Data Protection Policy

Contents

1. Introduction 1
2. Remit 2
3. Categories of Staff Member Data 2
   3.1 Failure to Provide Personal data 3
4. Purpose, Use and Disclosure 3
   4.1 Purpose 3
   4.2 Special Categories of Personal Data 3
   4.3 Information about Criminal Convictions 3
   4.4 Disclosure 4
   4.5 Disclosure to the Soundabout Group 4
   4.6 Disclosure to Processors 4
   4.7 Lawful Basis 5
   4.8 Retaining Data 5
   4.9 Transferring personal data to a country outside the EEA 6
5. Other Processing 6
6. Rights with Regard to your own HR Data 6
7. Changes 7
8. Data Security 7
9. Further Information 7
Review 8
Schedule 1 9
   Personal Data Purposes 9
   Employee Data Retention 10

1. Introduction

References in this Policy to '**we**', '**us**', '**our**' are references to Soundabout.

We have provided this Policy to explain our practices regarding the collection, use, and other processing of information that identifies or could be used to identify a job applicant or Staff Member (such information is referred to in this Policy as "**personal data**"). The term "**Staff Member**" refers to employees, officers, freelance, contractors, temporary staff, casual workers and fixed-term employees.

Unless otherwise stated, Soundabout is the controller of its job applicants' and Staff Members' personal data for the purposes of applicable data protection laws. Where we refer to '**you**' (or '**your**'), we are referring to you in your capacity as either a job applicant or Staff Member.

This Policy does not form part of any Staff Members' contract of employment or contract of engagement and it may be amended by Soundabout at any time.

2. Remit

Soundabout is committed to safeguarding the personal data that is collected, processed, or maintained by or on behalf of Soundabout regarding you. We will comply with all applicable data protection laws regarding the processing of your personal data, as follows:

- It is used lawfully, fairly and in a transparent way.
- It is collected for valid purposes that we have clearly explained to you and not used in a way that is incompatible with those purposes.
- It is adequate, relevant and limited to what is necessary for the purposes for which it is being processed and which we have told you about and limited to those purposes.
- It is accurate (and where necessary) kept up to date.
- It is kept only as personal data for as long as is necessary, for the purposes which we have told you about.
- It is processed securely.

3. Categories of Staff Member Data

Soundabout collects and processes the categories of personal data referred to in this section ("**HR Data**"), for the purposes of administration and management of our business, employment, engagement and our ancillary activities, or as are required for contractual or statutory purposes (to the extent applicable to your application, employment or engagement). Sometimes, these activities are carried out by our third-party service providers. The categories of data are:

- **General identification data:** name, contact information (including home address, personal e-mail, personal phone number, photographs and emergency contact information), driving licence, date of birth, government identification numbers, passport, citizenship/residency, personal status (marital status, dependents), next of kin, as well as other data collection required by applicable law (including your ability to work in the UK), full-time, part-time, or other status, leave of absence, and employment or engagement termination data.
- **Performance/experience/qualification information:** qualifications, evaluations and performance information, developmental planning and other management and team-based assessments.
- **Background information:** education, training, and employment background, information commonly used for security screenings (including details of unspent criminal convictions), subject to the requirements of applicable law.
- **Organisation information:** work contact information, title/job function, department/location, hire date and any previous hire or service dates.
- **Compensation information:** salary/pay information, average hours worked, benefits information, annual leave and pension information.
- **Payroll information relating to a Staff Member:** tax information, bank details, financial information, deductions, time worked, leave and absence information.
- **Other information:** data specifying medical or health conditions, racial/ ethnic origin, religious/philosophical beliefs, disciplinary or grievance information, photographs, personal appearance/behaviour, CCTV footage, and other information obtained through electronic means, such as swipe cards, information about your use of our information and computer systems.

HR Data may be collected, either directly from job applicants or Staff Members, through their application process, activities in the course of their employment or engagement, or from third

parties (including references, other or former Staff Members, former employers, business partners, sub-contractors in technical, payment and delivery services, colleagues or supervisors or recruitment agencies and recruitment or networking websites, and agencies carrying out background checks, social media and other public websites), subject to the requirements of applicable law.

We will also process any other personal data that is provided by you, to the extent that there is a lawful basis for processing such personal data.

3.1 Failure to Provide Personal data

There will be a legal or contractual requirement for job applicants or Staff Members to provide certain personal data (for example, regarding a job applicant's or Staff Members' ability to work in the UK, and to enable us to administer pay and statutory benefits to Staff Members).
We will indicate where any personal data provision or processing is subject to you providing consent. In such circumstances, you can choose not to provide the respective consent and you will not suffer any detriment as a result. However, we will also indicate where we have other grounds upon which it is necessary to provide or process data.
It may not be mandatory for certain personal data to be provided by you (for example, the provision of equal opportunities information). If it is not mandatory to provide certain personal data, then it will not affect your application, employment or engagement (as applicable to your status), and we will inform you if it is optional to provide such data.
If a job applicant/Staff Member fails to provide certain information when requested, we may not be able to proceed with the job application, or we may be unable to perform the contract we have entered into with that Staff Member (such as paying the Staff Member or providing a benefit, where we do not have the requisite information to enable us to do so), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our Staff Members).

4. Purpose, Use and Disclosure

4.1 Purpose

Soundabout uses and processes HR Data to the extent necessary or appropriate for the legitimate interests of the business, such as in relation to the administration and management of our business, employment, engagement, and our ancillary activities, or as are required for contractual or statutory purposes. Further details in relation to such purposes are shown at Schedule 1.

4.2 Special Categories of Personal Data

Soundabout may use special categories of personal data, in the manner referred to in Schedule 1, as well as in the following ways (where applicable):

- information relating to Staff Members' leaves of absence, which may include sickness absence or family-related leaves, to comply with employment and other laws.
- information about physical or mental health, or disability status, for the purposes of our Staff Members' health and safety in the workplace and to assess fitness to work. We will use such information to provide appropriate workplace adjustments, to monitor and manage sickness absence and administer benefits.
- information about race or national or ethnic origin, religious or philosophical beliefs, to ensure meaningful equal opportunity monitoring and reporting.

4.3 Information about Criminal Convictions

Soundabout will only collect information about spent and unspent criminal convictions, when it is appropriate and lawful to do so, given the nature of your role or proposed role. Where

appropriate, we will collect information about criminal convictions as part of the recruitment process, or we may be notified of such information directly by you. We will process information about criminal convictions and offences pursuant to our legitimate interest, to put in place appropriate measures to safeguard our job applicants or Staff Members, business, service users and any other relevant parties.

4.4 Disclosure

Staff working in human resources, legal, finance and accounting, security, communications, and information technology roles, as well as certain managers (i.e. persons with assigned responsibility or managerial responsibility for the job applicant, Staff Member or groups of Staff Members) of Soundabout will receive access to certain of your personal data when necessary in connection with their job responsibilities.

4.5 Disclosure to the Soundabout Group

In certain circumstances Soundabout may share Staff Member personal data with other members of the "Soundabout Group", which means Soundabout, together with our subsidiaries, our ultimate holding company and its subsidiaries. This will be for pursuing our legitimate interests for the purposes of our business management, including workforce management and administration, forecasting and other related functions. Staff Members' business contact details, photographs and other business profile information will be made available on the Soundabout Group shared drive to staff within the Soundabout Group, for Soundabout and Soundabout Group's legitimate interest, so that such staff may contact other Staff Members or Soundabout Group personnel, in connection with Soundabout or Soundabout Group's business purposes.

4.6 Disclosure to Processors

For normal business operation purposes, we may disclose certain HR Data to service providers acting as processors in connection with benefits and payroll-related tasks for Staff Members (e.g. payroll providers and other benefit providers) for Soundabout's legitimate interests of fulfilling HR, benefit and payroll provision.

We may disclose HR Data to service providers for information technology and human resources support (e.g. online training programs and support services for performance evaluations and human resource management applications (Breathe HR) and for external HR and legal advice) for Soundabout's legitimate interests of ensuring appropriate information technology and support solutions are implemented and that specialist advice is sought and obtained for the benefit of its business.

All such service providers are bound by contract to refrain from using the HR Data which we collect from you for any purpose other than providing the respective service to Soundabout. Soundabout is responsible for its service providers' processing of the HR Data, which is transferred to them, in a manner consistent with applicable data protection law.

Soundabout may also share certain data with external advisors (such as lawyers, accountants, and auditors) and other recipients (such as banks and insurers, your family, associates and representatives, employment and recruitment agencies, current or prospective employers, educators and examining bodies, government authorities, suppliers and service providers, debt collection and tracing agencies, financial organisations, police forces and security organisations) for Soundabout's legitimate interests, for the purpose of functioning or safeguarding Soundabout's business.

Soundabout will: (i) exercise appropriate due diligence in the selection of its service providers; and (ii) require that its service providers maintain adequate technical and organisational security measures to safeguard the HR Data, and process the HR Data only as instructed by Soundabout and only in accordance with applicable data protection law.

We may disclose or transfer HR Data for the legitimate interests of pursuing Soundabout's or its shareholders' interests, in connection with, or during negotiations of, any merger, acquisition, spin-off, sale of Soundabout or its assets, product lines or divisions, any financing or any similar transaction. Soundabout may also disclose HR Data for our legitimate interests, to prevent damage or harm to any of the Soundabout Group, any of the Soundabout Group's services, or any person or property; or where disclosure is required by law (including to meet national security or law enforcement requirements); or in response to lawful requests by government authorities.

4.7 Lawful Basis

Soundabout collects and processes HR Data to the extent: (i) that it has a lawful basis for processing it; and (ii) that such HR Data is relevant for the purposes outlined in paragraph 4 (Purpose, use and disclosure). Processing of HR Data for those purposes will therefore be undertaken by us on the relevant lawful basis of:

- Consent – in situations where Soundabout has expressly requested consent, and you have freely provided it. You may withhold consent (or withdraw it subsequently), without any detriment to you.
- Performance of a contract to which the Staff Member is a party or in order to take steps at a job applicants' or Staff Members' request prior to entering into a contract – where this is necessary for such purposes.
- Compliance with a legal obligation (i.e. of a statutory or regulatory nature) that Soundabout is subject to.
- Processing is necessary in order to protect your vital interests or of another person – so this would apply in the event of a medical emergency where Soundabout has to take action.
- Processing is necessary for the purposes of the legitimate interests pursued by us or by a third party (where such interests are not overridden by your interests or fundamental rights and freedoms which require protection of personal data) – this would apply in cases where we do not use the above lawful bases, and the legitimate interest pursued by us would be: staff retention; maintaining or improving staff morale; ensuring staff are performing as required by the Soundabout business (and providing any support where applicable); checking or ensuring the suitability of staff to a role or task; exercising, defending, resolving or conducting claims; allowing ease of communication within Soundabout and the Soundabout Group; safeguarding the physical and mental wellbeing of our staff; or the prudent safeguarding, functioning or management of Soundabout's or Soundabout Group's business.

4.8 Retaining Data

For our record keeping purposes, we will retain personal data in accordance with applicable law, for so long as is required for the purposes outlined in paragraph 4 (Purpose, use and disclosure). To determine the appropriate retention period for HR Data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of HR Data, the purposes for which we process the HR Data and whether we can achieve those purposes through other means, and the applicable legal requirements.
In some circumstances we may anonymise HR Data, so that it can no longer be associated with the respective job applicant or Staff Member, in which case we may use such information without further notice to the respective job applicant or Staff Member.
Once a Staff Member is no longer engaged by us, we will retain or securely destroy the HR Data in accordance with our data retention policy or applicable laws.

Please ask Soundabout if you require any further information regarding retention periods.

4.9 Transferring personal data to a country outside the EEA

We may transfer any HR Data which we process, to a country outside the European Economic Area ("EEA"), where it is required for any of the purposes referred to in this Policy. We may do this in circumstances such as the following:

- If you have provided your consent.
- The transfer is necessary for one of the reasons permitted by data protection laws (e.g. the performance of a contract between us and you, or to protect your vital interests).
- The transfer is legally required on important public interest grounds or for the establishment, exercise or defence of legal claims.

We may also process HR Data outside the EEA by putting in place standard data protection clauses which have been adopted by the European Commission; or by ensuring that an international organisation operating outside the EEA, has in place Binding Corporate Rules governing how they process personal data (where such personal data will be processed outside the EEA); or by transferring HR Data to a country which has an adequate level of protection for your rights and freedoms (including the Privacy Shield in respect of transfers of HR Data to the USA).

HR Data is only transferred internationally outside the EEA, in compliance with applicable data protection laws.

5. Other Processing

In addition to the activities and purposes referred to above, we may also process, disclose, and transfer HR Data to governmental authorities and regulators (e.g. tax authorities), social organisations (e.g. a social benefits agency or social security organisations (e.g. pension funds)), courts and other tribunals to the extent required by applicable law.

When external organisations request to share Soundabout information or links to distribute within their Intranet or websites, employees are advised to share our links to Youtube videos as they are publicly available.

6. Rights with Regard to your own HR Data

With regard to your own HR Data, you have the following rights:

- right to access;
- the right to rectification;
- the right of erasure;
- the right to restrict processing;
- the right to object to processing;
- the right to data portability; and
- the right to withdraw consent.

You may exercise any of these rights by contacting us. Further details in respect of these rights are presented below. Under certain circumstances you have:

- **The right to access:** to receive a copy and certain details of the personal data which we process about you.
- **The right to rectification:** to have any incomplete or inaccurate personal data which we process about you, corrected.

- **The right to erasure:** to ask us to delete or remove your personal data, where there is no good reason for us continuing to process it.
- **The right to restrict:** to ask us to suspend the processing of your personal data (e.g. if you want us to check its accuracy or the reason for processing it).
- **The right to object:** to 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.
- **The right to data portability:** the right to obtain certain of your personal data which you have provided to us, in an electronic format.
- **The right to withdraw consent:** In the limited circumstances where you have provided your consent to the processing of your personal data for a specific purpose, you have the right to withdraw that consent for that specific processing.

The above rights are subject to any requirements or qualifications of applicable data protection laws. We will respond to your requests in respect of the above rights within the appropriate timeframe (determined by applicable law). If the request is complex, we may extend our response time in accordance with applicable law.

7. Changes

You are responsible for informing us if there are any changes to, or inaccuracies in, your HR Data.

We will only use your HR Data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another purpose (in which case we will let you know this, as well as the lawful basis for such processing).

We may amend this Policy at any time. If we make any changes to this Policy or the purposes for which we process your HR Data, we will notify you.

8. Data Security

There are appropriate organisational and technical measures to safeguard your HR Data from unauthorised or unlawful processing and against accidental loss, destruction or damage. We limit access to your HR Data to those personnel who have a need to know. Our personnel and our processors will process your HR Data on our instructions and such personnel are subject to a duty of confidentiality.

We have procedures to deal with any suspected data security breach. We will notify affected job applicants or Staff Members and the supervisory authority of any personal data breach in accordance with applicable laws.

9. Further Information

If you have any questions, comments or complaints about this Policy or wish to: (i) exercise any of the rights described in paragraph 6 above; (ii) make any other type of request in relation to the processing of your HR Data; or (iii) report a concern or complaint related to the processing of your HR Data; you should contact Soundabout.

We hope that we will be able to address any of your requests. However, you have the right to make a complaint about the processing of your personal data to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Review

	Date	Completed by
First Written	**May 2023**	**Maryse Degbegni** (from solicitor, removed: *'HR Data may also be processed on the above basis by staff operating outside the EEA who work for us or for one of our suppliers. Those staff may be engaged in, amongst other things, the fulfilment of contracts which we have with the Staff Member, the processing of payment details in relation to the Staff Member, or the provision of support services.* *A copy of the international safeguards for the processing of HR Data outside the EEA, where there is no adequacy decision available in respective of such non-EEA countries, is available from Soundabout.')*
Trustee Approval	**July 2023**	**Ceri Thomson**
Next review date	**April 2026**	

Soundabout, John Eccles House, Robert Robinson Avenue, Oxford Science Park, Oxford OX4 4GP
Website: www.soundabout.org.uk
Email: info@soundabout.org.uk Tel: 01235 797474
Registered Charity No. 1103002
Company Limited by Guarantee No. 5023067

Schedule 1

Personal Data Purposes

We will process your personal data, including (as applicable to your status as a job applicant or Staff Member) for the following purposes:

- Making a decision about your recruitment or appointment.
- Making decisions about your initial or continued employment or engagement.
- Determining the terms upon which you work for us.
- Checking that you are legally entitled to work in the UK.
- Equal opportunities monitoring.
- Administering the contract we have entered into with you.
- Making decisions about salary reviews, remuneration and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Payroll processing, organisational and workforce administration and planning, finance and accounting, tax reporting, and, if you are an employee, deducting tax and National Insurance contributions.
- Providing discretionary and contractual benefits to you (including any applicable pensions, private health benefits, permanent health insurance, or other benefits programmes).
- Liaising with your pension provider.
- Conducting performance reviews, managing performance and determining performance requirements.
- Monitoring your use of our information and communications systems to ensure compliance with our IT policies.
- Checking and ensuring network, organisational and information security, including preventing unauthorised access to our organisation, computer and electronic communications systems and preventing malicious software distribution.
- Gathering evidence for possible grievances or disciplinary hearings.
- Managing sickness absence or other forms of leave (including parental, maternity and compassionate leave).
- Ascertaining your fitness to work.
- Checking and ensuring compliance with our policies and procedures, including whistleblowing.
- Education, training and development requirements.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Complying with health and safety obligations.
- Preventing fraud.
- Making arrangements for the termination of our working relationship.
- Conducting data analytics studies to review and better understand employee retention and attrition rates.

Some of the grounds for processing of HR Data will overlap.

We may process special categories of HR Data as required above, or in the following circumstances:

- For equal opportunities monitoring.
- In the course of legitimate business activities with the appropriate safeguards.
- In limited circumstances, with your explicit written consent.
- Where we need to carry out legal obligations.
- Where it is needed to assess your working capacity on health grounds, subject to appropriate safeguards.
- In relation to legal claims or where it is needed to protect your vital interests (or someone else's interests) and you are not capable of giving your consent.
- Where you have already made the information public (but we will only process such personal data to the extent that we have a valid need to process it).

Employee Data Retention

Record	Retention Period
Income tax and NI returns, income tax records and correspondence with HMRC	not less than 3 years after the end of the financial year to which they relate
Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity	6 years from the end of the scheme year in which the event took place
Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence	3 years after the end of the tax year in which the maternity period ends
Statutory Sick Pay records, calculations, certificates, self-certificates	3 years after the end of the tax year to which they relate
Wage/salary records (also overtime, bonuses, expenses)	6 years from the financial year-end in which the payments were made
National minimum wage records	3 years after the end of the pay reference period following the one that the records cover
Records relating to working time	2 years from date on which they were made
Application forms and interview notes	3 months for unsuccessful candidates (whether internal or external). Successful candidates' information held in personnel file, and retained as per 'personnel files' below
Assessments under health and safety regulations and records of consultations with safety representatives and committees	Permanently
Inland Revenue/HMRC approvals	Permanently
Money purchase details	6 years after transfer or value taken

Parental leave	5 years from birth/adoption of the child or 18 years if the child receives a disability allowance
Pension scheme investment policies	12 years from the ending of any benefit payable under the policy
Pensioners' records	12 years after benefit ceases
Personnel files and training records (including disciplinary records and employment contracts)	6 years after employment or engagement ceases
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years from the date of redundancy
Senior executives' records (that is, those on a senior management team or their equivalents)	permanently for historical purposes
Trade union agreements	10 years after ceasing to be effective
Trust deeds and rules, trustees' minute books, works council minutes	Permanently
Current bank account details	For period of employment or engagement and any additional period which is necessary to make any payments which arise following termination of employment or engagement.
Immigration checks	2 years after the termination of employment or engagement.
Death benefit nomination and revocation forms	Whilst employment continues or up to 6 years after payment of benefit.

Record	Statutory retention period
Accident books, accident records/reports	3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). (See below for accidents involving chemicals or asbestos)
Medical records and details of biological tests under the Control of Lead at Work Regulations, medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry
Medical records under the Control of Asbestos at Work Regulations **Medical records containing details of employees exposed to asbestos** **Medical examination certificates**	40 years from the date of the last entry 4 years from the date of issue
Medical records under the Ionising Radiations Regulations 1999	Until the person reaches 75 years of age, but in any event for at least 50 years
Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)	5 years from the date on which the tests were carried out
Records relating to children and young adults	Until the child/young adult reaches the age of 21