

CHURCH ON THE STREET

Employee & Volunteer Data Protection

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Overview

Church on the Street (COTS) takes the security and privacy of your data seriously. We need to gather and use information or 'data' about you as part of our charitable and operational activities to help manage the relationship COTS as employer and you as employee or volunteer. We intend to comply with our legal obligations under the Data Protection Act 2018 (the '2018 Act') and the EU General Data Protection Regulation ('GDPR') in respect of data privacy and security. We have a duty to notify you of the information contained in this policy. Further information can be found here <https://www.gov.uk/data-protection>

This policy applies to current and former employees or volunteers. If you fall into one of these categories then you are a 'data subject' for the purposes of this policy. You should read this policy alongside your contract of employment or volunteer agreement.

COTS has separate policies in place in respect of service users. A copy of this can be viewed on employees BrightHR profile or on the COTS [volunteer admin page](#) on the website.

COTS has measures in place to protect the security of your data in accordance with our Data Security Policy. A copy of this can be viewed on employees BrightHR profile or on the COTS [volunteer admin page](#) on the website.

COTS is a 'data controller' for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data.

This policy explains how COTS hold and process your information. It explains your rights as a data subject. It also explains your obligations when obtaining, handling, processing or storing personal data in the course of working for, or on behalf of COTS.

This policy does not form part of your contract of employment/ volunteer agreement and can be amended by COTS at any time. It is intended that this policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, COTS intends to comply with the 2018 Act and the GDPR.

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Data Protection Principles

Personal data must be processed in accordance with six 'Data Protection Principles.' It must:

1. be processed fairly, lawfully and transparently
2. be collected and processed only for specified, explicit and legitimate purposes
3. be adequate, relevant and limited to what is necessary for the purposes for which it is processed
4. be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay
5. not be kept for longer than is necessary for the purposes for which it is processed
6. be processed securely

We are accountable for these principles and must be able to show that we are compliant.

Definition of personal data

'Personal data' means information which relates to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

This policy applies to all personal data whether stored electronically, on paper or other material.

Personal data might be provided to us by you, or someone else (such as a former employer, your doctor, or a credit reference agency), or it could be created by us. It could be provided or created during the recruitment process or during the course of the contract of employment or after its termination. It could be created by your manager or other colleagues.

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We may collect and use the following types of personal data about you:

- Recruitment data: application form, CV, references, qualifications, membership certificates, or any other data required for recruitment
- Contact details including date of birth
- Emergency contacts
- Gender
- Marital status and family details
- Information about your contract of employment/ volunteer agreement including start and end dates, role and location, hours, details of promotion, salary, pension, benefits and holiday entitlement
- Bank details, tax status, national insurance number
- Identification documents including passport and driving licence and information in relation to your immigration status and right to work for us
- Information relating to disciplinary or grievance investigations and proceedings involving you (whether or not you were the main subject of those proceedings)
- Information relating to your performance and behaviour at work
- Training records
- Images (whether captured on CCTV, by photograph or video);
- Any other category of personal data which we may notify you of from time to time.

Special categories of personal data

'Special categories' are types of personal data consisting of information as to:

- your racial or ethnic origin
- your political opinions
- your religious or philosophical beliefs
- your genetic or biometric data
- your health
- any criminal convictions and offences

We may hold and use any of these special categories of your personal data in accordance with the law.

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Definition of processing

'Processing' means any operation which is performed on personal data such as:

- collection, recording, organisation, structuring or storage;
- adaption or alteration;
- retrieval, consultation or use;
- disclosure by transmission, dissemination or otherwise making available;
- alignment or combination; and
- restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system/ automated processing.

How will we process your personal data?

COTS will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act. We will use your personal data for:

- performing the contract of employment/ volunteer agreement between us
- complying with any legal obligation
- if it is necessary for our legitimate interests (or for the legitimate interests of someone else). However, we can only do this if your interests and rights do not override ours (or theirs). You have the right to challenge our legitimate interests and request that we stop this processing. See details of your rights below.

We can process your personal data for these purposes without your knowledge or consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

If you choose not to provide us with certain personal data you should be aware that we may not be able to carry out certain parts of the contract/ agreement between us. For example, if you do not provide us with your bank account details we may not be able to pay you. It might also stop us from complying with certain legal obligations and duties which we have such as to pay the right amount of tax to HMRC or to make reasonable adjustments in relation to any disability you may suffer from.

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Examples of processing your data

We have to process your personal data in various situations during your recruitment/ employment/ volunteering and even following termination of your employment.

For example (and see section 7.6 below for the meaning of the asterisks):

- to decide whether to employ (or engage) you
- to decide how much to pay you, and the other terms of your contract with us
- to check you have the legal right to work for us
- to carry out the contract between us including where relevant, its termination
- training you and reviewing your performance
- to decide whether to promote you
- to decide whether and how to manage your performance, absence or conduct
- to carry out a disciplinary or grievance investigation or procedure in relation to you or someone else
- to determine whether we need to make reasonable adjustments to your workplace or role because of a disability
- to monitor diversity and equal opportunities
- to monitor and protect the security (including network security) of COTS, of you, our other staff, volunteers, service users and any stakeholders
- to monitor and protect the health and safety of you, staff, volunteers and any other related persons
- to pay you and provide pension and other benefits in accordance with the employee contract/ volunteer agreement between us
- paying tax and national insurance
- to provide a reference upon request from another employer/ organisation
- to comply with employment law, immigration law, health and safety law, tax law and other laws which affect us
- to answer questions from insurers in respect of any insurance policies which relate to you as an employee/ volunteer
- running COTS and planning for the future
- the prevention and detection of fraud or other criminal offences
- to defend COTS in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure
- for any other reason which we may notify you of from time to time

We will only process special categories of your personal data (see above) in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we asked for your consent to process a special category of personal data then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting the Operations Director.

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We do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do:

- where it is necessary for carrying out rights and obligations under employment law
- where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent
- where you have made the data public
- where processing is necessary for the establishment, exercise or defence of legal claims
- where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.

We might process special categories of your personal data for the purposes in paragraph stated above. In particular, we will use information in relation to:

- your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities
- your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work, to pay SSP if employed, to comply with our legal obligations under employment law including to make reasonable adjustments, and to look after your health and safety while working/ volunteering with COTS

We do not take automated decisions about you using your personal data or use profiling in relation to you.

Sharing your personal data

Sometimes we might share your personal data with group companies or our contractors and agents to carry out our obligations under our contract with you or for our legitimate interests. We require those companies to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions. The companies whom we share your personal data with include:

As an employee:

- Third Sector Accountancy for payroll, pension, NIC, and tax purposes
- BrightHR for storing personal data for HR purposes/HR related questions - [website](#)
- BrightPay for payroll processing purposes - [website](#)
- Jotform for the signing of documents related to your employment or work [website](#)

As a volunteer:

- Beacon CRM for storing applications and personal data - [website](#)
- Jotform for the signing of documents related to your volunteering [website](#)

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We do not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

How long do we store data

The following information provides the length of time we will hold any personal data concerning you or your employment/ volunteering at COTS.

- We will hold your data while you are employed or volunteering with COTS
- Employee data will be securely held for a period of 6 years after the termination of your employment contract either through redundancy, resignation, retirement or any other reason for leaving your employment.
- Volunteer data will be securely held for a period of 1 year after the termination of your volunteer agreement.

How should you process personal data for COTS?

Everyone who works for, or on behalf of, the Company has some responsibility for ensuring data is collected, stored and handled appropriately, in line with this policy and COTS's Data Security and Data Retention policies.

The Data Protection Manager [**Operations Director**] is responsible for reviewing this policy and updating the Board of Trustees on data protection responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this policy or data protection to this person.

You should only access personal data covered by this policy if you need it for the work you do for, or on behalf of COTS and only if you are authorised to do so. You should only use the data for the specified lawful purpose for which it was obtained and adhere to the following data protection requirements:

- You should not share any personal data informally
- You should keep personal data secure and not share it with unauthorised people including staff, trustees, partnerships or volunteers
- You should regularly review and update personal data which you have to deal with for work.

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- You should not make unnecessary copies of personal data and should keep and dispose of any copies securely using a shredding machine
- You should use strong passwords
- You should lock your computer when not at your desk.
- You should sign out of your Google Workspace account when not using it
- Do not save personal data to personal computers, other device, or to the desktop of your computer
- You should empty your downloads folder and trash on a weekly basis
- You should lock drawers and filing cabinets.
- Do not leave paper with personal data lying about.
- You should not take personal data away from COTS premises without authorisation from your line manager.
- Personal data should be shredded and disposed of securely when finished with it.
- You should ask for help from our Data Protection Manager if you are unsure about data protection or if you notice any areas of data protection or security we can improve upon.
- Any deliberate or negligent breach of this policy by you may result in disciplinary action being taken against you in accordance with our disciplinary procedure.
- It is a criminal offence to conceal or destroy personal data which is part of a subject access request (see below). This conduct would also amount to gross misconduct under our disciplinary procedure, which could result in your dismissal.
- Consent must be obtained by a service user prior to sharing personal information to any of our partner organisations.

Dealing with data breaches

We have measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur (whether in respect of you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals then we must also notify the Information Commissioner's Office within 72 hours.

If you are aware of a data breach you must contact the Operations Director immediately and keep any evidence you have in relation to the breach.

Subject access requests

Data subjects can make a '**subject access request**' ('SAR') to find out the information we hold about them. This request must be made in writing. If you receive such a request you should forward it immediately to the Data Protection Manager who will respond.

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If you would like to make a SAR in relation to your own personal data you should make this in writing to the Operations Director. We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.

Data subject rights

- You have the right to information about what personal data we process, how and on what basis as set out in this policy.
- You have the right to access your own personal data by way of a subject access request (see above).
- You can correct any inaccuracies in your personal data. To do so you should contact the Operations Director.
- You have the right to request that we erase your personal data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so you should contact the Operations Director.
- While you are requesting that your personal data be corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. To do so you should contact the Operations Director.
- You have the right to object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop.
- You have the right to object if we process your personal data for the purposes of direct marketing.
- With some exceptions, you have the right not to be subjected to automated decision-making.
- You have the right to be notified of a data security breach concerning your data.
- In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact the Operations Director.
- You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website (www.ico.org.uk). This website has further information on your rights and our obligations.

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