Cardiff Metropolitan University – Staff Privacy Notice

1. **Introduction**

Cardiff Metropolitan University takes data protection seriously. It is not possible for the University to fulfil its functions and obligations in respect of your recruitment and employment, without the provision of some of your personal data. In most cases, the University has a statutory basis for such provision, however in cases where it doesn’t, the University will ask to obtain your consent.

The processing of your personal data will always be in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA2018). By means of this Privacy Notice, the University wishes to inform you of the following:

* Why the University collects and processes your personal data; and
* The rights extended to you because of the collection and processing of your data.
1. **Definitions**

Controller: The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by the Union or Member State law.

Personal Data: Any information relating to an identified or identifiable natural person (“Data Subject”). An identifiable, natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Data Subject: Any identified or identifiable natural person, whose personal data is processed by the Controller responsible for the processing.

Processor: A natural or legal person, public authority, agency or other body which processes personal data on behalf of the Controller.

Recipient: A natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of processing.

Third Party: A natural or legal person, public authority, agency or body other than the Data Subject, Controller, Processor and persons who, under the direct authority of the Controller or Processor, are authorised to process personal data.

Restriction of Processing: The marking of stored personal data with the aim of limiting processing in the future.

Processing: Any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Profiling: Any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

Consent: Consent of the Data Subject 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.

1. **Name and Address of the Controller**

The Controller is:

Cardiff Metropolitan University

Llandaff Campus

Western Avenue

Cardiff

CF5 2YB

Telephone: 02920 41 6070

Email: dataprotection@cardiffmet.ac.uk

Website: <http://www.cardiffmet.ac.uk/Pages/default.aspx>

1. **Name and Address of the Information and Data Compliance Officer**

The Information and Data Compliance Officer of the Controller is:

Sean Weaver

The Secretariat

Cardiff Metropolitan University

Llandaff Campus

Western Avenue

Cardiff

CF5 2YB

Telephone: 02920 20 5758

Email: dataprotection@cardiffmet.ac.uk

Website: <http://www.cardiffmet.ac.uk/about/structureandgovernance/Pages/Data-Protection---Records-Management.aspx>

You may contact Sean Weaver directly with any queries relating to data protection legislation.

Sean is the University’s Statutory Data Protection Officer fulfilling the role set out in Articles 37-39 of

GDPR.

1. **Name and Address of the Lead Supervisory Authority**

The Lead Supervisory Authority overseeing the Controller is:

The Information Commissioner’s Office (ICO)

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 03031 23 1113

Email: casework@ico.org.uk

Website: <https://ico.org.uk>

Cardiff Metropolitan’s ICO Registration Number is Z471616X. Details can be found at: <https://ico.org.uk/ESDWebPages/Search> using this number.

1. **Personal Data Processed by the University**

Beginning with your application and appointment to the University, followed by the course of your employment, the following personal data is collected and processed by the University:

* Your name, address and contact details, including your email address(es) and telephone number(s).
* Your date of birth and gender.
* An ID photograph and staff number.[[1]](#footnote-1)
* Details of your qualifications, skills, experience and employment history.
* Information about your remuneration, including your entitlement to benefits such as pensions.
* Details of your bank account and National Insurance Number.
* Your marital status, dependents and emergency contacts.
* Your nationality and entitlement to work in the UK.
* Information about any criminal records.
* Details of your days of work and working hours, together with your attendance at work.
* Details of periods of leave you have taken.
* Details of any disciplinary or grievance procedures in which you have been involved, including any warnings and/or related correspondence issued to you.
* Assessments of your performance, including Staff Performance Reviews (SPRs) and related correspondence.
* Information about medical or health conditions, including whether or not you have a disability for which the University makes reasonable adjustments, and also any referrals to Occupational Health.
* Equal opportunities monitoring information including information in relation the 9 protected characteristics referenced in the Equality Act 2010.
* Welsh language skills.

The University collects this information in a variety of ways. For example, data is collected; through the application process, obtained from your passport and/or driving license; from forms completed by you (i.e. benefit nomination forms); and through interviews, meetings or other assessments with you.

The University also holds information supplied by third parties such as references from former employers, and information from criminal records checks (if applicable).

1. **Reasons/Purposes for Processing Information**

The University needs to process your data in order to enter into an employment contract with you, and hence to meet the obligations under the employment contract. These obligations include but are not limited to; paying you in accordance with your employment contract, and administering benefit, pension and insurance entitlements for example.

In some instances, the University needs to process your data to ensure it complies with legal obligations. For example, confirming entitlement to work in the UK, deducting tax, complying with health and safety laws, and to approve periods of leave.

In other instances, the University has a legitimate interest in processing your data before, during and after the end of the employment relationship. Processing your personal data allows the University to:

* Execute recruitment and promotion processes.
* Maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights.
* Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace.
* Operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes.
* Operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving pay or other benefits to which they are entitled.
* Obtain occupational health advice to ensure that it complies with duties in relation to individuals with disabilities, and meets its obligations under health and safety law.
* Operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow for effective workforce management and ensure that the organisation complies with duties in relation to leave entitlement.
* Ensure effective HR and business administration.
* Provide references on request for current or former employees.
* Access and make secure University facilities including library services, computing services, and sports and conference facilities.
* Produce and distribute research and educational materials.
* Collect CCTV images for the prevention of crime and prosecution of offenders.
* Respond to, and defend against legal claims.

Some Special Category Data is processed to carry out employment law obligations (such as those in relation to employees with disabilities) and for the purposes of equal opportunities monitoring.

1. **Sharing Information with Other Organisations**

The University sometimes needs to share your personal information with other organisations. Where this is necessary, the University is required to comply with all aspects of the DPA2018, the Privacy and Electronic Communications Regulation (PECR) and the GDPR as it applies.

What follows is a description of the types of organisations the University may need to share some of the personal information it processes with, for one or more reasons.

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| **Disclosure to:** | **Details** |
| Government departments and other UK agencies with duties relating to the prevention and detection of crime, apprehension and prosecution of offenders, collection of a tax or duty, or safeguarding national security. | In order to meet statutory requirements and otherwise as necessary in the public interest, and with consideration of your rights and freedoms. (Includes HMRC, Department for Work and Pensions, Home Office UK Borders Agency, Passports and Immigration, and the Police). |
| The Higher Education Funding Council for Wales (HEFCW) and its agents. | In order to meet statutory requirements including providing data to the Higher Education Statistics Agency (HESA) and the Quality Assurance Agency (QAA). You are advised to refer to the collection notices on the HESA website for further details about what information will be disclosed: <https://www.hesa.ac.uk/collection-notices>.  |
| NHS organisations in England and Wales. | Where this is necessary for management purposes in connection with the performance of your contractual or honorary contract duties. |
| Professional bodies (for example, the Law Society). | Where this is necessary for course accreditation purposes and/or the performance of your contractual duties. |
| Potential employers or providers of education whom you have approached. | For the purposes of confirming your employment with Cardiff Metropolitan University. |
| Members of the public. | When required by the Freedom of Information Act 2000 (FOIA) and the disclosure does not breach any data protection principles. |
| **Other Examples:*** Research sponsors, funding bodies and contracted agencies working on behalf of these bodies.
* Trade unions.
* The Benefits Agency as required by the Social Security Administration Act 1992.
* Child Support Agency/Child Maintenance Service as required by the Child Support Information Regulations 2008 (no.2551).
* Auditors, insurers and solicitors acting for the University.
* Other organisations with which the University is collaborating on research projects.
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1. **Who has Access to your Data?**

Your information might be shared internally – with members of the HR department (including payroll and pensions), your line manager and any other member(s) of staff who require the data in order to perform his/her role effectively.

1. **Rights of the Data Subject (i.e. your rights)**

GDPR affords you rights. These rights are summarised below. In order to assert any of these rights, you may contact the University’s Information and Data Compliance Officer at any time.

The Right of Confirmation: You (the Data Subject) have the right to obtain from the University (the Controller) confirmation as to whether or not personal data concerning you is being processed.

The Right of Access: You have the right to obtain a copy of any personal information stored about you by the University at any time. Furthermore, you have the right to obtain information as to whether your data is transferred to a third country or an international organisation. Where this is the case, you have the right to be informed of the appropriate safeguards relating to the transfer.

The Right to Rectification: You have the right to obtain from the University, without undue delay, the rectification of inaccurate personal data. Taking into account the purposes of the processing, you have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

The Right to Erasure

(The Right to be Forgotten): You have the right for any personal data concerning you to be erased by the University without undue delay, and the University has an obligation to erase the personal data without undue delay where one of the statutory grounds applies, as long as the processing is not necessary.

The Right of Restriction of Processing: You have the right to restrict the processing of your data where a statutory reason applies.

The Right to Data Portability: You have the right to receive the personal data concerning you, which was provided to another Controller, in a structured, commonly-used and machine-readable format, for purposes related to your employment with the University.

The Right to Object: You have the right to object, on grounds relating to your particular situation, at any time, to the processing of personal data concerning you.

Automated Individual Decision-Making: You have the right not to be subject to a decision based solely on automated processing, including profiling.

The Right to Withdraw Consent: Where consent forms the basis for processing, you have the right to withdraw your consent to the processing of your data at any time. You can withdraw consent by contacting Sean Weaver, the University’s Information and Data Compliance Officer.

The Right to Complain to the ICO: If you are unhappy with any of the University’s conduct in relation to the use of your data, you can contact the ICO using the details in Section 4 and 5 of this Privacy Notice.

1. **The University’s Legal Basis for Processing your Personal Data**

Consent: You have given consent to the processing of your personal data for one or more specific purposes. *Article 6.1(a) of the GDPR.*

Performance of a Contract: Processing is necessary for the performance of your employment contract with the University. *Article 6.1(b) of the GDPR.*

Legal Obligation: Processing is necessary to comply with legal obligations to which the University is subject. *Article 6.1(c) of the GDPR.*

Vital Interests: Processing is necessary in order to protect your vital interests, or the vital interests of other natural persons. *Article 6.1(d) of the GDPR.*

Performance of a Task: Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the University. *Article 6.1(e) of the GDPR.*

Legitimate Interests: Processing is necessary for the purposes of the legitimate interests pursued by the University (or by a third party), except where such interests are overridden by your fundamental rights and freedoms, which therefore requires your data to be protected. *Article 6.1(f) of the GDPR.[[2]](#footnote-2)*

1. **Security of Processing**

As the Controller, Cardiff Metropolitan University has implemented technical and organisational measures to ensure personal data processed remains secure, however absolute security cannot be guaranteed. Should you have a particular concern about a particular method of data transmission, the University will take reasonable steps to provide an alternate method. For more information about IT security at Cardiff Metropolitan University, and keeping your data safe, please click [here](http://study.cardiffmet.ac.uk/IT/Pages/IT-Security.aspx).

1. **Transfers**

Sometimes it is necessary for the University to transfer your personal data overseas (i.e. outside of the European Economic Area [EEA]). When transfers are needed, information can be transferred to countries or territories around the world. Any transfers made will be in full compliance with all aspects of the GDPR and DPA2018, and in accordance with the country-specific legislation applicable to Cardiff Metropolitan University.

1. **The Retention of your Data**

Your data will be retained securely by the University in accordance with its [Records Management Policy.](http://www.cardiffmet.ac.uk/about/structureandgovernance/Documents/Records%20Management%20Policy.pdf) After the expiration of the retention period, your data shall be securely deleted, as long as it is no longer necessary for the fulfilment of your employment contract, the initiation of your contract, or in relation to other legal proceedings.

1. **Your Responsibilities**

You have a responsibility to keep your personal details accurate and up to date via the [iTrent Employee Self-Service portal](https://itrentselfservice.cardiffmet.ac.uk/tlive_ess/ess/#/login). If this is not available, you must notify HR. If, during the course of your employment you submit the personal information of others to the University (i.e. next of kin information), you should ensure you have been granted permission to do so (from that/those person/persons).

You also have a responsibility to others, under the GDPR and DPA2018, if you access their data whilst at the University. This responsibility is in addition to any obligations arising from professional ethics or codes of conduct.

It is a criminal offence for you to knowingly and recklessly disclose personal data to anyone who is not entitled to receive it, or to seek to obtain data to which they are not entitled. The University will take a serious view of any breach of data protection legislation by any of its members, including the consideration of disciplinary action.

1. **Automated Decision-Making and Profiling**

The University does not process your data for automatic decision-making or profiling.

1. **General**

You may not transfer any of your rights under this Privacy Notice to any other person. The University may transfer its rights under this Privacy Notice where it reasonably believes its rights will not be affected.

If any court or competent authority finds that any provision of this Privacy Notice (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision will, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this Privacy Notice will not be affected.

Unless otherwise agreed, no delay, act or omission by a party in exercising any right or remedy will be deemed a waiver of that, or any other right or remedy.

This Notice will be governed by and interpreted according to the law of England and Wales. All disputes arising under the Notice will be subject to the exclusive jurisdiction of the English and Welsh courts.

1. **Changes to this Notice**

The University may update this notice to reflect changes in law or its privacy practices. However, Cardiff Metropolitan University will not use your personal data in any new ways without your consent.

1. **How to Raise a Query, Concern or Complaint**

If you still have queries, concerns, or wish to make a complaint, details of how you can are disclosed under Section 4 and 5 of this Notice.

1. Photographs (biometric data) are Special Category Data which require explicit consent for processing. *Article 9 of the GDPR.* [↑](#footnote-ref-1)
2. If the processing of your personal data is based on the University’s legitimate interest, it will carry out its business in favour of your well-being. [↑](#footnote-ref-2)