

# Our Commitment – Employee Data Privacy

## 1. Introduction

What is a Privacy Notice?

The Entertainer is committed to protecting the privacy and security of your personal information. A privacy notice is designed to help an individual understand how their data is collected, used and processed. This notice describes how we collect and use personal information about you during and after your employment with us. It also applies to anyone who works or provides services for us.

The Entertainer is a “data controller”. This means that the Company is responsible for deciding how it holds and uses personal information about you.

This notice applies to current and former employees as well as work placements, work experience, agency workers and contractors. The notice may be updated at any time.

## 2. Data Protection Principles

There are some basic data protection principles which we need to comply with. These principles are that your data needs to be:

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

Personal data or information, means any information about an individual from which that person can be identified. It does not include data where the identity of the person has been removed. There are also types of more sensitive personal data which require a higher level of protection.

## 3. Your Data

What type of information will we hold about you?

We may 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.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start and leaving date.
- Location of employment or workplace.
- Copy of driving licence or passport.

- Recruitment information (including copies of right to work documentation, references, interview & screening documents and other information included in a CV, application form or cover letter or as part of any application process).
- Employment records (including job titles, work history, working hours, training records and professional memberships).
- Remuneration history.
- Performance information (including appraisals and performance improvement plans).
- Disciplinary and grievance information.
- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.
- Photographs.

The Entertainer may also collect, store and use the following more sensitive personal information about you:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political views.
- Information about your health, including sickness records.
- Information about criminal convictions and offences.

How is your personal information collected?

We typically collect personal information through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may also collect additional information from third parties including former employers. We will also collect additional personal information in the course of job-related activities throughout the period of you working for us.

How will we use this information?

We will use your personal information in a way which complies with the law. Generally speaking, we will use your personal information in the following circumstances:

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

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

5. Where we need to protect your interests (or someone else's interests).
6. Where it is necessary in the public interest.

What are the situations in which we will use your personal information?

The situations in which we envisage processing your personal information are set out in the table below. The table also shows you the legal basis for processing your information.

Situation	Legal Basis			
	Consent	Contract	Legal Obligation	Legitimate Interest
Making a decision about your recruitment or appointment				✓
Determining the terms on which you work for us				✓
Checking you are legally entitled to work in the UK			✓	
Paying you and, if you are an employee, deducting tax and National Insurance contributions		✓	✓	
Providing the following benefits to you: pension contributions, life cover, health care,		✓	✓	
Liaising with your pension provider		✓	✓	
Administering the contract we have entered into with you	✓	✓		✓
Business management and planning, including accounting and auditing				✓
Managing performance including appraisals, reviews and determining performance requirements		✓		✓
Making decisions about salary reviews and remuneration		✓		✓
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		✓		✓
Learning and development requirements				✓
Dealing with legal disputes involving you, or other employees, workers and contractors			✓	✓
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			✓	✓
Equal opportunities monitoring	✓		✓	✓

As you can see there may be several grounds which allow us to use your personal information. The ones which have been identified above are the most appropriate. However, there may be other grounds.

What happens if you fail to provide personal information?

If you fail to provide us with certain information when asked for, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers). It is therefore important that you provide us with any information that is requested from you.

Can we change the purpose for which we are using your data?

We will only use your personal information for the purposes for which it was collected, unless we 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 tell you about this and explain the legal basis which allows us to do so.

We may still process your personal information without your knowledge or consent where this is required or permitted by law.

#### **4. Handling Your Sensitive Data**

There are categories (identified in Section 2) of particularly sensitive personal information where higher levels of protection are required. The Entertainer needs to have further justification for collecting, storing and using this type of personal information.

How do we use particularly sensitive personal information?

We may process these categories of personal information in the following circumstances:

1. Where explicit written consent is given.
2. Where we need to carry out our legal obligations and in line with our Data Protection Policy.
3. Where necessary in the public interest, such as for equal opportunities monitoring.
4. Where necessary to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

There may also be occasions where we may process this type of information where it is necessary to support 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.

What are our obligations as an employer?

We will use your sensitive personal information in the following ways:

- We will use information relating to absence from work, which may include sickness absence or family related leave, to allow us to comply with legal requirements.
- We will use information about your physical or mental health, or disability, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments (reasonable adjustments), to monitor and manage sickness absence and to administer any relevant benefits.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

Do we need your consent?

There are circumstances where we may ask you for your written consent to allow us to process specific sensitive data, for example to obtain a medical report. If we do so, we will provide you with 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. It is up to you whether you give such consent.

We do not need your consent to use particularly sensitive personal information where this is in accordance with our written policy for the purposes of carrying out our legal obligations or in order to exercise specific legal (employment) rights.

Will we process information about criminal convictions?

We may need to obtain and process information about criminal convictions during your employment if we reasonably believe that there is a specific risk to the business or individuals within the business, for example a risk of theft or fraud, or employee & customer safety. You may also volunteer this information or it may be in the public domain. If this information has not been volunteered by an employee and it is appropriate then we may contact the relevant authorities to substantiate the facts or to establish or defend any legal claims.

The Entertainer will only collect and process information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. The information will be used to help us make an informed decision, taking into account all of the circumstances and facts that are available to us.

## **5. Automated Decision Making**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and you have been notified about this.

The Entertainer does not currently envisage that any decisions will be taken about you using automated means. However, we will notify you in writing if this position changes.

## **6. Sharing Your Data**

Will we share your data?

We may have to share your data with third parties, including third-party service providers. In the event that we do share your data with a third party, we will require those third parties to respect the security of your data and to treat it in accordance with the law.

We may on rare occasions transfer your personal information outside the EU. For example, if you are travelling to visit one of our overseas partners. If we do, you can expect a similar degree of protection in respect of your personal information. We will normally seek your explicit consent if we are going to do this and we will let you know how your data is being used.

Why might you share my personal information with third parties?

We may share your personal information where it is necessary to administer the working relationship with you (such as paying you or providing you with your benefits) 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 (including contractors and designated agents) and other functions within our group, for example IT or Risk. Examples of the type of activity that are carried out by third-party service providers includes: payroll processing, pension administration, benefits provision and administration and IT services.

The Entertainer does not permit third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data in accordance with our instructions.

What about other third parties?

We may need to share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to comply with a legal obligation.

## **7. Keeping Your Data Secure**

How do we keep your data secure?

The Entertainer has put in place measures to protect the security of your information. Third parties will only process your personal information in a way which complies with 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. This includes encrypting data files and limiting 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.

What happens if there is a data breach?

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.

Any data breaches should be notified to us immediately using [GDPR.Incident@TheEntertainer.com](mailto:GDPR.Incident@TheEntertainer.com)

## 8. 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 any legal, accounting, or reporting requirements. To determine the retention period for personal data, we consider:

- The amount, nature, and sensitivity of the data.
- The potential risk of harm from unauthorised use or disclosure of your data.
- The purposes for which the personal data is being processed.
- Whether we can achieve those purposes through other means, and any 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. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

A separate 'Data Retention Policy' is available on our intranet ToyTalk and on our website.

## 9. Your Rights Over Your Personal Data

It is important that the personal information that we hold about you is accurate and current, so please keep us informed if your personal information changes. Remember that as an employee you can update your basic personal information on 'My View'.

What are your rights as an individual?

There are certain rights you may have over the personal information we hold about you. In certain circumstances you have the right to:

- Request access to your personal information (commonly known as making a "data subject access request"). This enables you to receive a copy of the personal information we hold about you. A separate 'Subject Data Access Request Policy' is available on ToyTalk, the company intranet and on our website.
- Ask for personal information we hold about you to be corrected. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Ask for your personal information to be deleted. 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 your information being processed (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.
- Ask for the processing of your personal information to be restricted in some way. 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 us processing it.
- Ask for your personal information to be transferred to a third party.

If you want to exercise any of the above rights, please email us at [MyEmployeeData@TheEntertainer.com](mailto:MyEmployeeData@TheEntertainer.com)

What extra information may we 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.

How do you withdraw consent?

Where you have given your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please email us using the address below or contact a member of the People Team to let us know. Once we have received notification that you withdraw consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **10. Our Rights**

The Entertainer reserves the right to update this privacy notice at any time. We will provide you with a new privacy notice when substantial updates are made to the existing notice. We may also notify you in other ways from time to time about the processing of your personal information.

This notice was last updated on 25<sup>th</sup> May 2018

## **11. Any Questions?**

If you have any questions about this privacy notice or how we handle your personal information, please contact our People Team. To make it easier for you to contact us we have an email address that you can use:

[MyEmployeeData@TheEntertainer.com](mailto:MyEmployeeData@TheEntertainer.com)

Please use this email for any queries that you have about your personal data.

## **12. Contacting the Regulator**

If you feel that your data has not been handled correctly, or you are unhappy with our response to any requests you have made to us regarding the use of your personal data, you have the right to lodge a complaint with the Information Commissioner's Office. You can contact them by calling 0303 123 1113.

Or alternatively go online to [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns) (please note that we can't be responsible for the content of external websites)