

Privacy notice

Notice date: 6 May 2019

1. Important information

This privacy notice is given by MB Techniques Ltd (referred to here as 'we'/'us'/'our').

We respect your privacy and are committed to protecting your **personal data**. Personal data 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**).

This privacy notice will tell you how we look after your personal data and tell you about your privacy rights and how the law protects you.

Our details are:

Name: MB Techniques Ltd

Registered number: 23A

Registered office: Douglas Street, Hamilton, Lanarkshire, ML3 0BU

Email: mbtechniques@btconnect.com

We are the **data controller** of your personal data. This means that we decide when, why and how to **process** your personal data and we are responsible for looking after it and protecting your rights. In this privacy notice, we use the word process to cover all the different ways in which we handle your personal data, such as collection, use, storage and transfer.

2. What is the purpose of this privacy notice?

This privacy notice describes how we process personal data about you during and after your working relationship with us, in accordance with the General Data Protection Regulation ((EU) 2016/679) (**GDPR**).

This notice applies to current and former employees, workers and contractors. 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 but if we do so, we will provide you with an updated copy of it as soon as reasonably practical.

We are required under the GDPR to give you the information contained in this privacy notice.

It is important that you read this privacy notice, as well as any other privacy notice we may give you on specific occasions when we are processing personal data about you, so you know how and why we are using your personal data.

3. Data protection principles

We will comply with data protection law and principles. This says that the personal data we process about you must be:

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

4. The kind of data we hold about you

We will process the following categories of personal data 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 date and, if different, the date of your continuous employment
- Leaving date and your reason for leaving
- Location of employment or workplace
- Copy of driving licence
- 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)
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships)
- Compensation history
- Performance information
- Disciplinary and grievance information
- Photographs
- Information about your use of our information and communications systems
- Other information obtained through electronic means

We will also process those categories of personal data about you mentioned in **section 5**.

We may also process the following **special categories** of more sensitive personal data:

- Information about your health, including any medical condition, health and sickness records, including:
 - where you leave employment and under any share plan operated by us or by a group company the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision;
 - details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and
 - where you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.

5. How is your personal data collected?

We collect personal information about employees, workers and contractors through the application and recruitment process, either directly from applicants or sometimes from an employment agency or other publicly accessible sources. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check providers.

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

6. How we will use personal data about you

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

- Where we need to perform the contract we have entered into with you
- Where we need to comply with a legal obligation
- 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 need all the categories of data in the list above (see **section 4**) 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 data to pursue legitimate interests of our own (business management, administration and development) 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 data are listed below:

- 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 or deemed employee for tax purposes, deducting tax and National Insurance contributions (**NICs**)
- Providing contractual and discretionary benefits to you
- Inviting you to participate in any share plans operated by us or by a group company
- Granting awards under any share plans operated by us or by a group company
- Administering your participation in any share plans operated by us or by a group company, including communicating with you about your participation and collecting any tax and NICs due on any share awards
- Enrolling you in a pension arrangement in accordance with statutory automatic enrolment duties
- Liaising with the trustees or managers of your pension provider and any other provider of employee benefits
- 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
- 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 data.

7. If you fail to provide personal data

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).

8. Change of purpose

We will only use your personal data 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 data 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 data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

9. How we use particularly sensitive personal data

Special categories of particularly sensitive personal data require higher levels of protection. We need to have further justification for processing this type of personal data. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal data in the following circumstances:

- In limited circumstances, with your explicit written consent
- Where we need to carry out our legal obligations or exercise rights in connection with employment
- Where it is needed in the public interest, such as for equal opportunities monitoring

Less commonly, we may process this type of data 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 do not need your consent if we use special categories of your personal data in accordance with our written 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. If we do so, we will provide you with full details of the data 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 that you agree to any request for consent from us.

We will use your particularly sensitive personal data in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- 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 including statutory maternity pay, statutory sick pay, pensions and permanent health insurance.
- If you leave employment and under any share plan operated by us or by a group company the reason for leaving is determined to be ill-health, injury or disability, we will use information about your physical or mental health, or disability status in reaching a decision about your entitlements under the share plan.
- If you apply for an ill-health pension under a pension arrangement operated by us or by a group company, we will use information about your physical or mental health in reaching a decision about your entitlement.

10. 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 an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

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 do not envisage that we will process information about criminal convictions.

11. 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:

- Where we have notified you of the decision and given you 21 days to request a reconsideration
- Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights
- 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.

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 we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

12. Data sharing

Third party includes any third-party service provider (including contractors and designated agents) and other entities within our group.

We will only share your personal data 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. We will not allow third parties to process your personal data for their own purposes unless we have a lawful basis for doing so and we have notified you.

We will share your personal data with the following third parties:

- Personal data about you that will be shared: Name, address, national insurance number, bank account details. We will share this data with insurance services, bank, pension, government perform background checks, manage payroll, administer pension.

All third parties processing your personal data for us are required to take appropriate security measures to protect your personal data in line with our policies. They are only permitted to process your personal data for specified purposes and in accordance with our instructions.

We will share your personal data with other entities in our group as part of our regular reporting activities on company performance, for system maintenance support and hosting of data.

We may share your personal data with third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

We may also need to share your personal data with a regulator or to otherwise comply with the law. This may include making returns to HMRC, disclosures to stock exchange regulators and disclosures to shareholders such as directors' remuneration reporting requirements.

13. Data security

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

14. Data retention

We will only retain your personal data 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. 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 data so that it can no longer be associated with you, in which case we may use such data without further notice to you. Once you are no longer our

employee, worker or contractor we will retain and securely destroy your personal data in accordance with applicable laws and regulations.

15. Your duty to inform us of changes

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

16. Your rights in connection with personal data

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

- Request access to your personal data (commonly known as a **data subject access request**). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected.
- Request erasure of your personal data. 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 data where you have exercised your right to object to processing (see below).
- Object to processing of your personal data 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 data for direct marketing purposes.
- Request the restriction of processing of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal data to another party.

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

You will not have to pay a fee to access your personal data (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.

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

17. Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data 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 us. Once we have received notification that you have withdrawn your 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.

18. 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 data.

19. Contacting us

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 data; if you would like any more information or you have any comments about this privacy notice; or if you would like to make any request

to exercise your legal rights, please contact the Data Privacy Manager by phone on 01698 457222 or by post at the address shown above in section 1.

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 (ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us first.

I acknowledge that I have received a copy of this Privacy Notice and that I have read and understood it.

Signature: _____ Date: _____

Name: _____