Privacy Notice

Individuals working for or on behalf of Open Awards

Introduction

Open Awards is committed to protecting the privacy and security of the personal information of our employees, trustees, workers, job applicants, former employees and contractors.

This notice covers some individuals such as employee and trustee related parties (where applicable) who do not work for Open Awards, where information may be obtained indirectly via the connected employee or trustee.

This Privacy Notice explains:

- what personal information we collect;
- why we collect and use it;
- the lawful basis for processing;
- who we share it with;
- how long we keep it;
- how we protect it; and
- your rights under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

This notice applies throughout your employment (or engagement) and after your employment ends where we continue to retain information for lawful purposes.

Who We Are

Open Awards is a company Limited by Guarantee (Registered No. 5462874) and a registered charity (Charity No. 1113612). Our registered address is Open Awards, Estuary Commerce Park, 17 De Havilland Drive, Speke, Liverpool, L24 8RN.

We are an Awarding Organisation regulated by Ofqual and Qualification Wales; and an Access Validating Agency approved by the Quality Assurance Agency for Higher Education (QAA). We also approve a range of unregulated, or 'quality endorsed', courses which are required to meet the same set of quality standards as all our other provision.

Open Awards is registered as the 'data controller' with the Information Commissioner (ICO), in relation to the processing of any personal data you provide to us when working for us, where Open Awards determines the purpose and means of processing

If you have any questions regarding this Privacy Notice or how we process your personal data, please contact:

Data Protection Officer – jennie.rossiter@openawards.org.uk or

Director of Finance and Resources - anita.till@openawards.org.uk

What is Personal Data?

Personal data means any information relating to an identifiable living individual. It does not include such information if it is anonymised by removing personal identifiers.

Examples of personal data include:

- name
- address
- date of birth
- employee number
- National Insurance number
- photograph
- contact details
- payroll information
- performance records
- absence records
- qualifications
- recruitment records
- pension information
- bank account details

What is Special Category Personal Data?

Some information receives additional legal protection under UK GDPR and is often referred to as sensitive personal information. This includes:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- health information
- disability information
- biometric data (where processed)
- sexual orientation and sex life

We only process this information where UK GDPR permits us to do so.

What Personal Information We Collect

Where necessary we collect and maintain different types of personal information in respect of people we employ, who seek to be employed, were employed by us, work on our behalf, or are connected to trustees or employees, which may include the following:

- **Recruitment** – CV or application, interview notes, references, qualifications, right to work and DBS checks
- **Employment Records** – contract of employment, job records, personal contact details, performance reviews, disciplinary records, sickness records, annual leave, training records and professional memberships if applicable, register of interests

- **Emergency Contact Details** – name, relationship to employee and contact number
- **Conflicts of Interest** – potential and actual conflicts of interest which may include the name and relationship of an individual not employed by us or working on our behalf
- **Payroll and Benefits** – bank details, salary, pension information, tax information, National Insurance number, benefits information
- **Health Information** – health questionnaire, reasonable adjustments, risk assessments, workplace accidents, occupational health reports and medical certificates
- **IT Usage** – where appropriate information relating to company email, IT logins, system access, internet usage and security logs
- **Other Employment/Interests** – where a potential conflict of interest with Open Awards may arise
- **Trustee Connected Parties** – name and any interests, relationships or transactions involving those persons which could represent a related party transaction for accounting and audit purposes

How We Collect Your Information

Open Awards collects personal information directly from you and it is only collected for legitimate business purposes. Where the personal information that we collect about you is held by a third party, we will obtain your permission before we seek out this information from such sources e.g. references, doctors' reports where no other lawful basis applies. We may also receive personal information from third parties such as HMRC or pension providers, by way of being the employer. Any data collected will be processed only for the purposes for which it has been submitted in accordance with your contract of employment/engagement or for legal, governance or other legitimate purposes

Information Collected About Third Parties

Open Awards may collect limited personal information about individuals other than those directly employed or engaged by the organisation. This may include emergency contacts, family members, connected persons and individuals with relevant financial or business interests. Such information may be provided by employees, Trustees, Directors or contractors.

We only collect and process third-party personal information where there is a specified and lawful purpose for doing so. Depending on the circumstances, our lawful basis may include compliance with a legal obligation under Article 6(1)(c) UK GDPR or our legitimate interests under Article 6(1)(f) UK GDPR, where applicable.

Where providing privacy information directly to third parties would be impossible or involve disproportionate effort, we will make this privacy information publicly available.

We will ensure that third-party personal information is processed securely, used only for authorised purposes and retained for no longer than necessary.

Why We Use Your Information

The personal information collected is used and disclosed solely for our business purposes and to meet our responsibilities both statutory and otherwise, including establishing, managing or terminating your employment relationship with Open Awards. Such uses include:

- recruitment of employees or contractors
- administering pay and employment for employees
- administering pensions and benefits for employees

- provision of training
- managing performance and development
- managing sickness absence for employees
- maintaining health and safety, including risk assessments and reasonable adjustments
- investigating disciplinary matters or grievances
- complying with legal and or regulatory obligations
- preventing fraud
- maintaining business security, continuity and risk management
- defending legal claims
- any other purposes as reasonably and lawfully required by Open Awards

Lawful Basis for Processing

Under Article 6 UK GDPR we process personal data using one or more of the following lawful bases:

- performance of the employment contract
- compliance with legal obligations
- legitimate interests
- consent (only where genuinely relied upon)

Special Category Data

Where we process special category data we rely upon Article 9 UK GDPR including:

- Explicit consent
- Employment, social security and social protection (if authorised by law)
- Vital interests
- Not-for-profit bodies
- Made public by the data subject
- Legal claims or judicial acts
- Reasons of substantial public interest (with a basis in law)
- Health or social care (with a basis in law)
- Public health (with a basis in law)
- Archiving, research and statistics (with a basis in law)

Criminal Conviction Data

Where appropriate we may process criminal offence information in accordance with Schedule 1 of the Data Protection Act 2018. This may include DBS checks where required by law or safeguarding obligations.

Monitoring at Work

Open Awards reserves the right to monitor telephone, email, voicemail, internet and other communications. In order to carry out its legal obligations as an employer (such as ensuring the employee's compliance with the Company's IT related policies), and for other business reasons, the Company may monitor use of systems including the telephone and computer systems, network activity, building access systems and any personal use of them by automated software or otherwise. Monitoring is only carried out to the extent permitted or as required by law and as necessary and justifiable for business purposes.

Open Awards does not have CCTV although there are external security cameras on the building for the car park and grounds. These are monitored by an external security company, Guide Security Services, for the safety and security of the building and its occupants.

Monitoring is undertaken for purposes such as protecting company information, preventing cybercrime, ensuring compliance with policies, investigating misconduct, protecting staff safety and meeting legal obligations. We do not routinely monitor the content of communications unless justified by a legitimate business or legal reason.

Automated Decision-Making

Open Awards does not make decisions about employees or contractors based solely on automated processing that produce legal or similarly significant effects. Should this change, employees will be informed.

Who do Open Awards Share Your Information With?

We will not share information about you with third parties without your consent unless the law allows or requires us to. Your personal information may be shared for the following purposes:

- To carry out the uses of personal information described above in “Why We Use Your Information”
- When using or collaborating with third parties to provide services such as Pension and Life Insurance for Open Awards employees
- Companies House and Charity Commission
- HMRC for payroll purposes
- Where required by law, by order or requirement of a court, administrative agency, or government tribunal, which includes in response to a lawful request by public authorities, including to meet national security or law enforcement requirements or in response to legal process
- To seek advice from our lawyers and other professional advisers
- Where you agree to providing it as part of a Subject Access Request
- As required by auditors e.g., verifying employee existence, payroll information
- Occupational Health reports

We will only share those details which are necessary for the purpose and endeavour to maintain the security of this information.

Where do we store personal data?

All employee personal information is stored in secure systems or on the secure servers of sub-contractors that we have engaged to provide services on our behalf. The security of personal information is vitally important to us. Our HR system houses personal employee data, which is held in the UK and is accessed by employees and managers through their own secure login and password. Personal data for payroll purposes is held securely on Sage Payroll software with the data stored on a PC locked in a secure room and accessed only by the relevant Finance staff. Trustee and Contractor details are held securely and with restricted access in SharepPint and Sage Accounts for the purpose of processing payment of expenses or services provided.

Personnel files storing other employee documents such as application forms, timesheets, appraisal/performance review documents, and any other forms, documents or letters containing personal data are held on Open Award’s secure SharePoint site accessible only by

authorised staff, such as direct line manager, HR staff and CEO. Microsoft SharePoint data is stored in the UK. Open Awards have an ICT Security policy in place that prohibits the sharing of passwords.

International Transfers

Open Awards normally stores personal data within the UK. Where personal data is transferred outside the UK, we will ensure appropriate safeguards are in place, such as:

- UK International Data Transfer Agreement (IDTA)
- UK Addendum to EU Standard Contractual Clauses
- adequacy regulations approved by the UK Government

Information Security

Open Awards is committed to maintaining physical, technical and procedural safeguards that are appropriate to the sensitivity of the personal information in question. These safeguards are designed to protect your personal information from loss and unauthorised access, copying, use, modification or disclosure. We take all reasonable steps to ensure our staff are aware of their obligations in relation to the security and confidentiality of personal data and the lawful processing of any personal data shared with them. We protect personal data through:

- encrypted systems
- password protection
- multi-factor authentication where appropriate
- role-based access controls
- secure HR and payroll systems
- staff confidentiality obligations
- cyber security monitoring
- secure disposal procedures
- regular security reviews

How Long We Keep Your Information

Except as otherwise permitted or required by applicable law or regulatory requirements, we will retain your personal information only for as long as we believe it is necessary to fulfil the purposes for which the personal information was collected (including, for the purpose of meeting any legal, accounting or other reporting requirements or obligations).

You may request that we delete the personal information about you that we hold. There are instances where applicable law or regulatory requirements allow or require us to hold personal information. If we cannot delete your personal information, we will inform you of the reasons why, subject to any legal or regulatory restrictions.
Open Awards has a comprehensive Data Retention Policy which covers all data we hold and is available in the staff handbook.

Your Rights

Under UK GDPR you have the right, subject to legal exemptions, to:

- be informed
- access your personal data – see Subject Access Requests below
- request correction of inaccurate data
- request erasure (where applicable)
- request restriction of processing
- object to processing based on legitimate interests

- request data portability where applicable
- withdraw consent where consent is relied upon
- not be subject to unlawful automated decision-making.

Subject Access Requests

You may request a copy of your personal information that we hold at any time by making a 'Subject Access Request' under the Data Protection Act 2018. We will normally respond within one calendar month of receiving your request. We will give a description of the data we hold, why we are holding it, who it could be disclosed to and let you have a copy of the information in a clear format.
To make a request for information or to notify us of changes to your details, please make your request to the Director of Finance and Resources anita.till@openawards.org.uk, preferably in writing. Open Awards strives to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage you to bring it to our attention if you think that our collection or use of information about you is incorrect, unfair, misleading or inappropriate. Any concerns can be raised with the Director of Finance and Resources anita.till@openawards.org.uk.

Keeping Your Information Accurate

It is important that the information we hold about you remains accurate and current. If your personal information happens to change during the course of your employment/ engagement, please keep us informed of such changes by informing the Director of Finance and Resources in writing. Such changes include but are not limited to:

- address changes
- emergency contacts change
- bank details change
- name changes
- right to work status changes

Complaints

If you are unhappy with how we process your personal information, please contact our Data Protection Officer first at jennie.rossiter@openawards.org.uk so that we can try to resolve your concerns

You also have the right to complain to the Information Commissioner's Office (ICO).

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Website: https://ico.org.uk

Changes to this Privacy Notice

We may update this Privacy Notice from time to time to reflect changes in legislation, guidance or our business practices. The latest version will always be available through Open Awards website www.openawards.org.uk, staff handbook and trustee handbook.

Declaration

This Privacy Notice forms part of Open Awards' commitment to transparency and accountability under UK data protection legislation.

Employees are expected to read and understand this Privacy Notice through their self-service dashboard in HR Works. By continuing your employment/ engagement with Open Awards, you acknowledge that you have been provided with this Privacy Notice and understand how your personal information will be processed.