



HR Privacy Notice

Sportily is committed to ensuring that the personal data of its applicants, employees, workers and volunteers, is handled in accordance with UK Data Protection Law e.g. the Data Protection Act 2018 (as amended) and the UK GDPR. This includes being transparent about how it collects and uses that data to meet its data protection obligations.

1. What information is held?

Sportily holds and processes personal data about its current, past or prospective employees, workers trustees and volunteers.

Information is normally initially provided to Sportily by an applicant on an application form.

Information may also then be obtained from a passport or other identity documents as part of employment checks.

Further information may then be obtained through the completion of new starter forms and registration for organisational employment benefits such as pensions.

Further information is added by Sportily over the course of an individual's employment of volunteering.

Sportily may also collect personal data from third parties, e.g. references supplied and information from criminal records checks permitted by law.

The DPA 2018 and UK GDPR defines **personal data** as the following:

“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”.

Special categories of personal data (**sensitive data**) include:

“Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership” and “genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation”.

Sportily maintains personal and sensitive information in paper and electronic form (e.g. on IT systems including Sportily' email system). Specifically, Sportily collects and processes a range of information, examples of which include:

- › names, addresses and contact details, including email address and telephone numbers, dates of birth and gender;
- › the terms and conditions of employment;
- › details of qualifications, skills, experience and employment history;
- › information about remuneration, including entitlement to benefits such as pensions
- › details of bank accounts and national insurance numbers;
- › information about marital status, next of kin, dependents and emergency contacts;
- › information about nationality and entitlement to work in the UK;
- › details from driving licenses
- › information about criminal records through DBS checks and Confidential Declarations;
- › details of working patterns (days of work and working hours) and attendance at work;
- › details of periods of annual leave taken, including holiday, sickness absence, special leave, career breaks, and the reasons for the leave;
- › details of any disciplinary or grievance procedures, including any warnings issued and related correspondence;
- › details about other offices or positions an individual may hold;
- › assessments of performance, including reviews, performance reviews and ratings, performance improvement plans and related correspondence;
- › information provided by individuals through supervision meetings and captured as a matter of record;
- › information about medical or health conditions, including whether or not an individual has a disability for which Sportily needs to make reasonable adjustments; and
- › equal opportunities monitoring information including information about ethnic origin, sexual orientation and religion or belief.

2. Why is data processed?

Within Sportily data may be shared between colleagues who legitimately need the information to carry out their duties.

Personal and sensitive data is used to perform a number of functions which include:

- › administering payroll and expenses;
- › administering employee or worker benefits e.g. pensions/private healthcare etc.;
- › providing services e.g. access to buildings/hire cars, IT, booking work travel etc.;
- › training and reviews (appraisal);
- › to check an employee or worker's entitlement to work in the UK;
- › to comply with health and safety laws;
- › to enable employees or workers to take periods of leave to which they are entitled;
- › to run recruitment and promotion processes;

- › to maintain accurate and up-to-date employment and volunteering records and contact details (including details of who to contact in the event of an emergency), and records of employee and worker contractual and statutory rights;
- › to operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- › to operate and keep a record of employee, worker and volunteering performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- › to operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees and workers are receiving the pay or other benefits to which they are entitled;
- › to obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees and workers are receiving the pay or other benefits to which they are entitled;
- › to operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave);
- › to provide references on request for current or former employees and workers;
- › for promotion of the organisation for marketing purposes;
- › processing of criminal records checks (e.g. from the Disclosure and Barring Service (DBS). This is done through the Gloucester Diocesan Board of Finance and ThirtyOneEight;
- › equal opportunities monitoring such as equal pay audits. Data that Sportily uses for these purposes is anonymised or is collected with the express consent of employees and workers, which can be withdrawn at any time;
- › information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees and workers with disabilities);
- › to respond to and defend against legal claims;
- › to ensure effective general HR and business administration.

3. What lawful basis is there for processing data?

The legal basis for processing data is for:

- › the performance of a contract;
- › the compliance with a legal obligation;
- › the legitimate interests of the employer; and
- › consent.

Performance of a contract

Sportily needs to process data to enter into an employment contract and to meet its obligations under each employment contract.

The data processed to meet contractual responsibilities includes, but is not limited to, data relating to: payroll; bank account; postal address; sick pay; leave; maternity pay; adoption pay; paternity pay; shared parental pay; parental leave, annual leave; and pensions.

The compliance with a legal obligation

Sportily needs to process data to ensure compliance with legal obligations.

The data processed to meet legal obligations includes, but are not limited to ensuring compliance with the Equality Act 2010; checking eligibility to work; complying with health and safety laws; enabling employees and workers to take periods of leave to which they are entitled (including maternity, paternity, adoption, parental and shared parental leave), process health information and advice in order to carry out employment law obligations (such as those in relation to employees and workers with disabilities) and processing data relating to disciplinary, grievance or performance issues.

Legitimate interests

Sportily needs to process data to ensure its legitimate interest employing staff and recruiting and managing volunteers.

Examples include, but are not limited to, recording and monitoring equal opportunities data as a basis to promote equality and equal opportunities; retaining data for the legitimate interests in defending a potential legal claim (e.g. unsuccessful applicants and/or former employees and workers); processing personal data in relation to reviews (appraisals) in order to maintain performance standards, planning for career development, training opportunities and budgets, and for succession planning; maintaining contact details (including details of who to contact in the event of an emergency); operating and keeping a record of disciplinary, performance and grievance processes, to ensure acceptable conduct and performance within the workplace; to run recruitment and promotion processes; to operate and keep a record of absence and absence management procedures, to allow effective workforce management and to ensure effective general HR and business administration; to pay expenses; to provide organisational identification and access to the organisation's buildings, to book work travel; to provide access to organisational systems including email; using leave information to plan staffing levels and the promotion (including imagery) of individuals whose roles are fundamental in representing the organisation as experts.

Please all see also see Sportily' Job Applicant Privacy Notice' for data relating to job applications.

Consent

Sportily will obtain consent when processing certain data.

Examples include, but are not limited to, referrals to occupational health and the inclusion of photos in marketing material (including social media) which are not for the promotion of individuals whose roles are fundamental in representing the organisation as experts.

Withdrawal of consent?

Where the legal basis for the processing of data is consent then this can be withdrawn. In addition, data related to personal characteristics that can be used for the purpose of equal opportunities monitoring can be withdrawn at any time.

4. How is data shared with third parties?

Sportily may need to share personal data with third parties outside of Sportily who are contracted to work on its behalf or for the performance of the employment contract, for example to pension providers, benefit providers, insurers or legal consultants, HM Revenue & Customs.

In order to fulfil its statutory responsibilities, Sportily is required to provide some of an employee's or worker's personal data to government departments or agencies e.g. provision of salary and tax data to HM Revenue & Customs.

Data may be shared as appropriate, with the Gloucester Diocesan Board of Finance Ltd, who are the sole member of Sportily Charity. This sharing of data will enable the shared provision of services, such as the processing of DBS applications or as part of safeguarding arrangements.

Where an employee or worker's employment with Sportily requires study, employment, or a placement at another organisation it may be necessary for Sportily to transfer personal data to the external educational institution or employer, whether this is within the UK or abroad. This may require some data being sent outside the UK to countries which may have lower standards for the protection of personal data.

Sportily will often confirm dates and nature of an individual's employment to a prospective employer in a reference.

Sportily do not give or sell HR information to other organisations.

5. How long will data be stored?

No personal data will be kept 'any longer than is necessary for the purposes' or any longer than it is required to so by regulation.

Information about employee or worker's and prospective employee or worker's is retained and disposed of in accordance with Sportily Records Retention Policy.

6. Keeping personal data up-to-date

It is important that Sportily takes reasonable steps to ensure that any personal data it processes is accurate and up-to-date. It is the responsibility of the individuals to inform Sportily of any changes to the personal data that they have supplied to the organisation.

7. Individual rights

Individuals have a right to access personal information, to object to the processing of personal information, to rectify, to erase, to restrict and to port personal information.

Please see "How do I make a data request?" (below) for further information in relation to individual rights.

8. What if I do not provide personal data?

All those working with the organisation under an employment contract have some obligations under that employment contract to provide Sportily with data. In particular, there is a requirement to report absences from work and there may be a requirement to provide information about disciplinary or other matters under the implied duty of good faith. Individuals may also have to provide Sportily with data in order to exercise a statutory right, such as in relation to statutory leave entitlements. Failing to provide the data may mean that individuals are unable to exercise a statutory right.

Certain information, such as contact details, right to work in the UK and payment details, have to be provided to enable Sportily to enter into a contract of employment. If requested information is not provided, this will hinder the organisations' ability to administer the rights and obligations arising as a result of the employment relationship efficiently including the payment of salary.

9. How do I make a data request?

Minor day-to-day requests for information and corrections can be made to a line manager or supervisor.

Individuals have certain rights with respect to the data held about them by Sportily. A written request can be made to obtain access to the data held about individuals by Sportily subject to certain exemptions. This is called a Subject Access Request.

If an individual has an extensive request for access to information about themselves which may involve collating information held in more than one department or office, then this request should be made in writing to the COO of Sportily.

A response for the information provided will be provided within one calendar month. Sportily reserves the right to refuse or charge for requests that are manifestly unfounded or excessive. If this situation arises the individual will be given an explanation within one month; they will also be advised that they have the right to complain to the supervisory authority and to a judicial remedy.

Data Breaches

A breach occurs if personal data is accidentally or unlawfully destroyed, lost, altered or if there is unauthorised disclosure of (or access to) personal data as a result of a breach of security.

Examples of a data breach could include the loss of data (for example where a hard drive containing a database of employees' data is left on a train). It will also encompass situations such as where the lack of security controls on an organisation's IT system has enabled data to be accessed by people that are not authorised to view that data.

Sportily will review processes to ensure that the possibility of any data breach is kept to a minimum. In the unfortunate situation that a breach occurs immediate remedial action will be taken to prevent further breaches of that personal data. In such a situation Sportily will then consider whether any notifications need to be made to the Information Commissioners Office ('ICO') or to the individual data subject(s).

Where a personal data breach is likely to result in a risk to the rights and freedoms of one or more data subjects Sportily will notify the ICO about the breach within 72 hours.

Any breach of data protection law by an employee, worker or volunteer is considered to be an offence and will be investigated in line with the Sportily Disciplinary Policy.

10. How can a complaint be made?

If an individual is unhappy with the way in which their personal data has been processed they may raise concerns in line with the Sportily Grievance Policy.

If an individual remains dissatisfied then they have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: -

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

www.ico.org.uk