



WESTMORLAND

Employee and Job Applicant Privacy Policy

Introduction

Westmorland Limited is a controller of personal data and included on the Register of Fee Payers maintained by the Information Commissioner's Office ('ICO') with registration number ZA029789. We are committed to protecting your personal data, whether you are an employee, contractor, agency worker, or applicant who is interested in joining us.

This policy will give you information about how we collect and process your personal data before, during and after your working relationship with us.

If you have any further queries regarding your personal data you can contact us using the details below.

Westmorland Limited
Rheged
Redhills
Penrith
CA11 0DQ

Tel: 015396 24511

Email: data.protection@westmorlandfamily.com

Responsibilities

This policy covers all individuals working for the Company, irrespective of their status, level or grade. This includes but is not limited to, employees, officers, consultants, contractors and agency workers (**Colleagues**). All Colleagues are responsible for maintaining the reputation of the Company in public, including on social media.

This policy also applies to internal and external candidates who apply for roles advertised by the Company (Candidates).

Some aspects of this policy apply specifically to Candidates and some aspects of this policy apply specifically to Colleagues. References to 'you' should be interpreted accordingly.

Managers have a specific responsibility for operating within the boundaries of this policy and ensuring that the Colleagues under their control understand the standards of behaviour expected of them. Managers should lead by example in relation to this policy, ensure that Colleagues comply with their responsibilities under this policy and address any breaches of this policy in a timely manner.

All Colleagues are responsible for their personal compliance with this policy and should ensure that they take the time to read and understand it.



WESTMORLAND

What information do we collect?

To enable us to manage our relationship with our Colleagues, we collect and process a range of information about you. This includes:

Information related to your employment

- Your name and contact details including address, telephone numbers, and personal email addresses.
- Information about your next of kin and emergency contacts.
- Information about your nationality and right to work in the UK.
- Personal demographic information about you including your date of birth and gender.
- Information relating to the terms and conditions of your employment.
- Details of your skills and experience, education and qualifications and your employment history.

Information relating to your pay, salary and pensions

- Information about your pay and benefit entitlements, including pensions.
- Details of your bank account and national insurance number.
- Details of your working hours including your working schedule and attendance at work.
- Details of any periods of leave taken by you including holiday, sickness absence, family or other leave.
- Details relating to Maternity, Paternity, Shared Parental Leave and pay, including relevant forms, certificates and associated documentation.
- Information relating to any loans, expenses, overtime or other payments.

Information relating to your performance and training

- Details of any disciplinary or grievance procedures which you have been involved in, including any warnings that may have been issued and any related correspondence.
- Assessments of your performance at work including probationary reviews, performance reviews, performance improvement plans and related correspondence.
- Information relating to your training history and any training and development needs.

Information relating to health, safety and wellbeing

- Health and safety and related documents including risk assessments, audits, accident records, reports and claims.
- Details of your driving and other licence entitlements where applicable.
- Responses to colleague surveys (where these are not anonymised).
- Images recorded through on-site CCTV footage. Please see the company CCTV Policy for further details regarding the collection and use of CCTV footage.



WESTMORLAND

Special categories of more sensitive personal data

- Details about your race or ethnicity, marital status, religious or philosophical beliefs, and sexual orientation. This information is voluntary and it helps us monitor our policies and practices in accordance with the Equality Act 2010. You are free to decide whether or not to provide this data and there are no consequences if it is not disclosed.
- Information relating to health or medical conditions, which is processed for health and safety purposes and for us to fulfil our employment law obligations.
- We may also collect information about criminal convictions and offences relating to you in accordance with the law that applies to your role.

How is this information collected and stored?

This information is collected from you through CV's and application forms, from your identity documents such as your passport and right to work checks, through forms (paper or electronic) that you complete at the start of or during your employment, provided through meetings or through written correspondence with you.

Your personal data is also collected through your use of our company systems, such as IT and your e-mail account. In some cases data may be obtained through third parties such as references provided by former employers.

Data is stored in a range of different places including on your personnel file (either manually or electronically), in our HR systems, Payroll system or other IT systems, including email.

Why do we process personal data?

We only process your personal data where we have a lawful basis to do so under data protection law.

We need to process your data to issue you with an employment contract and pay you in accordance with that contract. This includes processing your entitlements such as your pension and any other benefits you may be entitled to.

We also have a variety of legal obligations that we must comply with and we need to process your data to be able to do so. This includes areas such as checking your entitlement to work in the UK, deducting tax and national insurance contributions, complying with health and safety laws and enabling you to take any periods of leave that you are legally entitled to.

In addition to our legal obligations we need to be able to process your data in order to comply with the conditions laid out in your contract.



WESTMORLAND

We only process special categories of more sensitive personal data, or data about criminal convictions and offences, where necessary and authorised by data protection law, for example for the purposes of employment, occupational health, equality monitoring, prevention and detection of crime, safeguarding, occupational pensions, regulatory requirements and legal claims.

As well as the reasons explained above, we have a legitimate interest in processing your personal data for a variety of other reasons, including:

- managing the recruitment of Colleagues, including communicating with Candidates regarding the recruitment process, assessing Candidates' skills, qualifications and suitability for the role, undertaking interviews and other assessment processes, assessing legal eligibility to work in the UK, undertaking background screening, and running promotion processes;
- maintaining up to date employment records and contact details (including emergency contacts).
- communicating information to you through relevant means, including through the use of personal email addresses where appropriate.
- operating and keeping records of company procedures including disciplinary and grievance, development and performance and absence management processes.
- ensuring effective HR and business administration.
- to obtain occupational health advice, to ensure compliance with duties in relation to individuals with disabilities, meet obligations under health and safety law, and ensure that individuals 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 allow effective workforce management.
- to maintain and promote equality in the workplace, by monitoring equal employment opportunities in categories such as age, gender, ethnicity, nationality, religion, disability, marital status and sexual orientation. Such monitoring would be conducted in full compliance with data protection law governing the use of such categories of personal data.
- responding to and defend legal claims where necessary.

Who has access to data?

Your information may be shared internally with members of the People Team, Payroll, your line manager and other managers in the area in which you work and with members of the Safety, IT and Finance teams if access to the data is necessary in order for the performance of their roles.



WESTMORLAND

Your data may be shared with third parties such as government departments and external auditors. If necessary, your data may also be shared with insurers, insurance brokers and solicitors.

We also share data with third parties that process data on our behalf including in areas such as training and development, communicating with our colleagues, the provision of benefits and occupational health services. Only relevant information is shared with these third parties and it is used for no other purpose.

We may transfer your personal data to countries outside the UK where necessary for the purposes set out in this privacy policy, such as where our IT service providers process data outside of the UK. We will only do this, or allow our suppliers to do so, where we are satisfied that your data is protected by equivalent laws and/or appropriate safeguards. To obtain further information, please contact us using the details above.

How do we protect your personal data?

We take the security of your personal data seriously and have internal policies and controls in place to try to ensure that your personal data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by individuals in the performance of their duties. Systems are restricted to those requiring access to the information contained therein.

Where we engage third parties to process personal data on our behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of personal data.

How long do we keep personal data?

Colleagues

We keep your personal data for the duration of your employment with us. Once you leave our employment, your data will be retained for no longer than is necessary and in line with any statutory retention periods as applicable. Further details can be found in our retention schedule, which is available on request from data.protection@westmorlandfamily.com.

Registered Candidates

Once you have registered on our database, your details will be held for a period of 12 months. After this period your details will be removed from our database unless you choose otherwise. If you have not applied for a position with us, you may remove your details at any time.

Unsuccessful applicants

If your application for employment is unsuccessful, we will hold your data on file for a period of six months after the end of the recruitment process. Your details will be automatically removed in line with our standard retention schedule if you do not choose otherwise.



WESTMORLAND

Successful applicants

If your application for employment is successful, your data will be transferred to your personnel file and subject to the retention periods outlined above.

Your rights

Under data protection laws you have rights in relation to your personal data as follows:

- *Request access* to your personal data (commonly known as a "data subject access request").
- *Request correction* of the personal data that we hold about you.
- *Request erasure* of your personal data. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- *Object to processing* of your personal data where we are relying on a legitimate interest (or those of a third party).
- *Request restriction of processing* of your personal data. This enables you to ask us to suspend the processing of your personal data in certain scenarios.
- *Withdraw consent at any time* where we are relying on consent to process your personal data.

If you wish to exercise any of the rights set out above, please contact us by using the contact details set out below.

What if you do not provide personal data?

In order for us to enter into a contract of employment with you, you are obliged to provide certain information such as your contact details, proof of your right to work in the UK, and your bank details in order for us to pay you. Failure to provide this information would prevent us administering your employment and as a result you would not be able to take up a position with us.

You are obliged to provide certain types of data under your contract of employment. For instance, you are required to comply with your obligations surrounding the reporting of any periods of absence and providing any documentary evidence as necessary.

You are also required to provide data in relation to your statutory rights. This includes statutory leave entitlements such as maternity, parental or other family leave and statutory payments where applicable. If you do not provide this data you will be unable to exercise your statutory rights or receive any statutory payments that you may otherwise be entitled to.

If you are a Candidate and fail to provide personal data when requested, which is necessary for us to consider your application (such as personal details and evidence of qualifications or work history), we will not be able to process your application successfully.



WESTMORLAND

Please help us to ensure that your information is kept accurate and up to date by informing us as soon as possible of any changes to your personal data.

Automated decision making

For Colleagues, no decisions that affect your employment are made solely by automated means.

For Candidates, generally our recruitment processes are not based solely on automated decision making. However, all applicants will be asked to confirm that they have the right to work in the UK. For certain roles, applicants may be asked to confirm that they meet essential criteria, such as the possession of a driving licence for a role that requires this. If candidates are unable to answer yes to these questions they cannot be considered for the role.

Contact Us

If you have any questions about this Privacy Policy, including any requests to exercise your legal rights, please contact us using the details set out below:

Data Protection Department
Westmorland Limited
Westmorland Family Office
Rheged
Redhills
Penrith
CA11 0DQ

Email: data.protection@westmorlandfamily.com

Complaints

If you are not satisfied with our response to any queries or complaints you raise with us or believe we are not processing your personal data in accordance with the Data Protection laws you have the right to lodge a complaint at the Information Commissioner's Office (ICO) (<https://ico.org.uk/>). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.