

## PRIVACY NOTICE

4th March 2021

**This UK GDPR Privacy Notice will apply, as applicable, to employees, workers, contractors, honorary staff and externals of Middlesex University, or MU Services Limited . MU Services Limited is a wholly owned subsidiary of Middlesex University.**

**Where the term ‘we’ is used below, it will apply, as applicable to the University or MU Services Limited, in relation to their contractual relationship with an employee, worker, contractor, honorary staff and externals. The term ‘you’/’your’, will apply as applicable to an employee, worker or contractor of the University or MU Services Limited.**

### **Purpose of this document**

1. We are committed to protecting the privacy and security of your personal information in accordance with the data protection legislation laid down in UK General Data Protection Regulation (UK GDPR). This privacy notice describes how we collect and use personal information about you in accordance with the data protection legislation. It applies to all employees, workers and contractors.
2. The data protection legislation protects the rights of individuals by setting out certain rules as to what organisations can and cannot do with information about people. A key element to this is the principle to process individuals’ data lawfully and fairly. In order to meet the fairness part of this we need to provide information on how we process personal data.
3. We will process your personal information as a ‘data controller’ as defined in the data protection legislation. This means that we are responsible for deciding how we hold and use personal information about you. We are required under the data protection legislation to notify you of the information contained in this privacy notice.
4. This privacy notice applies to current and former employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.
5. You may from time to time have to consider this privacy 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 and what your rights are under the data protection legislation.
6. Our contact for matters relating to the application of data protection law and related policies including this one is:

The University’s Data Protection Officer

Middlesex University  
The Burroughs  
London  
NW4 4BT  
Tel: +44 (0)20 8411 4124  
Email: dpaofficer@mdx.ac.uk

## **Data Protection Principles**

We will comply with the data protection legislation and relevant guidance issued by the Information Commissioner's Office. The data protection legislation requires 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 information we may collect about you**

We may collect personal data or information relating to you from which you can be identified. It does not include data where any information that can lead to you being identified has been removed (anonymous data).

There are certain types of more sensitive personal data, known as 'special category data' which require a higher level of protection. Special category data includes data on: race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health data. Information about criminal convictions also warrants this higher level of protection.

This privacy notice applies to the personal data we may collect about you in your capacity as an employee, worker or contractor.

We may collect personal data of contractors and workers during the engagement process, directly or from intermediaries such as from an employment agency, or background check provider. We may sometimes collect additional information from third parties including former clients, credit reference agencies or other background check agencies.

## **A. PERSONAL INFORMATION PROCESSED RELATING TO ACADEMIC, AND PROFESSIONAL SERVICES STAFF**

### **What personal data would we collect from academic and professional services staff that will be employed as employees ?**

We may collect personal information relating to you, from you, or from third parties, as outlined below, for purposes of managing and administering the process of recruitment and thereafter the

employment relationship. The information that may be processed is listed below, and the legal bases for processing this information is specified in Schedule 1 below.

- **INITIAL APPLICATION:**

- Name and address
- National insurance number
- Contact details (telephone number, email address)
- Self-declaration of permission to work in the UK and upload of passport/visa copy if necessary
- Relevant qualifications or indication of highest qualification held
- Professional development / training and membership of any professional body
- Employment history
- Supporting statement
- Referee details and references
- Right to work status
- Criminal record disclosure
- Data captured for equal opportunities monitoring (gender, date of birth, nationality, marital status, sexual orientation, religious belief, ethnicity)
- Declaration about any disability as defined under the Equality Act 2010
- Any other information the applicant may provide as part of the application process

- **ONCE A CANDIDATE HAS BEEN MADE AN OFFER OF EMPLOYMENT:**

- Start date and , if different date your continuous employment
- Bank details
- Tax code and NI
- Passport, Biometric Residence Permit (BRP), other Right to Work documentation
- Emergency contact details
- Qualification information required to be shared with HESA
- Data captured for equal opportunities monitoring (as above)
- Health information
- Certain positions also require a DBS compliance check to be completed
- Pension details

## **PART OF THE EMPLOYMENT CYCLE**

**In the course of the employment cycle personal data may be processed in connection with the activities below**

- Staff training opportunities involving third parties
- Administering training records
- Using staff images as part of the university's promotion activities and or for external events
- References
- Records relating to performance and appraisal
- Records relating to administering leave entitlements
- Responding to health and disability issues arising which require reasonable adjustments to comply with relevant legislation , delivery of occupational health advice and services to you in relation to your role; supporting diversity programmes and staff support networks and initiatives
- Investigating and mitigating suspected misuse of our assets , systems and platforms, ensuring compliance with University policies and procedures, and compliance with obligations under the contract of employment

- Records obtained through implementing security measures to monitor our physical premises and systems, networks and applications which includes use of CCTV and other information obtained through electronic means such as swipe card records
- Records related to carrying out allocating and assigning responsibilities as necessary for workload management purposes
- Supporting and maintaining infrastructure technology
- Supporting the sale transfer or merging of part of all of our business or assets or in connection with the acquisition of another business
- Salary details, salary sacrifice, and tax related administrative activities
- Updating visa status, personal status, jury service, sabbatical or external secondment, DBS or medical status
- Health and sickness records
- Managing health and safety compliance
- Maternity, paternity, adoption leave details
- Professional membership details
- Records related to investigations into work related conduct and performance
- Records related to disciplinary matters , grievance, underperformance, employment tribunal details, and legal proceedings, including compliance with Court orders for the disclosure of information
- Responding to non-binding and binding requests or search warrants or orders from courts, governmental, regulatory and/or enforcement bodies and authorities,
- Driving details and location if applicable to your role
- Details regarding gender reassignment
- Information related to disability, reasonable adjustments and occupational health matters
- Trade union holder subscriptions paid via our payroll
- Details related to pension benefits in service
- Information about criminal convictions and offences committed during the employment period
- Police or other official related activity
- REF submissions
- Business planning measures Communications with employed staff
- Processing information for the purpose of administering our insurance policies
- Leaving the university including leaving date and reasons for leaving, exit surveys, and processing references , pension related, exit surveys, and REF submissions.

**B. PERSONAL INFORMATION PROCESSED RELATING TO STAFF WHO ARE NOT EMPLOYED ON EMPLOYMENT CONTRACTS, SUCH AS CONTRACTORS, AGENCY WORKERS, EXTERNALS, HONORARY AND OTHER WORKERS .**

**(Note: For the avoidance of doubt, in relation to MU Services Limited staff providing services for the University the information specified in this section will, as applicable, apply to the University processing the personal data of MU Services Limited staff)**

If this section applies to you, we will collect personal information in the course of job related activities throughout the period of your engagement. We may collect, store and use the following categories of personal data about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of birth
- Gender
- Next of kin and emergency contact information

- National insurance number
- Copy of identification (Passport/driving licence)
- Bank account details
- Tax status, and if applicable information results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are provided Start date
- Location of engagement or workplace
- Right to work documentation
- References and other information included in a CV or cover letter or as part of the tendering or engagement process)
- Prior employment records (including job titles, work history, working hours, training records and professional memberships)
- Records obtained through implementing security measures to monitor physical premises and systems, networks and applications which includes use of CCTV and other information obtained through electronic means such as swipe card records
- Processing information for the purpose of administering our insurance policies
- Information about your use of our information and communications systems
- Photographs
- Information about criminal convictions and offences committed during the period working for us

### **C. HOW WILL WE COLLECT YOUR PERSONAL DATA?**

We primarily collect your personal data (which may include special category personal data) through the information you submit in the recruitment/engagement/procurement process, either directly, or if applicable through an intermediary such as an employment agency.

In relation to employees, we also ask for additional personal data during our on boarding process as we require additional information about you when you actually become our employee. We may require additional information during your time as an employee for a number of reasons for management and administrative reasons and such additional information may include but is not limited information concerned with staff development opportunities, ill-health, etc.; we may also need personal special category data as part of the off boarding stage when you leave ceased to be employed by us e.g. information collected via exit survey.

We may also require you to provide your personal data to enable the provision of a service to you. The data needed and the justification as to why this is required will be provided to you at the point you access the service(s).

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

### **D. HOW WE WILL USE INFORMATION ABOUT YOU?**

We will primarily process your personal data to facilitate recruitment activity and to administer the requirements that we must meet, for example, as an employer in line with UK law. In addition, your information will be used to facilitate operational activity within the relevant faculty / professional service.

We will only use your personal information when the law allows us to as specified below in (i) to (v) below:

- (i) To perform a contract we have entered into with you, or to perform a contract with another contracting party that requires us to process your personal data for lawful reasons e.g. a contract with an employment agency.
- (ii) To comply with a legal obligation.
- (iii) 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.
- (iv) Where we need to protect your interests (or someone else's interests)
- (v) Where there is a need in the public interest or for official purposes.

We need all the categories of information specified in this privacy notice primarily to allow us to perform our contract with you, and to enable us to comply with our legal obligations. In some circumstances we may use your personal information to pursue legitimate interests, providing your interests and fundamental rights do not override our legitimate interest. The lawful basis in (i) above, is likely to be the most applicable; and the lawful bases specified in (iv) and (v) would only apply in rare circumstances.

We also need to process 'special categories' of personal data on the legal basis of employment, social security and social protection (when authorised by law).

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

**(The lawful bases of processing referred to above, and applied to different types of personal data we may process, is set out in a table in Appendix 1 below).**

## **E. IF YOU FAIL TO PROVIDE PERSONAL INFORMATION**

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

## **F. 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.

## **G. SHARING OF PERSONAL DATA**

We may be required to share personal data with certain other organisations to comply with the law (such as to meet statutory requirements or contractual requirements), or to provide services to staff

to comply with our contractual obligations, or where it is necessary to administer the working relationship with staff, or where we have another legitimate interest in doing so. Sharing will always be undertaken in line with the requirements of data protection law, using the relevant legal basis as defined by the data protection legislation. The personal data that is actually shared will always be limited precisely to what the other organisations need to meet its requirements or to deliver its services.

The information below outlines the key partners with whom the University, and as applicable M U Services may share personal data with on a periodic basis:

- National/Local Government Departments and other public bodies:
  - Higher Education Statistics Agency (HESA) to produce a variety of statistical reports about higher education that are required to be published in the public interest;
  - The Office for Students OFS is an independent regulator of higher education in England, it ensures a high quality threshold is maintained by all HEIS and does this by requiring the university to provide necessary data regarding its student and staff activities;
  - The Universities and Colleges Employers Association (UCEA) represents the interests and views of UK Higher Education (HE) organisations as employers, and covers areas such as Pay and Negotiation, Employment Policy and Law, Pensions, Health and Safety, Research, benchmarking exercises and surveys. Immigration Agencies to ensure compliance with the conditions attached to staff right to work;
  - the courts, the police and other organisations with a crime prevention, (including DBS) or law enforcement function (subject to meeting the conditions of Section 29 of the DPA);
  - Insurers and legal advisers for the purpose of providing insurance cover and legal advice, or in the event of a claim;
  - The University's recognised Trade Unions, the University and College Union and Unison (for staff with an active membership only); and
  - Employers who request a reference (for relevant staff and students);
  - Occupational health (including Derwent Medical Centre) and the Health and Safety Executive (HSE) to enable the University to support staff during ill-health or where accidents occur;
  - Wellbeing related activity (including Optum employee assistance scheme);
  - Home Office, UK Immigration Agencies to ensure compliance;
  - Government bodies for statutory returns such as gender pay reporting, equal pay audit i.e. the Equality and Human Rights Commission;
  - Our outsourced postal and printing facility via CDS;

- Pension providers, Teachers Pension Scheme via Capita, Local Government Pension scheme via West Yorkshire, and the University's Defined Contribution Pension scheme via Scottish Widow. Pension brokers Mercer;
- Insurers UNUM in relation to the DC pension scheme provision for life assurance and income protection scheme;
- HM Revenue and Customs;
- Auditors;
- Government bodies that run the Research Excellence Framework (REF 2021) including UK Research and Innovation's (UKRI);
- Research councils and other prospective and actual funders of research;
- Training providers;
- Benchmarking organisation;
- Stonefish our e-recruitment provider;
- Clear Review for undertaking performance reviews and appraisals;
- Culture Amp for staff engagement surveys and staff exit surveys;
- Hays our outsourcing support; Atlantic Data for processing our Disclosure and Barring Services checks;
- Marshall ACM, Lib Apps from Springshare, and Sumac for supporting online learning, training and mentoring;
- Unitemps for recruiting students/workers;
- FMP outsourced payroll provider for those recruited via Unitemps;
- MDXSU (the Students union) for sharing data.

There may also be adhoc sharing of personal data with honorary staff, and other individuals engaged in activities with us for consultancy or other purposes, where we have a legitimate interest in sharing the personal information of other staff and employees to the extent that it is necessary or justified in relation to the functions to be carried out by such honorary staff and other individuals. In these

instances staff and employees will be notified in advance of such sharing to enable them to be aware of what information will be shared. Special category personal information will not be shared in such circumstances, unless we have obtained explicit consent from such staff or employees, or an exemption under the data protection legislation applies to permit such sharing without consent.

## H. HOW LONG DO WE KEEP PERSONAL DATA?

We take our obligations under the GDPR seriously in terms of not holding onto personal data for any longer than is necessary. We have a [Retention schedule](#) in place for the different categories of data we hold.

In some cases, there are good reasons as to why we need to retain data about staff for a significant period of time. The most important reasons are outlined below:

- to deal with complaints, disciplinary cases and court action;
- for statutory reporting purposes and in order to complete statutory surveys;
- to produce references on request from previous employees; and
- provide accountability for public investment in research and produce evidence of the benefits of this investment;
- provide benchmarking information and establish reputational yardsticks, for use within the higher education sector and for public information;
- and, importantly, inform the selective allocation of funding for research;
- in order to meet pension obligations.

## I. YOUR RIGHTS

Under the GDPR you have the following rights:

- to obtain access to, and copies of, the personal data that we hold about you;
- to require that we cease processing your personal data if the processing is causing you damage or distress;
- to require us not to send you marketing communications;
- to require us to correct the personal data we hold about you if it is incorrect;
- to require us to erase your personal data;
- to require us to restrict our data processing activities (and, where our processing is based on your consent, you may withdraw that consent, without affecting the lawfulness of our processing based on consent before its withdrawal);

- to receive from us the personal data we hold about you which you have provided to us, in a reasonable format specified by you, including for the purpose of you transmitting that personal data to another data controller;
- to object, on grounds relating to your particular situation, to any of our particular processing activities where you feel this has a disproportionate impact on your rights;
- To request the transfer of your personal information to another party.

Please note that the above rights are not absolute, and we may be entitled to refuse requests where this is permitted under the UK GDPR.

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.

You also have the right to complain to the UK Regulator the Information Commissioner's Office (ICO) if you believe your request has not been dealt with properly or you have a complaint to raise against the University for any other data protection related issue. A complaint can be raised via the [ICO's website](#)

**You also have the right to withdraw consent from the processing of your personal data by the University at any time, if your consent was sought initially to use your personal data. 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.**

To exercise any of the above rights please get in contact with the University's Data Protection Officer, see details above.

## J. YOUR RESPONSIBILITIES

All staff and individuals who handle personal information for which we are responsible must follow the requirements of our Data Protection Policy and other relevant guidance we issue.

Additional information

- Further information about GDPR is available here: <https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>
- [Record Management Policy](#)
- [Retention Schedule](#)
- <https://www.intra.mdx.ac.uk/tools-policies/it-services-ccss/it-policies>

## K. CHANGES TO THE 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.**

**APPENDIX 1 – LAWFUL BASIS OF PROCESSING**

<b>INFORMATION COLLECTED (Reference to Sections in this table are to Sections A and B above</b>	<b>LAWFUL BASIS FOR PROCESSING</b>
<p><b>Section A:</b></p> <p><b>The personal data from applicants.</b></p> <p>Information specified in Section A above, related to administering the initial application for employment.</p>	<ul style="list-style-type: none"> <li>• It is necessary for our legitimate interests or those of third parties; and/or</li> <li>• You have given consent</li> <li>• Necessary to comply with legal obligations</li> </ul>
<p><b>Section A:</b></p> <p><b>The personal data from employees during the period of employment.</b></p> <p>The information specified in Section A relating to the period of employment.</p>	<ul style="list-style-type: none"> <li>• It is necessary for our legitimate interests or those of third parties; and/or</li> <li>• You have given consent; and/or</li> <li>• Necessary to comply with legal obligations</li> <li>• Necessary to comply with your contract</li> <li>• Necessary to protect your vital interests or those of someone else</li> </ul>
<p><b>Section B</b></p> <p>Information specified in section B above, from workers, or contractors, during the period of delivery of the services and on termination of the services. (This will include M U Services staff providing services at the University).</p>	<p>As applicable to the specific data being processed, and reasons applicable to the processing decision, the following bases for processing may apply:</p> <ul style="list-style-type: none"> <li>• It is necessary for our legitimate interests or those of third parties; and/or</li> <li>• You have given consent; and/o</li> <li>• Necessary to comply with contractual obligations with you or an intermediary as applicable; and/or</li> <li>• Necessary to comply with legal obligation; and/or</li> <li>• Necessary to protect your vital interests or those of someone else</li> </ul>
<p><b>SPECIAL CATEGORY DATA (As applicable in either Section A or B)</b></p>	<p><b>LAWFUL BASIS FOR PROCESSING</b></p>

<p>Obtaining special category information that may include background checks, verification and vetting which are not required by law but needed by us to assess your suitability for your role</p>	<p>As applicable:</p> <ul style="list-style-type: none"> <li>• It is necessary for your/our obligations and rights in the field of <b>employment and social security</b> and social protection law</li> <li>• Necessary for you ( the worker contractor) to comply with your contract with us;</li> <li>• You have given explicit consent</li> <li>• It is necessary for reasons of <b>substantial public interest</b></li> </ul>
<p>Managing absence records, contractual sick leave entitlement and administering related payments</p>	<p>As applicable:</p> <ul style="list-style-type: none"> <li>• It is necessary for your/our obligations and rights in the field of <b>employment and social security</b> and social protection law</li> <li>• Necessary for contract compliance;</li> <li>• You have given explicit consent</li> <li>• It is necessary for reasons of <b>substantial public interest</b></li> </ul>
<p>Contacting the appropriate person in the event of an emergency concerning you</p>	<ul style="list-style-type: none"> <li>• You have given explicit consent</li> <li>• It is necessary for reasons of <b>substantial public interest</b></li> </ul>
<p>Administering our insurance policies</p>	<ul style="list-style-type: none"> <li>• Necessary for reasons of substantial public interest</li> </ul>
<p>Determining whether any adjustments are necessary to enable you to carry out your role</p>	<ul style="list-style-type: none"> <li>• It is necessary for your/our obligations and rights in the field of <b>employment and social security</b> and social protection law</li> </ul>
<p>Making reasonable adjustments as needed to help remove barriers faced by you in your role because of any disability you might have</p>	<ul style="list-style-type: none"> <li>• It is necessary for your/our obligations and rights in the field of <b>employment and social security</b> and social protection law</li> </ul>
<p>Delivering occupational health advice and services to you in relation to your role with us</p>	<ul style="list-style-type: none"> <li>• Necessary for occupational or preventative medicine for the assessment of the working capacity of the employee</li> </ul>
<p>Supporting our diversity programmes and staff support networks and initiatives</p>	<ul style="list-style-type: none"> <li>• Consent</li> </ul>