



The Whiteley Homes Trust

Privacy Notice for a Trustee of Whiteley Homes Trust

Data Controller (“the Trust”):

Whiteley Homes Trust

Data Privacy Officer:

Stephanie Marks

Introduction

The Trust collects and processes personal information, or personal data, relating to its Trustees. This personal information may be held by the Trust on paper or in electronic format.

We are registered with the Information Commissioner’s Office (ICO) with registration number Z8923170.

The Trust is committed to being transparent about how it handles your personal information, to protecting the privacy and security of your personal information and to meeting its data protection obligations under the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018.

The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information both during and after your relationship with the Trust. We are required under the GDPR to notify you of the information contained in this privacy notice.

This privacy notice applies to all current Trustees. It is non-contractual and does not form part of any employment contract, casual worker agreement, consultancy agreement or any other contract for services.

The Trust has appointed a Data Privacy Officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or about how we handle your personal information, please write to the DPO using the following methods:

The Data Privacy Officer
The Whiteley Homes Trust
Whiteley Village
Walton On Thames
Surrey KT12 4EH

Email: dpo@whiteleyvillage.org.uk

Data protection principles

Under the GDPR, there are six data protection principles that the Trust must comply with. These stipulate that the personal information we hold about you must be:

1. Processed lawfully, fairly and in a transparent manner



The Whiteley Homes Trust

2. Collected only for legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes
3. Adequate, relevant and limited to what is necessary in relation to those purposes
4. Accurate and, where necessary, kept up to date
5. Kept in a form that permits your identification for no longer than is necessary for those purposes
6. Processed in a way that ensures appropriate security of the data

The Trust is responsible for and must demonstrate compliance with these six principles.

What types of personal information do we collect about you?

Personal information is any information about an individual from which that person can be directly or indirectly identified. It does not include anonymised data, i.e. where all identifying particulars have been removed. There are also “special categories” of personal information, and personal information on criminal convictions and offences, which requires a higher level of protection because the information is of a more sensitive nature. The special categories of personal information comprise information about an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health and genetic and biometric data.

The Trust collects, uses and processes a range of personal information about you. This includes:

- Contact details, including name, address, telephone number and personal email
- Emergency contact details/next of kin
- Date of birth
- Gender
- Marital status and dependants
- The start and end dates of your engagement
- Your CV, any application form, cover letter, interview notes, references, copies of proof of right to work in the UK documentation, copies of qualification certificates, copy of driving licence and other background check documentation
- The terms and conditions of your engagement (including your title and responsibilities), as set out in letter of engagement
- Details of your skills, qualifications, experience and work history, both with previous employers and with the Trust
- Your bank account details (to pay expenses)
- Any termination of employment or engagement documentation, including resignation letters, dismissal letters, redundancy letters, minutes of meetings, settlement agreements and related correspondence
- Photographs
- CCTV imagery



The Whiteley Homes Trust

The Trust may also collect, use and process the following special categories of your personal information:

- Information about your health, including any medical condition, whether you have a disability in respect of which the Trust needs to make reasonable adjustments, sickness absence records (including details of the reasons for sickness absence being taken), medical reports and related correspondence
- Information about your racial or ethnic origin, religious or philosophical beliefs and sexual orientation
- Trade Union membership
- Information about criminal convictions and offences

How do we collect your personal information?

The Trust may collect personal information about Trustees in a variety of ways. It is collected during the recruitment process, either directly from you or sometimes from a third party. We may also collect personal information from other external third parties, such as references from former employers, information from background check providers, information from credit reference agencies and criminal record checks from the Disclosure and Barring Service (DBS).

We will also collect additional personal information throughout the period of your relationship with us. This may be collected in the course of your activities. Whilst some of the personal information you provide to us is mandatory and/or a statutory requirement, some of it you may be asked to provide to us on a voluntary basis. We will inform you whether you are required to provide certain personal information to us or if you have a choice in this.

Your personal information may be stored in different places, including by the Secretary of the Board of Trustees, by the CEO of the Trust and in other IT systems, such as the e-mail system.

Why and how do we use your personal information?

Holding your personal data enables us to fulfil our governance responsibilities as a charity. The lawful basis for processing the personal data of Trustees as described in this document is to **fulfil legal requirements of charity and company law.**

We will only use your personal information where the law allows us to. These are known as the legal bases for processing. We will use your personal information in one or more of the following circumstances:

- Publications, invitations and other communications
- Minutes of meetings
- Annual accounts
- Reporting to Companies House
- Reporting to the Charity Commission



The Whiteley Homes Trust

Also, where:

- We need to comply with a legal obligation
- We need to meet our obligations as a retirement village and care centre for the elderly
- It is necessary for our legitimate interests (or those of a third party), and your interests or your fundamental rights and freedoms do not override our interests

We may also use your personal information where we need to protect your vital interests, or someone else's vital interests.

Please note that we may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law.

Change of purpose

We will only use your personal information for the purposes for which we collected it. If we need to use your personal information for a purpose other than that for which it was collected, we will provide you, prior to that further processing, with information about the new purpose, we will explain the legal basis which allows us to process your personal information for the new purpose and we will provide you with any relevant further information. We may also issue a new privacy notice to you.

Who has access to your personal information?

Your personal information may be shared internally within the Trust, including with members of the HR department, other members of the Board of Trustees and other managers within the organisation and IT staff if access to your personal information is necessary for the performance of their roles.

The Trust may also share your personal information with third-party service providers (and their designated agents), including:

- External organisations (for pre-engagement reference and background checks)
- External IT services
- External auditors
- External training providers
- Professional advisers, such as lawyers and accountants

The Trust may also share your personal information with other third parties in the context of a potential sale or restructuring of some or all of its business. In those circumstances, your personal information will be subject to confidentiality undertakings.

We may also need to share your personal information with a regulator or with another party to otherwise comply with the law.

We may share your personal information with third parties where it is necessary to comply



The Whiteley Homes Trust

with a legal obligation, or where it is necessary for our legitimate interests (or those of a third party).

How does the Trust protect your personal information?

The Trust has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their job duties and responsibilities. You can obtain further information about these measures from our Data Privacy Officer.

Where your personal information is shared with third-party service providers, we require all third parties to take appropriate technical and organisational security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal information for specified purposes and in accordance with our written instructions and we do not allow them to use your personal information for their own purposes.

The Trust also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are legally required to do so.

For how long does the Trust keep your personal information?

The Trust will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed, including for the purposes of satisfying any legal, tax, health and safety, reporting or accounting requirements.

The Trust will generally hold your personal information for the duration of your engagement. The exceptions are:

- Any personal information supplied as part of the recruitment process will not be retained if it has no bearing on the ongoing working relationship
- Personal information about criminal convictions and offences collected in the course of the recruitment process will be deleted once it has been verified through a DBS criminal record check, unless, in exceptional circumstances, the information has been assessed by the Trust as relevant to the ongoing working relationship
- It will only be recorded whether a DBS criminal record check has yielded a satisfactory or unsatisfactory result, unless, in exceptional circumstances, the information in the check has been assessed by the Trust as relevant to the ongoing working relationship
- If it has been assessed as relevant to the ongoing working relationship, a DBS criminal record check will nevertheless be deleted after six months or once the conviction is "spent" if earlier (unless information about spent convictions may be retained because the role is an excluded occupation or profession)
- Disciplinary, grievance and capability records will only be retained until the expiry of any



The Whiteley Homes Trust

warning given (but a summary disciplinary, grievance or performance management record will still be maintained for the duration of your engagement).

Once your engagement has been terminated, we will generally hold your personal information for two years after the termination of your engagement, but this is subject to any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records.

Personal information which is no longer to be retained will be securely and effectively destroyed or permanently erased from our IT systems and we will also require third parties to destroy or erase such personal information where applicable.

In some circumstances we may anonymise your personal information so that it no longer permits your identification. In this case, we may retain such information for a longer period.

Your rights in connection with your personal information

It is important that the personal information we hold about you is accurate and up to date. Please keep us informed if your personal information changes, (e.g. you change your home address), during your engagement with the Trust so that our records can be updated. The Trust cannot be held responsible for any errors in your personal information in this regard unless you have notified the Trust of the relevant change.

As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- Request access to your personal information - this is usually known as making a Subject Access Request and it enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- Request rectification of your personal information - this enables you to have any inaccurate or incomplete personal information we hold about you corrected
- Request the erasure of your personal information - this enables you to ask us to delete or remove your personal information where there's no compelling reason for its continued processing, e.g. it's no longer necessary in relation to the purpose for which it was originally collected
- Restrict the processing of your personal information - this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy
- Object to the processing of your personal information - this enables you to ask us to stop processing your personal information where we are relying on the legitimate interests of the business as our legal basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground
- Data portability - this gives you the right to request the transfer of your personal information to another party so that you can reuse it across different services for your own purposes.



The Whiteley Homes Trust

If you wish to exercise any of these rights, please contact our Data Privacy Officer to request a Subject Access Request form. We may need to request specific information from you in order to verify your identity and check your right to access the personal information or to exercise any of your other rights. This is a security measure to ensure that your personal information is not disclosed to any person who has no right to receive it.

In the limited circumstances where you have provided your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. This will not, however, affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact our Data Privacy Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legal basis for processing.

If you believe that the Trust has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

Transferring personal information outside the European Economic Area

The Trust will not transfer your personal information to countries outside the European Economic Area.

Automated decision making

Automated decision making occurs when an electronic system uses your personal information to make a decision without human intervention. We do not envisage that any engagement decisions will be taken about you based solely on automated decision making, including profiling. However, we will notify you in writing if this position changes.

Changes to this privacy notice

The Trust reserves the right to update or amend this privacy notice at any time, including where the Trust intends to further process your personal information for a purpose other than that for which the personal information was collected or where we intend to process new types of personal information. We will issue you with a new privacy notice when we make significant updates or amendments. We may also notify you about the processing of your personal information in other ways.

Contact

If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Privacy Officer using the information provided on page one of this document.