during the period for which we hold your data.

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**HOW DO WE STORE AND TRANSFER YOUR DATA INTERNATIONALLY?**

* In order for us to continue operating in this way and to carry out the purposes described in this Staff Privacy Policy, your data may be transferred to the following recipients located outside of your jurisdiction:
	+ To third parties (such as advisers to Place2Be and suppliers to our business or providers of benefits);
	+ To a cloud-based storage provider; and
	+ To other third parties (for more details, please see the "Who do we share your personal data with?" section).
* Please note that some of these third parties may, in turn, transfer your data internationally.
* We want to make sure that your data are stored and transferred in a way which is secure. We will therefore only transfer data outside of the UK where it is compliant with data protection legislation and the means of transfer provides adequate safeguards in relation to your data, for example:
	+ By way of data transfer agreement, incorporating the current standard contractual clauses approved by the UK Information Commissioner’s Office for the transfer of personal data by controllers in the UK to data controllers and processors in jurisdictions without adequate data protection laws;
	+ Where we are transferring your personal data to a country which the Secretary of State has specified it considers ensures an adequate level of protection of personal data pursuant to section 17A of the 2018 Act;
	+ Where it is necessary for the conclusion or performance of a contract between ourselves and a third party and the transfer is in your interests for the purposes of that contract (for example, if we need to transfer your data to a benefits provider based outside the UK); or
	+ Where you have consented to the data transfer.
* To ensure that your personal information receives an adequate level of protection, we have put in place appropriate procedures with the third parties we share your personal data with to ensure that your personal information is treated by those third parties in a way that is consistentwith and which respects the law on data protection.

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**LEGAL BASES FOR US PROCESSING YOUR DATA**

There are a number of different ways that we are lawfully able to process your personal data. We have set these out below.

**Where processing your personal data is necessary for us to carry out** **our obligations under our contract with you, to ensure that you are properly fulfilling your obligations to us, and to ensure that we are fulfilling our obligations to others**

* In our Relationship, the primary way in which we are able to lawfully process your data is found in Article 6(1)(b) of the GDPR, which states that we can process your data where this processing "*is necessary for the performance of a contract to which* [you] *are a party*". We therefore rely on this legal basis to collect and otherwise use your personal data to enable us to perform our part of our contract with you and our obligations to third parties, and to ensure that you are properly fulfilling your obligations to us.
* A non-exhaustive list of the ways in which we process your personal data for the purposes of our Relationship can be found above in the "To ensure the smooth running of our Relationship" section.
* By way of example, we may process your bank account details and name (and other verifying information) via payroll in order to pay you in accordance with your employment contract. Another example may be processing data for performance or behaviour management as part of our Relationship.

**Where processing your personal data is necessary for us to carry out our legal obligations**

* As well as our obligations to you under our contract, we also have other legal obligations that we need to comply with. Article (6)(1)(c) of the GDPR states that we can process your personal data where this processing "*is necessary for compliance with a legal obligation to which* [we] *are subject".*
* An example of a legal obligation that we need to comply with is our obligation to co-operate with tax authorities, including providing details of your remuneration and tax paid. Other examples of our legal obligations can be found in the non-exhaustive list above in the "To ensure the smooth running of our Relationship" section.

**Where processing your Sensitive Personal Data is necessary for us to exercise our rights or carry out our employment and social security law obligations**

* Sometimes it will be necessary for us to process your Sensitive Personal Data during the course of our Relationship. Article 9(2)(b) of the GDPR, allows us to do this where the processing is "*necessary for the purposes of carrying out the obligations and exercising* [our or your] *specific rights… in the field of employment and social security and social protection law*", as long as this is allowed by law.
* We process your Sensitive Personal Data for the purpose of ensuring our compliance with our equal opportunities obligations (for more details, please see the "Equal opportunities monitoring" section above), but we may also process other elements of your Sensitive Personal Data during the course of our Relationship for other reasons. You can find out how we process your Sensitive Personal Data in the context of our Relationship in the non-exhaustive list above in the "To ensure the smooth running of our Relationship" section.
* We may also process your medical data to enable us to provide you with adequate support if you suffer from a health condition or disability, for example by sharing medical information about you with an occupational health specialist, in order to determine prognosis and return to work arrangements, and to assess your working capacity more generally. For more details, please see above in the "To help us to help you if you suffer from a health condition or disability" section.

**Where processing your data is within our legitimate interests**

* Article 6(1)(f) of the GDPR explains that we can process your data where it "*is necessary for the purposes of the legitimate interests pursued by* [us] *or by a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of* [you] *which require protection of personal data*."
* We consider the following to be non-exhaustive examples of processing activities that are in our legitimate interests to carry out so that we can build a successful workplace:
	+ assessing your performance;
	+ training;
	+ for our internal administrative purposes;
	+ to prevent unauthorised use of our information and equipment;
	+ to conduct investigations into alleged misconduct or inappropriate behaviour; and
	+ to assist us with establishing, exercising or defending legal claims.
* You can find further examples of ways in which we process your personal data for the purposes of our legitimate interests in the non-exhaustive list above in the "To ensure the smooth running of our Relationship" section.

**Where processing your Sensitive Personal Data is necessary for us to establish, exercise or defend legal claims**

* Sometimes it may be necessary for us to process personal data and sensitive personal data in connection with exercising or defending legal claims. Article 9(2)(f) of the GDPR allows this where the processing "is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity".
* This may arise for example where we need to take legal advice in relation to legal proceedings or are required by law to preserve or disclose certain information as part of the legal process.

**Where processing your Sensitive Personal Data is necessary for us to assess your work capacity**

* Where we wish to engage an occupational health specialist in order to determine prognosis and return to work arrangements and to assess your working capacity more generally, Article 9(2)(h) of the GDPR provides this advisor with a legal basis for processing this data. This can only be used by health professionals who have an obligation of professional secrecy.

**Where you give us your consent to process your personal data**

* In very limited circumstances, we are required to obtain your opt-in consent before we can undertake certain processing activities with your personal data. Article 4(11) of the GDPR states that opt-in consent is "*any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her*." In plain language, this means that:
	+ you have to give us your consent freely, without us putting you under any type of pressure;
	+ you have to know what you are consenting to – so we will make sure we give you enough information;
	+ you should only be asked to consent to one processing activity at a time – we therefore avoid "bundling" consents together so that you don't know exactly what you are agreeing to; and
	+ you need to take positive and affirmative action in giving us your consent – we are likely to provide a tick box for you to check so that this requirement is met in a clear and unambiguous fashion.
* As and when we introduce these processing activities requiring your consent, we will provide you with more information so that you can decide whether you want to opt-in. You have the right to withdraw your consent to these activities. If you would like to know more, please see the "Right to withdraw consent" section.
* We do not think that any of the above activities prejudice you in any way. However, you do have the right to object to us processing your personal data in certain circumstances. If you would like to know more about these circumstances and how to object to our processing activities, please see the "Right to object" section.

**GLOSSARY**

* ***Delete*** –With modern technology it is virtually impossible to guarantee the permanent and irretrievable deletion of electronic data. In addition, as we have explained to you in this Staff Privacy Policy, sometimes we may be obliged by law or regulation, or need for risk-management reasons, to retain the ability to access certain elements of personal data. However, our commitment to you is that once your personal data reaches the end of its nominal retention period, or where we receive a valid request from you to erase it, we will put in place specific operational and Systems measures to ensure that your data is "put beyond use". By this we mean that while the data will still technically exist on an archive system, we will ensure that it cannot be accessed by any of our operational Systems, processes or Staff. Only an exceptionally small number of senior Staff, in exceptionally limited and carefully prescribed situations, will be able to restore your personal data so that it can be viewed for those legitimate purposes. Once we are certain that all relevant legally mandated retention periods have expired (which, for present purposes, we expect to be the period of six years), we will go the additional final step of undertaking a "hard delete", so that not even that very limited number of senior Staff would be able to restore your personal data.
* ***GDPR*** – the United Kingdom version of the General Data Protection Regulation (EU) 2016/679 which is part of UK law by virtue of the European Union Withdrawal Act 2018.
* ***Place2Be's Devices*** – includes landline phones at our offices, mobile phones, Chromebooks, desktop computers, tablets, laptops, cameras provided to Staff by us and any other such devices used by Staff for example on a 'Bring Your OwnDevice' basis ("**BYO Devices**").
* ***Relationship*** – means our contractual relationship with you as a member of Place2Be staff. We use the term 'employment' in this context simply for ease of reference – this Staff Privacy Policy applies equally to employees and other types of 'worker' that fall under the definition of "Staff" below.
* ***Sensitive Personal Data*** – this is “special categories of personal data” for the purposes of the GDPR, which consists of information such as your racial or ethnic origin, your political opinions or religious beliefs, whether you are a trade union member, your physical and mental health, your genetic and biometric data, data relating to your sex life and sexual orientation, and whether you have or are alleged to have committed a criminal offence. Due to the nature of Sensitive Personal Data, data protection legislation is much stricter about how such data should be held and processed. We will only process your Sensitive Personal Data where appropriate and in accordance with legal requirements.
* ***Staff*** – includes current and former employees and interns engaged directly in the business of Place2Be and as well as certain other workers who are or were engaged in the business of providing services to Place2Be (even though they are not classed as employees). For example, the term covers individuals who work from Place2Be's premises and have access to the Place2Be intranet page. This Staff Privacy Policy does not apply to independent contractors or consultants performing services for Place2Be, both of which be considered a 'supplier' for the purposes of the Place2Be General Privacy Policy.
* ***Systems*** – include telephone, computer, internet and Wi-Fi systems, software and portals, accounts and/or networks belonging, controlled or used by us that are used to transmit, undertake and/or receive communications or are otherwise used in the course of our business.