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GDPR Privacy Notice

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1.0 WHAT IS THE PURPOSE OF THIS DOCUMENT?

- (1) James Penman Plant Hire Ltd is committed to protecting the privacy and security of your personal information.
- (2) This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with data protection legislation, including the General Data Protection Regulation (GDPR) and Data Protection Act 2018, as may be amended from time to time
- (3) It applies to all employees, workers, contractors, volunteers and interns
- (4) James Penman Plant Hire Ltd 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 privacy notice.
- (5) This notice applies to current and former employees, workers, contractors, volunteers and interns. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.
- (6) It is important that you read this notice, together with any other privacy policies or privacy notices 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.

2.0 THE KIND OF INFORMATION WE HOLD ABOUT YOU

- (1) We will collect, store, and use the following categories of personal information about you:
 - (a) Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
 - (b) Date of birth.
 - (c) Gender.
 - (d) Marital status and dependants.
 - (e) Next of kin and emergency contact information.
 - (f) National Insurance number.
 - (g) Bank account details, payroll records and tax status information.
 - (h) Salary, annual leave, pension and benefits information.
 - (i) Start date.
 - (j) Location of employment or workplace.
 - (k) Copy of driving licence.



- (l) Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- (m) Employment records (including job titles, work history, working hours, training records and professional memberships).
- (n) Compensation history.
- (o) Performance information.
- (p) Disciplinary and grievance information.
- (q) CCTV footage and other information obtained through electronic means such as swipecard records.
- (r) Information about your use of our information and communications systems.
- (s) Photographs.
- (t) We may also collect, store and use the following “special categories” of more sensitive personal information:
 - (u)
 - (v) Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
 - (w) Information about your health, including any medical condition, health and sickness records.
 - (x) Information about criminal convictions and offences.

3.0 HOW IS YOUR PERSONAL INFORMATION COLLECTED?

- (1) We collect personal information about employees, workers, contractors, volunteers and interns through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies, e.g. Disclosure Scotland.
- (2) We may, where necessary, collect additional personal information in the course of job-related activities throughout the period of you working for us.

4.0 HOW WE WILL USE INFORMATION ABOUT YOU

- (1) 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:
 - (a) Where we need to perform the contract we have entered into with you.
 - (b) Where we need to comply with a legal obligation.



- (c) 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.
- (2) We may also use your personal information in the following situations, which are likely to be rare:
- (a) Where we need to protect your interests (or someone else's interests).
 - (b) Where it is needed in the public interest or for official purposes.

4.1 Situations in which we will use your personal information

- (1) We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with 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 are listed below.
- (2) Making a decision about your recruitment or appointment.
- (a) Determining the terms on which you work for us.
 - (b) Checking you are legally entitled to work in the UK.
 - (c) Paying you and, if you are an employee, deducting tax and National Insurance contributions.
 - (d) Liaising with your pension provider.
 - (e) Administering the contract we have entered into with you.
 - (f) Business management and planning, including accounting and auditing.
 - (g) Conducting performance reviews, managing performance and determining performance requirements.
 - (h) Making decisions about salary reviews and compensation.
 - (i) Assessing qualifications for a particular job or task, including decisions about promotions.
 - (j) Gathering evidence for possible grievance or disciplinary hearings.
 - (k) Making decisions about your continued employment or engagement.
 - (l) Making arrangements for the termination of our working relationship.
 - (m) Education, training and development requirements.
 - (n) Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
 - (o) Ascertaining your fitness to work.
 - (p) Managing sickness absence.



- (q) Complying with health and safety obligations.
- (r) To prevent fraud.
- (s) To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- (t) To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- (u) To conduct data analytics studies to review and better understand employee retention and attrition rates]
- (v) Equal opportunities monitoring.

4.2 If you fail to provide personal information

- (1) If you fail to provide certain information when requested, 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).

4.3 Change of purpose

- (1) 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.

5.0 HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

- (1) "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:

- (a) In limited circumstances, with your explicit written consent.
- (b) Where we need to carry out our legal obligations and in line with our Data Protection Policy.
- (c) Where it is needed in the public interest, and in line with our Data Protection Policy.
- (d) Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- (e) Where you have already made the information public.

5.1 Our obligations as an employer

- (1) We will use your particularly sensitive personal information in the following ways:

- (a) We will use information relating to leaves of absence, which may include sickness absence or family related leave, to comply with employment and other laws.
- (b) We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- (c) We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

5.2 Do we need your consent?

- (1) We do not need your consent if we use special categories of your personal information in accordance with our Data Protection Policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data.

6.0 INFORMATION ABOUT CRIMINAL CONVICTIONS

- (1) 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.

7.0 DATA SHARING

- (1) We may have to share your data with third parties, including (but not limited to) third-party service providers and other entities in the group.
- (2) We require third parties to respect the security of your data and to treat it in accordance with the law.

7.1 Why might you share my personal information with third parties?

- (1) 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.

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

- (1) 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.

7.3 When might you share my personal information with third parties ?

- (1) We may share your personal information with third parties for the purpose of: human resources and employment law support, payroll, pension administration, benefits provision and administration, IT services, and training providers.



8.0 DATA SECURITY

- (1) 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.
- (2) 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.

9.0 DATA RETENTION

9.1 How long will you use/hold my information for?

- (1) 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 in our Employment Data Retention Policy which is available from Management.
- (2) 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, contractor, volunteer or intern of the company we will retain and securely destroy your personal information in accordance with Employment Data Retention Policy.

10.0 RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

10.1 Your duty to inform us of changes

- (1) It is important 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.

10.2 Your rights in connection with personal information

- (1) Under certain circumstances, by law you have the right to:
 - (a) Request access (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you.
 - (b) Request correction This enables you to have any incomplete or inaccurate information we hold about you corrected.
 - (c) Request erasure 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).



- (d) Object to processing Where we are relying on a legitimate interest (or those of a third party) and there is something which makes you want to object to processing on this ground.
- (e) Request the restriction of processing This allows 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.
- (f) Request the transfer of your personal information to another party when the information is stored and processed automatically.

(2) If you want to exercise any of the above rights, please contact Management in writing.

10.3 No fee usually required

(1) 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.

10.4 What we may need from you

(1) 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.

11.0 RIGHT TO WITHDRAW CONSENT

(1) In the limited circumstances where you may have provided 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 contact the HR & HSEQ Compliance Manager in writing.

12.0 DATA PROTECTION OFFICER/COMPLIANCE MANAGER

(1) We have appointed a Data Protection Officer (DPO) 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 [DPO] who is our HR & HSEQ Compliance Manager.

(2) 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.



13.0 CHANGES TO THIS PRIVACY NOTICE

- (1) 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 Management