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| sportscotland |
| SGBs template privacy notice wording for employees |

*Drafting Note: This template is a specific privacy notice for employees and sets out the headings required under the UK GDPR. SGBs should use this template wording to create bespoke privacy notices using the headings and example text where appropriate by completing the text in square brackets. SGBs should select and copy the text into SGBs' specific templates. Please review the notes at the end of this document before preparing any privacy notices.*

# [insert name of SGB] Privacy Notice for Employees

This notice explains what personal information we hold about you, how we collect it, and how we use and may share information about you during your employment and after it ends. We are required to notify you of this information under data protection law. Please ensure that you read this notice (sometimes referred to as a ‘privacy notice’) and any other similar notice we may provide to you from time to time when we collect or process personal information about you.

## What we collect / need

[insert background information re SGB, such as structure, whether affiliated with any other organisations, for example, a British GB, etc.]

[insert name of SGB] will be a "controller" of the personal information that you provide to us as your employer.

When you enter into a contract of employment with us, we will collect, store and use the information set out in the table below. This includes the personal information that you provided to us in your application form or CV.

We may ask you for additional personal information during the course of your employment, which shall be collected, stored and used in accordance with this privacy notice.

## How your personal information is collected

Most of the personal information we process is provided to us directly by you before and during the course of your employment. We may also receive your personal information indirectly from the sources detailed in the table below.

## Why we need your personal information

Under data protection law, we can only use your personal information if we have a proper reason for doing so, for example:

* to comply with our legal and regulatory obligations;
* for the performance of our contract with you or to take steps at your request before entering into a contract;
* to protect your vital interests;
* to exercise a public function or perform a task in the public interest set out in law;
* for our legitimate interests or those of a third party; or
* where you have given consent.

Where we process your personal information to perform a task in the public interest or for legitimate interests (as detailed in the table below), you have the right to object to use using your personal information for those purposes. If you wish to object to any of this processing, please contact us on [insert contact details for data protection queries]. If we agree and comply with your objection, this may affect our ability to manage your employment

## About the information we collect and hold

| **The information we collect** | **How we collect the information** | **Why we collect the information** | **How we use and may share the information** |
| --- | --- | --- | --- |
| **Your name, contact details (i.e. address, home and mobile phone numbers, email address) and emergency contacts (i.e. name, relationship and home and mobile phone numbers) ☐** | From you | To enter into/perform the employment contract  Legitimate interest: to maintain employment records and good employment practice | To enter into/perform the employment contract |
| **Details of salary and benefits, bank/building society, National Insurance and tax information, your age ☐** | From you | To perform the employment contract, including payment of salary and benefits  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice | To ensure you receive the correct pay and benefits  Information shared with our payroll administrators [insert name] and with HM Revenue & Customs (HMRC) |
| **Details of your spouse/partner and any dependants ☐** | From you | To perform the employment contract including employment-related benefits, including, private medical insurance, life assurance and pension | To ensure you receive the correct pay and benefits  Information shared with our payroll administrators insert name] and with HM Revenue & Customs (HMRC) |
| **Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information ☐** | From you and, where necessary, the Home Office | To enter into/perform the employment contract  To comply with our legal obligations  Legitimate interest: to maintain employment records  To carry out obligations and exercise rights in employment law  For reasons of substantial public interest (preventing or detecting unlawful acts) | To carry out right to work checks  Information may be shared with the Home Office |
| [**A copy of your driving licence ☐**] | [From you] | [To perform the employment contract]  [To comply with our legal obligations]  [To comply with the terms of our insurance] | [To ensure that you have a clean driving licence]  [Information may be shared with our insurer] |
| **Details of your pension arrangements, and all information included in these and necessary to implement and administer them ☐** | From you, from our pension administrators [insert name] and (where necessary) from your own pension fund administrators | To perform the employment contract including employment-related benefits  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice | [To administer your pension benefits AND/OR To comply with our auto-enrolment pension obligations]  Information shared with our pension administrators [insert name] and with HMRC |
| **Information in your sickness and absence records (including sensitive personal information regarding your physical and/or mental health) ☐** | From you, from your doctors, from medical and occupational health professionals we engage[ and from our insurance benefit administrators [insert name]] | To perform the employment contract including employment-related benefits  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices  To carry out and exercise obligations and rights in employment and social security law, such as to assess your working capacity as an employee | To maintain employment records, to administer sick pay entitlement, to follow our policies and to facilitate employment-related health and sickness benefits  To comply with our legal obligations to you as your employer  Information shared with your doctors, with medical and occupational health professionals we engage[ and with our insurance benefit administrators [insert name]]  For further information, see **\*** below |
| **Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs** | From you | To comply with our legal obligations and for reasons of substantial public interest[ (equality of opportunity or treatment)] | To comply with our equal opportunities monitoring obligations and to follow our policies  For further information, see **\*** below |
| [Your trade union membership] | [From you or your trade union] | [To perform the employment contract  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice] | [For staff administration and to pay trade union premiums and register the status of a protected employee  Information shared with your trade union  For further information, see **\*** below] |
| **Information on grievances raised by or involving you** | From you, from other employees and from consultants we may engage in relation to the grievance procedure | To perform the employment contract  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice  To establish, exercise or defend legal claims | For staff administration, to follow our policies and to deal with grievance matters  Information shared with relevant managers, HR personnel and with consultants and advisers we may engage |
| **Information on conduct issues involving you** | From you, from other employees and from consultants we may engage in relation to the conduct procedure | To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices | For staff administration and assessments, to follow our policies, to monitor staff performance and conduct and to deal with disciplinary and grievance matters  Information shared with relevant managers, HR personnel and with consultants and advisers we may engage |
| **Details of your appraisals and performance reviews** | From you, from other employees [and from consultants we may engage in relation to the appraisal/performance review process] | To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices | For staff administration and assessments, to follow our policies, to monitor staff performance and conduct and to deal with disciplinary and grievance matters  Information shared with relevant managers, HR personnel and with consultants and advisers we may engage |
| **Details of your performance management/improvement plans (if any)** | From you, from other employees and from consultants we may engage in relation to the performance review process | To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices | For staff administration and assessments, to follow our policies and to monitor staff performance  Information shared with relevant managers, HR personnel and with consultants and advisers we may engage |
| **Details of your time and attendance records** | From you [and from [insert details of systems used, for example, door entry systems, swipe card systems, time management system, time clock records, application logs]] | To perform the employment contract  Legitimate interests: to monitor and manage staff access to our systems and facilities and to record staff absences | For payroll and staff administration and assessments, to follow our policies and to monitor staff performance and attendance  Information shared with relevant managers, HR personnel and with consultants and advisers we may engage[ and with our payroll administrators [insert name]] |
| **Information in applications you make for other positions within our organisation** | From you | To enter into/perform the employment contract  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice | To process the application  Information shared with relevant managers, HR personnel and with consultants and advisers we may engage |
| **Information about your use of our IT, communication and other systems** | Automated monitoring of our websites and other technical systems, such as [our computer networks and connections, CCTV and access control systems, communications systems, remote access systems, email and instant messaging systems, intranet and Internet facilities, telephones, voicemail, mobile phone records] | Legitimate interests:   * to monitor and manage staff access to our systems and facilities * to protect our networks, and personal data of employees and customers/clients, against unauthorised access or data leakage * to ensure our business policies, such as those concerning security and internet use, are adhered to * for operational reasons, such as maintaining employment records, recording transactions, training and quality control * to ensure that commercially sensitive information is kept confidential * to check that restrictions on your activities that apply after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with, for security vetting and investigating complaints and allegations of criminal offences * [for statistical analysis] * to prevent unauthorised access and modifications to our systems * as part of investigations by regulatory bodies, or in connection with legal proceedings or requests | To protect and carry out our legitimate interests (see adjacent column)  Information shared with relevant managers, HR personnel and with consultants we may engage  For further information, see **\*\*** below |
| **Your image, in photographic**[ **and video**] **form** | From you | Legitimate interests:  to monitor and manage staff access to our premises, systems and facilities[, for marketing and business development purposes, including promotional and journalistic purposes] | To protect and carry out our legitimate interests (see adjacent column)  Information shared with HR, IT and security personnel, **sport**scotland[, Team Scotland / Commonwealth Games Scotland / British GB]  [Information shared with marketing and business development personnel [and with consultants we may engage]] |
| **Details of your use of business-related social media, such as LinkedIn** | From relevant websites and applications | Legitimate interests:   * to monitor and manage staff access to our systems and facilities * to protect our networks, and personal data of employees and customers/clients, against unauthorised access or data leakage * to ensure our business policies, such as those concerning security and internet use, are adhered to, for operational reasons, such as maintaining employment records, recording transactions, training and quality control * to ensure that commercially sensitive information is kept confidential * to check that restrictions on your activities that apply after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with * [for security vetting and investigating complaints and allegations of criminal offences] * as part of investigations by regulatory bodies, or in connection with legal proceedings or requests | To protect and carry out our legitimate interests (see adjacent column)  Information shared with relevant managers, HR personnel [and with consultants we may engage]  For further information, see **\*\*** below |
| **Your use of public social media (only in very limited circumstances, to check specific risks for specific functions within our organisation; you will be notified separately if this is to occur)** | From relevant websites and applications | Legitimate interests:   * to monitor and manage staff access to our systems and facilities * to protect our networks, and personal data of employees and customers/clients, against unauthorised access or data leakage * to ensure our business policies, such as those concerning security and internet use, are adhered to * for operational reasons, such as maintaining employment records, recording transactions, training and quality control * to ensure that commercially sensitive information is kept confidential * to check that restrictions on your activities that apply after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with * [for security vetting and investigating complaints and allegations of criminal offences] * as part of investigations by regulatory bodies, or in connection with legal proceedings or requests | To protect and carry out our legitimate interests (see adjacent column)  Information shared with relevant managers, HR personnel [and with consultants we may engage]  For further information, see **\*\*** below |
| **Details in references about you that we give to others** | From your personnel records, our other employees | To perform the employment contract  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice | To provide you with the relevant reference  To comply with legal/regulatory obligations  Information shared with relevant managers, HR personnel and the recipient(s) of the reference |

You are required (by law or under the terms of your contract of employment, or in order to enter into your contract of employment) to provide the categories of information marked “☐” above to us to enable us to verify your right to work and suitability for the position, pay you, provide you with your contractual benefits, such as [for example, contractual sick pay] and administer statutory payments, such as statutory sick pay (SSP). If you do not provide this information, we may not be able to employ you, to make these payments or provide these benefits.

**\*** Further details on how we handle special categories of personal information are set out in our [Data Protection Policy], available [set out details of how employee can access the policy/policies, for example, from the HR department].

**\*\*** Further information on the monitoring we undertake in the workplace and how we do this is available in our [insert details of the relevant policy that deals with monitoring undertaken by the SGB], available from [set out details of how employee can access the policy/policies, for example, from the HR department].

## Who we share your personal information with

In addition to the recipients detailed in the table above, we may be required to share personal information with statutory or regulatory authorities and organisations to comply with statutory obligations. Such organisations include [HMRC, the Health & Safety Executive, Disclosure Scotland, and Police Scotland] for the purposes of safeguarding children and [insert any other purposes].

We may also share personal information with our professional and legal advisers for the purposes of taking advice.

[insert name of SGB] employs third-party suppliers to provide services, including [IT, payroll, etc.]. These suppliers may process personal information on our behalf as "processors" and are subject to written contractual conditions to only process that personal information under our instructions and protect it.

In the event that we do share personal information with external third parties, we will only share such personal information strictly required for the specific purposes and take reasonable steps to ensure that recipients shall only process the disclosed personal information in accordance with those purposes.

## How we protect your personal information

Your personal information is stored on our electronic filing system and our servers based in the [UK / EU], and is accessed by our [staff / volunteers] for the purposes set out above.

We have appropriate security measures to prevent personal information from being accidentally lost, or used or accessed unlawfully. We limit access to your personal information to those who have a genuine need to access it. Those processing your personal information will do so only in an authorised manner and are subject to a duty of confidentiality. [We continually test our systems and are ISO 27001 certified, which means we follow top industry standards for information security.]

We also have procedures to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

## [Transferring your personal information out of the UK

Countries outside the UK have differing data protection laws, some of which may provide lower levels of protection of privacy. It is sometimes necessary for us to transfer your personal information outwith the UK. In those cases, we will comply with applicable UK laws designed to ensure the privacy of your personal information.

We will transfer your personal information to:

* our service providers located outside the UK in [insert];
* event / competition / training camp organisers or associated service providers; and
* [insert details of any other recipients outside the UK].

Under data protection laws, we can only transfer your personal information to a country outside the UK where:

* [in the case of transfers subject to UK data protection law, ]the UK government has decided the particular country ensures an adequate level of protection of personal data (known as an ‘adequacy regulation’) further to Article 45 of the UK GDPR. A list of countries the UK currently has adequacy regulations in relation to is available online. We rely on adequacy regulations for transfers to the following countries: [list any particularly relevant, for example, countries in the EEA];
* [in the case of transfers subject to EEA data protection laws, the European Commission has decided that the particular country ensures an adequate level of protection of personal data (known as an ‘adequacy decision’) further to Article 45 of the EU GDPR. A list of countries the European Commission has currently made adequacy decisions in relation to is available online. We rely on adequacy decisions for transfers to the following countries: [list any particularly relevant]];
* there are appropriate safeguards in place, together with enforceable rights and effective legal remedies for you; or
* a specific exception applies under relevant data protection law.

Where we transfer your personal information outside the UK, we do so on the basis of an adequacy regulation or (where this is not available) [insert transfer mechanism, for example, legally-approved standard data protection clauses recognised or issued further to Article 46(2) of the UK GDPR]. In the event we cannot or choose not to continue to rely on either of those mechanisms at any time, we will not transfer your personal information outside the UK unless we can do so on the basis of an alternative mechanism or exception provided by UK data protection law and reflected in an update to this privacy notice.

Any changes to the destinations to which we send personal information or in the transfer mechanisms we rely on to transfer personal information internationally will be notified to you.

If you would like further information about personal information transferred outside the UK, please contact [insert contact details for data protection queries].]

## How long we keep your personal information

We will keep your personal information during the course of your employment. Thereafter, we will keep your personal information for as long as necessary to:

* comply with our employment law obligations;
* respond to any questions, complaints or claims made by you or on your behalf;
* show you that we treated you fairly;
* keep records required by law.

We will review and possibly delete your personal information following a period of at least [insert number] years after you have ceased to be employed with us. When it is no longer necessary to retain your personal information, we will delete or anonymise it.

We will keep certain personal information of employees for longer in order to confirm your identity, when you were an employee of [insert name of SGB] and for how long. We need to do this to [comply with our employment law obligations] or [in the event of a claim against [insert name of SGB]].

## Your rights

You can exercise any of the following rights by writing to us at [insert contact details for data protection queries][ or by logging on to your account at [insert details].

Your rights in relation to your personal information are:

|  |  |
| --- | --- |
| Access | The right to be provided with a copy of your personal information (the right of access). |
| Rectification | The right to require us to correct any mistakes in your personal information. |
| To be forgotten | The right to require us to delete your personal information in certain situations. |
| Restriction of processing | The right to require us to restrict processing of your personal information in certain circumstances, for example, if you contest the accuracy of the data. |
| Data portability | The right to receive the personal information you provided to us, in a structured, commonly used and machine-readable format and/or transmit that data to a third party in certain situations. |
| To object | The right to object:   * at any time to your personal information being processed for direct marketing (including profiling); * in certain other situations to our continued processing of your personal information, for example, processing carried out for the purpose of our legitimate interests. |
| Not to be subject to automated individual decision making | The right not to be subject to a decision based solely on automated processing (including profiling) that produces legal effects concerning you or similarly significantly affects you. |

Any requests received by [insert name of SGB] will be considered under applicable data protection legislation.

## How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us at [insert contact details for data protection queries].

If you remain dissatisfied, you have a right to raise a complaint with the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk).

## Do you need extra help?

If you would like this notice in another format (for example audio, large print, braille) please contact at [insert contact details for data protection queries].