



**Newbattle Abbey
College**

Colaiste Abaid a'Bhatail Nuaidh

Privacy Notice

Employee and Applicants

Your privacy and trust are very important to us.

This privacy notice provides essential information about how the College handles your personal data and the rights you have in relation to how we use your data.

In providing you with this information, the College looks to ensure you are fully informed and that we are transparent in how we collect and use your personal data. Newbattle Abbey College ("the College") is committed to complying with all relevant UK data protection legislation.

This Notice describes the information collected by the College in connection with your application for employment with us and employment related information we hold about you during and after your working relationship with us.

Who We Are?

Newbattle Abbey College ('the College') is the 'Controller' and is responsible for looking after the personal data that you provide.

Registered office:
Newbattle Abbey College
Newbattle Road
Dalkeith
Midlothian
EH22 3LL

For any queries or concerns about how your personal data is being processed you can contact the Data Protection Officer (DPO) at DPO@nac.ac.uk.

The College is registered with the Information Commission under registration number Z8852760.

Why do we collect information about you (Purpose for processing)?

We collect and process your information for following purposes:

Recruitment

- To assist in the recruitment/appointment process including information contained in your CV and/or job application documentation
- To establish evidence of your right to work in the UK legally
- To carry out suitability for role enquiries such as checking employment records, qualifications held and checks via the PVG process

Employment

Payroll and pensions – paying you, ensuring HMRC compliance for Tax and NI and to provide any information legally required from the Department of Work and Pensions. Also to provide any information necessary to administer your appropriate pension scheme

Managing absence and supporting health and well-being – managing sickness and other leave entitlements. Supporting health and well-being throughout Occupational Health referral process and risk assessments.

Conduct, grievance and disciplinary – to gather information as part of the disciplinary, grievance or capability processes including any information required for legal disputes

Health and safety purposes – ensuring compliance with any Health and Safety regulations and ensuring a safe workplace for you

Equality and diversity monitoring – to ensure compliance with legal obligations and reporting.

Professional development and career progression – to identify opportunities and requirements for education, training and development in your role and to conduct Professional Development Reviews.

Business planning – to assist in business and management planning and produce statistical data for the Senior Management Team. To conduct employee surveys.

Collective bargaining – to provide information to Colleges Scotland under the Trade Union and Labour Relations (Consolidation) Act 1992, enabling agreements to be reached under National Bargaining with recognised Trade Unions i.e. pay agreements, job evaluation.

What information do we collect about you?

- Name and ID, in order to verify your identification
- Job application, shortlisting, interview details, and other recruitment/selection records
- Gender, marital status for legal reporting purposes
- Age, for legal reporting purposes, pensions and calculations e.g. Voluntary Severance
- Contact information so we can contact you outside of work for welfare and communication purposes
- Next of kin/Emergency contacts so we can contact them in the event of an emergency at work
- Demographic information such as postcode for contact purposes
- Work history for employment and skills purposes
- Education and Training history for skills and development purposes
- Medical information such as disabilities for Equality, welfare and support purposes
- Information about your residency status to ensure legal compliance
- Evidence of your Right to Work in the UK to ensure legal compliance
- Pensions Information for accrual and legal purposes in reporting
- Tax Information for legislative HMRC purposes
- National Insurance Information for HMRC purposes
- Earnings Arrestments for legal compliance
- Health Information for Equality, support and welfare purposes
- Holiday and Leave Information for management information and legal compliance

- Sickness Absence and Health Monitoring Information for reporting and welfare purposes and compliance with pay allowances as per contractual agreements
- Disciplinary and Grievance Record for compliance with statutory recommendations and College policy
- Learning and development events for professional development reasons
- Qualifications to ensure compliance of requirements for posts
- Bank Details to ensure accurate payment of salaries
- CCTV footage and images and other information obtained through electronic means such as swipecard record information

We also may collect some sensitive data (known as Special Category data) which may include:

- Information about your race, ethnicity and sexual orientation
- Information about criminal convictions and offences
- Information about trade union membership

Where we collect sensitive data, it is likely necessary to carry out statistical analysis to ensure advancement of equality of opportunity and treatment and to meet our legal obligations and duties.

Our lawful basis for processing your information

The college will only process your information, with you being the “data subject”, under lawful bases detailed in UK GDPR Articles 6,9 and 10 as well as under other laws where appropriate as determined by the situation.

The majority of your information will be processed where “processing is necessary for the performance of a **contract** to which the data subject is party or in order to take steps at the request of the data subject to entering into a contract”. Article 6(1)(b)

We will process information under Article 6(1)(c) to meet our **legal obligations**, such as compliance with the following legislation:

Employment Rights Act 1996

Trade Union and Labour Relations (Consolidations) Act 1992 - for collective bargaining

Equality Act 2010

Health and Safety at Work etc Act 1974

Protection of Vulnerable Groups (Scotland) Act 2007

Pensions Act 2008 & 2014

Pensions Schemes Act 2015

Local Government Pension Scheme (Scotland) Regulations 2018

Scottish Teachers Pension Scheme Regulations 2014

The Teachers’ Pensions (Remediable Service) (Scotland) Regulations 2023

We have statutory obligations to certain public bodies who perform a **public task**, such as Scottish Funding Council, Scottish Government, Colleges Scotland, HMRC and Disclosure Scotland. As such, we process your information under Article 6 (1)(e) in the “performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.”

We may process your information in our **legitimate interests** (Article 6(12)(f)). For example, in the conducting of staff surveys to assess staff well-being to improve future practice and assist in workforce planning or to offer employee benefits. This processing will only take place where

processing is not overridden by the interests or fundamental rights and freedoms of the data subject”

Exceptionally, we may also use your personal information where we have a need to protect your **vital interests**, or those of another person. Article 6(1)(d).

The data being processed includes special category (sensitive) data. Our legal reason for using this sensitive data is/are:

Where special category data is processed, this is generally carried out under Article 9(2)(b) where “processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or the data subject in the field of employment and social security and social protection law in so far as it is authorised by domestic law or a collective agreement pursuant to domestic law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.”

Where criminal convictions data is processed, this is carried out under Article 10 where processing is “authorised by domestic law providing for appropriate safeguards for the rights and freedoms of data subjects.”

Where special category data is collected for the purposes of meeting our obligation to provide information to the Scottish Funding Council, Scottish Government and Colleges Scotland and as required to other bodies to comply with the Equality Act 2010, processing is necessary for reasons of substantial public interest (Article 9(2)(g)).

How do we collect the information?

The majority of information collected by us will be collected directly from yourself either during the application process or, during employment via our HR system. You will be required to ensure your personal information remains current during your employment with us via your manager or via the HR system directly.

We will need to collect information about you from other parties/sources in certain circumstances such as from:

- previous employers or other referees
- GPs/Consultants/Occupational Health
- HMRC
- Disclosure Scotland
- Department of Work and Pensions
- Your Trade Union

If you were to withhold the information we require for this process, the consequences would be:

In most cases, personal information is collected to fulfil our legal obligations as an employer and as an education provider. If you withheld data needed for this purpose, we would explain the consequences directly with you.

Examples of consequences of withholding information would be:

- We were unable to report as per our legal requirements
- We were unable to process your application or contract of employment – due to not being able to verify areas such as identity, right to work, PVG history, qualifications.
- We were unable to process your pay or pension requirements
- We were unable to support your health and well-being
- We are unable to meet legislative requirements for HMRC

Who do we share your information with?

We will only share your information with third parties where there is a lawful purpose in doing so. Whenever your information is shared, we will ensure sharing is limited to what is strictly necessary and shared with security measures in place. Examples of third parties who we share your information with include:

- Disclosure Scotland
- Audit Scotland
- Pension providers
- Additional Voluntary Contribution providers
- Accountancy and payroll providers
- Department for Work and Pensions
- Child Support Agency
- HMRC
- Colleges Scotland (e.g. for national initiatives such as National Bargaining)
- Scottish Funding Council
- Office of National Statistics
- GPs/consultants/occupational health practitioners

We may share with other external organisations where there is a statutory duty to share your personal information for a specific purpose.

We may share personal information with our HR system provider, who maintain our HR system. They do not have routine access to data but may require access to the data for an update or to deal with specific technical issues.

Details of data transfers to any third countries or international organisations:

Your personal information, under limited circumstances, may be transferred outside of the UK. In such cases we have security safeguards in place to protect your data.

These will either be in the form of adequacy decisions between the UK and the receiving country/area e.g. between UK and EEA or UK and US, or via contracts detailing the security conditions required for the sharing.

How do we look after your information and how long do we keep it?

We will take all reasonable steps to prevent the loss, misuse or alteration of information you give us. Your personal information will be stored securely and will only be accessed by authorised staff, agents, contractors and other organisations 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 and must comply with data protection law.

We have put in place procedures to deal with any suspected data security breaches and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Your information will be kept in line statutory requirements where appropriate in such cases as for Health and Safety recording and in line with UK employment legislation.

Some information may be held longer than others, dependant on the reason for collection and use. For example, information collected during the application process will be held longer for successful applicants, and will become part of your personnel record, than for applicants that were unsuccessful.

All information will be held for the specific purpose it was collected, and for the minimal length of time necessary, in line with the College's retention and disposal schedule, and then will be destroyed securely and confidentially.

Do we use automated decision-making processes or profiling?

We do not use any automated decision-making about you.

What are your rights?

Under UK Data Protection laws you have certain rights in relation to how the College manages and uses your personal information:

- The right to be informed (this is the Privacy Notice)
- The right to access your personal data
- The right to rectification if the personal data we hold about you is incorrect
- The right to restrict processing of your personal data

You also have the following rights, which apply in certain circumstances and are not absolute rights:

- The right to withdraw consent at any time (if consent is our lawful basis for processing your data)
- The right to object to our processing of your personal data
- The right to request erasure (deletion) of your personal data
- The right to data portability
- The right not to be subject to automated decision-making including profiling

The right to object to direct marketing applies in all circumstances regardless of the lawful basis used to process your data.

If you have any issues about this notice or how the College has handled your personal data, or if you wish to exercise any of your rights, please contact the College Data Protection Officer in the first instance:

Email: DPO@nac.ac.uk

Tel: 0131 663 1921

Data Protection Officer

Newbattle Abbey College

Newbattle Road

Dalkeith

Midlothian

EH22 3LL

Complaints to the UK Information Commission

If you are concerned about how your personal data is being used by the College and/or are dissatisfied with the response received from the College through the, College Complaints Procedure, you have the right to complaint to the regulator for data protection in the UK; the Information Commission.

You can do this online at : <https://ico.org.uk/make-a-complaint/>

Tel: 0303 123 1113

Write to:

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF