

Introduction

Railway Drainage Limited (RDL) is committed to protecting the privacy and security of your personal information. This privacy notice describes how RDL collects and uses personal information about you during and after your working relationship with us as a member of agency staff assigned by your agency for temporary work RDL in accordance with the General Data Protection Regulations (GDPR).

It applies to all agency workers assigned by their agency for temporary work with RDL.

RDL is a “data controller”. This means that we are responsible for deciding how we hold and use certain personal information about you. We are also a “data processor” in that we are provided information regarding you via your agency. We are required under data protection legislation to notify you of the information contained in this privacy notice.

It is important that you read this notice, together with any other privacy notice 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.

DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you must be:

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

THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, 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). There are “special categories” of more sensitive personal data which require a higher level of protection.

We may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Emergency contact information.
- National Insurance number.
- Hourly rate, annual leave, pension and benefits information relating to the pay and benefits you receive via your agency.

- Dates of your assignment at RDL via your agency.
- Location of workplace.
- Copy of driving licence.
- Recruitment and skills information provided via your agency where applicable (including copies of right to work documentation, references and other information included in a CV or other information provided by your agency).
- Engagement records (working hours).
- CCTV footage and other information obtained through electronic means such as Sentinel swipe card records.
- Information about your use of our information and communications systems.
- Photographs.

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity.
- Information about your health, including any medical condition, health and sickness records.
- Biometric information captured as part of any client biometric entry system.

HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We typically collect personal information via your agency. We will collect additional personal information in the course of job-related activities throughout the period of your temporary assignment with us.

HOW WE WILL USE INFORMATION ABOUT YOU

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:

1. Where we need to comply with a legal obligation.
2. 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 may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else’s interests).
2. Where it is needed in the public interest or for official purposes.

Situations in which we will use your personal information

We need all the categories of information in the list above primarily to allow us to perform our contract with you agency 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.

- Making a decision about whether to accept you via your agency for a temporary work assignment.
- Determining the terms of your assignment via your agency.
- Recording the hours that you work whilst on assignment with RDL.
- Checking your entitlement to pay and benefits with your agency for the purpose of our legal obligations.
- Liaising with your agency.
- Making decisions about your continued assignment with RDL.
- Managing any sickness absence reported via your agency and ascertaining your fitness to complete your assignment with us.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- 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.
- For any client biometric entry system.
- Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide personal information

If you fail to provide certain information when requested either to RDL directly or via your agency we may not be able to accept you for a temporary work assignment via your agency or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Change of purpose

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

HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

"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:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations.

3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information 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.

Our obligations as a hirer

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

- We may receive information relating to leaves of absence, which may include sickness absence or family related leaves from your agency, to comply with employment and other laws.
- We may use information about your physical or mental health, or disability status provided via your agency or yourself to ensure your health and safety in the workplace and to assess your fitness to complete your temporary work assignment with RDL.
- Clients may capture your biometric information for use in their biometric entry system. Under this system a finger scan image is captured by the biometric sensor at the point of enrolment on a biometric device. This is converted into an algorithm, which measures the position of various features of the finger scan and is recorded as a set of coordinates which defines their positions relative to one another (like a graph). This finger scan template information is encrypted and saved on the device sensor. The image of the finger print is discarded and not saved. Your finger print cannot be reverse engineered from the information saved. This system is used to allow you entry to and record your hours on some client sites.

Do we need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law.

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. We do not envisage that we will hold information about criminal convictions for agency workers.

AUTOMATED DECISION-MAKING

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

DATA SHARING

We may have to share your data with third parties, including third-party service providers. We require third parties to respect the security of your data and to treat it in accordance with the law.

Why might you share my personal information with third parties?

We may share your personal information with third parties where required by law, where it is necessary to administer the working relationship with your agency or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

“Third parties” includes third-party service providers (including contractors and designated agents). The following activities may be carried out by third-party service providers: payroll, the provision of IT support and some elements of HR management.

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

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.

What about other third parties?

We may share your personal information with other third parties, for example your agency. We may also need to share your personal information with a regulator or to otherwise comply with the law.

Transferring information outside the EU

We do not anticipate transferring your information outside of the EU.

DATA SECURITY

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.

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.

DATA RETENTION

How long will you use my information for?

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. 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, our reporting and auditing requirements and whether we can achieve those purposes through other means, and the applicable legal requirements.

Subject at all times to our duty to minimise the data we store and subject to compliance with our legal obligations and legitimate interests of the company, we envisage that we shall store personal data about agency workers for no longer than 7 years after the termination of their engagement. Following termination of their temporary assignment we will review, where possible, the personal data we hold and take steps to minimise the data retained where these requirements are met. Occupational health information that could inform future claims by you or your next of kin may be held in perpetuity where there is legitimate reason to do so.

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 or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy.

DATA PROTECTION OFFICER

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. 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.

RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your duty to inform us of changes

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.

Your rights in connection with personal information

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

- Request access to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request the erasure of your personal information. 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 stop processing personal information where we are relying on a legitimate interest and there is

something about your particular situation which makes you want to object to processing on this ground.

- Request the restriction of processing of your personal information. This enables 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.
- Request the transfer of your personal information to another party.
- If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the DPO in writing.

No fee usually required

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.

What we may need from you

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.

RIGHT TO WITHDRAW CONSENT

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 DPO. 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.

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 information.