

Fair Processing Notice

What is the purpose of this document?

HBC Construction Limited (HBC) is committed to protecting the privacy and security all personal information that is received, stored and disposed of.

This Fair Processing Notice describes how we collect and use personal information that is handled by HBC throughout the course of natural business, in accordance with the General Data Protection Regulation (GDPR).

It applies to all current and former employees, contractors, suppliers, clients, other interested parties who undertake a site induction.

HBC is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this Fair Processing Notice.

This notice does not form part of any contract. We may update this notice at any time.

It is important that you read this notice, together with any other notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data Protection Principles

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

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

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

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

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of Birth
- Gender
- Marital status and dependants
- Next of kin and emergency contact information
- Bank account details, National Insurance number, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Location of employment or workplace and start date
- Copy of driving licence
- Employment records (including job titles, work history, working hours, training records and professional memberships). This will include data relating to any health and safety-related training or incidents which involve you
- Compensation history
- Performance information
- Disciplinary and grievance information
- Medical Conditions
- Right to Work
- EU Worker status
- Training Records
- Near Miss Records and Safety Notices
- Accident / Incident Reports
- Attendance Records
- Approved supply chain information
- Biometric data relating to access conditions to the site
- Time Lapse Camera and CCTV Security Footage
- Photographs – including a head shot photograph for internal use on the Colleague Directory, identity cards and other purposes
- Any other information that we retain for demonstrating compliance with statutory and other legal obligations
- Health data which relates to an individual's ability to safely attend the site.
- Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied.

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

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Information about your health, including any disability, medical condition, health and sickness records and your ability to safely attend site if required.
- Any of the above that relates to health information

How is your personal information collected?

We collect personal information as listed above as signed induction and other such information as gathered on site or through pre-site online systems relating to the same. We will collect additional personal information in the course of your job-related activities throughout the period of you attending site.

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

How we will use information about you

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

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

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

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

Situations in which we will use your personal data

We need all the categories of information in the list above (see '**Error! Reference source not found.**') primarily to allow us to perform our contract with you and to enable us to comply with (and demonstrate our compliance with) certain statutory or other legal obligations. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information include those listed below:

- Demonstrating compliance with statutory or other legal obligations.
- Performance of a contract with you.
- Checking you are legally entitled to work in the UK
- Bringing or defending legal claims relating to health and safety or related matters.
- Providing information to regulatory or other relevant bodies relating to health and safety or related matters.
- Providing health and safety oversight to our board of directors in relation to health and safety incidents, in compliance with relevant legal requirements.
- Providing the following benefits to you which, subject to your contract of employment may include, but not limited to: Life Assurance, Income Protection Insurance, Private Medical Insurance, Accident Insurance, Executive Medical, Childcare vouchers, Bike2Work Scheme, Corporate Eyecare Scheme, Give As You Earn.
- Car benefit schemes in relation to vehicle leasing, contract hire and fleet management services.
- Liaising with your pension provider.

- Administering the contract we have entered into with you.
- Business management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship, including the provision of employment reference
- Education, training and development requirements.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.

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

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you or a third party, or we may be prevented from complying with our legal obligations (such as demonstrating compliance with health and safety legislation).

Change of purpose

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

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

How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations and in line with our Data Protection Policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension schemes, and in line with our Data Protection Policy.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
5. Where it is necessary to protect you or another person from harm.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

Our obligation as Employer and Principal Contractor

We will use your particularly sensitive personal information, being any information relating to your health as outlined above, in the following ways:

- Demonstrating compliance with statutory or other legal obligations
- Bringing or defending legal claims relating to health and safety or related matters
- Providing information to regulatory or other relevant bodies relating to health and safety or related matters
- Providing health and safety oversight to our board of directors in relation to health and safety incidents, in compliance with relevant legal requirements

Do we need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our written Data Protection Policy, to carry out our legal obligations and/or to exercise specific rights in the field of employment or personal injury law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

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

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

We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

We envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. We will use information about criminal convictions and offences to complete DBS applications where required.

The grounds for processing this information are as set out above.

Automated Decision Making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

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

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

We **do not** envisage that any decisions will be taken about you using automated means.

Data Sharing

We may have to share your data with third parties, including third-party service providers.

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

We may transfer your personal information outside the EU.

If we do, you can expect a similar degree of protection in respect of your personal information.

Why might you share my personal information with third parties?

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

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (such as IT providers) and insurance providers.

How secure is my information with third-party service providers?

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

When might you share my personal information with other entities?

We will share your personal information as part of our regular reporting activities on company performance and as part of oversight of health and safety matters, in the context of employment or public liability claims defence and demonstrating compliance with statutory and other legal obligations.

What about other third parties?

We may also need to share your personal information with a regulator or to otherwise comply with the law.

Data Security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

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

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data Retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available on request. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

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

Your duty to inform us of changes

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

Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

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Your rights in connection with personal information

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

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

- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Privacy Manager in writing.

No fee usually required

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

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Data Privacy Manager

We have appointed a data privacy manager to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Privacy Manager (see details below). You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact the Data Privacy Manager