

14.02.01.02 - GDPR privacy notice for employees, workers, and contractors

1. Introduction

YES is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with data protection law, including the General Data Protection Regulation (GDPR).

2. Application

The notice applies to all employees, (current, former and candidates) workers and contractors and does not form part of any contract of employment or other contract to provide services. It may be updated at any time, if it is, we will let you know.

3. Approach

YES is a "data controller". This means we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

It is important you read this notice, together with any other privacy notice provided on specific occasions when we are collecting or processing personal information about you, so you are aware of how and why we are using such information.

4. Data protection principles

We will comply with data protection law, which says personal information we hold 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.

5. 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 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.
- Dates of birth, marriage and divorce.
- Gender.
- Marital status.
- Next of kin, emergency contact and death benefit nominee(s) information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date, leaving date.
- Location of employment or workplace.
- Copy of driving licence, passport, birth and marriage certificates, decree absolute.
- 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).
- Compromise/compensation history.
- Performance and appraisal information.
- Disciplinary and grievance information.
- Secondary employment and volunteering information
- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.
- Photographs, videos.
- Accident book, first aid records, injury at work and third-party accident information.
- Evidence of your right to work in the UK/immigration status

We will also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, and political opinions.
- Information about your health, including any medical condition, health and sickness records.
- Biometric data.
- Information about criminal convictions/allegations and offences where staff work with vulnerable customers

6. How is your personal information collected?

We typically collect personal information about employees, workers and contractors through the application and recruitment and onboarding process, either directly from candidates or sometimes from an employment agency or background check provider. We will sometimes collect additional

information from third parties including former employers, credit reference agencies or other background check agencies, including:

- Her Majesty's Revenue and Customs (HMRC)
- United Kingdom Security Vetting (UKSV)
- Disclosure Barring Service (DBS)
- Local Authority
- Department of Work and Pensions
- We will review lists of previously unsuccessful candidates for some roles within YES
- Employee's doctors
- Medical and occupational health professional

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

7. 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:

- Where it is necessary for performing the contract we have entered into with you.
- Where we need to comply with a legal obligation.

There can be rare occasions where it becomes necessary to use your personal information to protect your interests (or someone else's interests).

7.1. Situations in which we will use your personal information

We need all the categories of information in the list above (Section **5. The kind of information we hold about you**) to enable us to perform our role as employer; to enable us to comply with legal obligations.

The situations in which we will process your personal information are listed below.

- Deciding about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK and to provide you with the security clearance appropriate for your role.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Liaising with your pension provider, providing information about changes to your employment such as promotions, changing in working hours.
- General administration of the contract we have entered 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 job or task, including decisions about promotions.
- Gathering evidence and any other steps relating to possible grievance or disciplinary matters and associated hearings.
- Making decisions about your continued employment or engagement.
- Preparing 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 business and personal 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 purposes will overlap and there can be several grounds which justify our use of your personal information.

7.2. If you fail to provide personal information

If you fail to provide certain information when requested, we will not be able to fully perform the contract we have entered with you (such as paying you or providing a benefit), or we could be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

7.3. 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 or new purpose, we will notify you and we will explain the legal basis which allows us to do so.

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

8. 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 will, if necessary, process special categories of personal information in the following circumstances:

- Where we need to carry out our legal obligations or exercise our employment-related legal rights and in line with our data protection policy.
- Where it is in line with our data protection policy, and necessary for:
 - a. administering our pension scheme
 - b. preventing or detecting unlawful acts
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- In some circumstances, we will 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.

8.1. Our obligations as an employer

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

- We will use information relating to leave of absence; this can include sickness absence or family related leave, 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.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- The status of a protected employee and to comply with employment law obligations.

8.2. 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 for one of the other reasons outlined above (Section ‘**8. How we use particularly personal information**’). In limited circumstances, we will 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 information 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 with us that you agree to any request for consent from us.

9. Information about criminal convictions

We will only use information relating to criminal convictions or alleged criminal behaviour where the law allows us to do so. This can arise when it is necessary for us to comply with the law or for another reason where there is a substantial public interest in us doing so.

Less commonly, we will, if necessary, use information relating to criminal convictions or alleged criminal behaviour 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 will only collect information about criminal convictions or allegations of criminal behaviour where it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions/allegations as part of the recruitment process or if we are notified of such information directly by you in the course of you working for us. We will use information about criminal convictions/allegations and offences in the following ways:

- Cross-refer to relevant policies/processes/vetting procedures.
- We are allowed to use your personal information in this way where it is in line with our data protection policy and where one of the following reasons arises:
- Where we need to carry out our legal obligations or exercise our employment-related legal rights.

10. Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to decide without human intervention. We can 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 our duty as an Employer, there are appropriate measures 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.
- Where you have agreed to accessing hardware using biometric information – fingerprint scanning of facial recognition on company provided devices.

If we make an automated decision based on 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.

11. Data sharing

In some circumstances we will 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. We will in some circumstances transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

11.1. Why might you share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you; where it is in the public interest to do so or where it is necessary for the performance of our functions. This will, in some circumstances, involve sharing special categories of personal data and, where relevant, data about criminal convictions/allegations.

11.2. Evidencing Social Value

From time to time YES may need to share your personal information with 3rd parties who are acting on behalf of our business partners and clients to determine the social value gained through YES' delivery of activity on the partner or client's behalf. We will rely on legitimate interest as our lawful basis to share your contact information with the 3rd party so they can seek consent from you to process your data for the purpose of social value validation. To be fair and transparent we will tell you if we share your data in this way and with whom, your rights are not affected, and you can choose to ask the provider not to process your data in this way.

11.3. Company EV Scheme

YES Energy Solutions runs a subsidised electric vehicle leasing scheme for the benefit of eligible staff, to enrol you in the scheme YES will share some of your personal data with the EV scheme provider.

We will only share your personal data with the provider when you have shown an interest in joining the scheme; in this case we will rely on legitimate interest as our legal basis for sharing your data with the scheme provider. Sharing of this data is required for the provider to onboard you to their service so you can view the details of vehicles appropriate to your salary and personal circumstances, we will ensure that the minimum data required for onboarding is shared including your company contact information, date of birth, and payroll ID.

11.4. Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents). The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, IT services, security vetting. The following third-party service providers process personal information about you for the following purposes.

Who has access?	Purpose	3 rd party policy
Aegon	Provide pension services to employees who are enrolled in the company pension scheme	https://www.aegon.co.uk/support/faq/privacy.html
Aviva	Provide pension services to employees who are enrolled in the company pension scheme	https://www.aviva.co.uk/services/about-our-business/products-and-services/privacy-policy/
United Kingdom Security Vetting	Provides vetting for National Security Clearances (DV, SC, CTC)	https://www.gov.uk/government/publications/national-security-vetting-privacy-notice
Disclosure Barring Service (DBS)	Provides vetting service for staff who undertake work with vulnerable customers	https://www.gov.uk/government/publications/standard-and-enhanced-dbs-check-privacy-policy

HMRC	For processing payroll information	https://www.gov.uk/government/publications/data-protection-act-dpa-information-hm-revenue-and-customs-hold-about-you/data-protection-act-dpa-information-hm-revenue-and-customs-hold-about-you
JCS (HR)Ltd	Provide specialist HR consultancy to the business	http://www.jcs-hr.co.uk/terms.php
Centurion Management Systems Limited	Provides the BreathHR self- service employee lifecycle management application in the cloud	https://app.breathhr.com/content/processing_policy
Wheawill & Sudworth Ltd Up to 2020/21	Company auditors require access to view information about employees to audit legal compliance with financial regulations	https://www.wheawill.co.uk/sites/www.wheawill.co.uk/files/documents/Privacy%20Notice%20%283%29.pdf
Bagnall Hopkins	Recruitment of direct and temporary staff	https://www.bagnallhopkins.co.uk/uploads/bagnall_hopkins/files/bh-privacy-policy.pdf

4it Recruitment	Recruitment of specialist IT resource	https://www.4itrecruitment.co.uk/privacy/
Apple	Location based services	https://www.apple.com/uk/privacy/
Sage UK Ltd.	Provides Online Payroll Services	https://www.sage.com/engb/legal/privacy-and-cookies/
Armstrong Watson From 2020/21	YES Energy's chosen Apprenticeship provider requires staff information to provide training and administration of the apprenticeship scheme they are enrolled upon	https://www.armstrongwatson.co.uk/privacy-policy
Baltic Apprenticeships From 2020	YES Energy's chosen Apprenticeship provider requires staff information to provide training and administration of the apprenticeship scheme they are enrolled upon	https://www.balticapprenticeships.com/policies
Education & Skills Funding Agency (ESFA) From 2020	Employees enrolled on a government endorsed Apprenticeship scheme will have their information shared with the ESFA for administrative purposes	https://www.gov.uk/government/publications/esfa-privacy-notice
Vitality	Employees enrolled on the Vitality Health Scheme will have their information shared for purposes of administrating the scheme.	https://www.vitality.co.uk/legal/
MetLife	Death In Service, Employees have their information shared for administration.	https://www.metlife.co.uk/privacy-policy/

Threedom	HR support – Sometimes employee information is shared when we require business support or consultancy around employment.	https://threedom solutions.co.uk/privacypolicy/
Culture Recruitment	Recruitment agency - Providing staff for the company	https://www.culture recruitment.co.uk/privacy-policy
Pink Vehicle Leasing Limited	Company Electric Vehicle Scheme	https://pinksalaryexchange.co.uk/privacy/

11.4. 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.

11.5. When might you share my personal information with other third parties?

If required, we will need to share your personal information with a regulator or to otherwise comply with the law.

12. Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request to yes.dataprotection@yesenergysolutions.co.uk.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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. Details of these measures are available from YES IT department.

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.

13. 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. Details of retention periods for different aspects of your personal information are available in our Retention policy.

In some circumstances we will anonymise your personal information so that it can no longer be associated with you, in which case we will 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 applicable laws and regulations.

14. Rights of access, correction, erasure, and restriction

14.1. 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.

14.2. 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 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 beyond the statutory legal period for retention of employment information. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your 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 information for direct marketing purposes.

- **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 write to yes.hr@yesenergysolutions.co.uk.

14.3. 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 are allowed under the law to charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we can refuse to comply with the request.

14.4. What we need from you

We sometimes 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 personal information is not disclosed to any person who has no right to receive it.

15. Right to withdraw consent

If you 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 yes.hr@yesenergysolutions.co.uk. We will then stop processing your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

16. 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 will also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact your line manager in the first instance.

17. Related documents

Retention policy
Data protection policy