



# **PRIVACY NOTICE**

## **SDSE Employees and Candidates**

**Version 2.0**

**Purpose:** To provide a procedure and set of principles regarding the processing and protection of personal data contained within manual and computerised records.

**Document created by:** HR

### Version Control

Version	Change Summary	Made By	Date
1.0	Original Format	HR	21/5/18
2.0	Updated to include Candidates	HR	18/3/21

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The organisation collects and processes personal data relating to its employees and candidates to manage the employment relationship and recruitment process. No data for candidates will be held beyond the end of the recruitment process. The organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

## 1. What information does the organisation collect?

The organisation collects and processes a range of information about you. This includes:

For Candidates applying for roles

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the organisation;
- information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;

## For Employees

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the organisation;
- information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;
- details of trade union membership;
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief; and
- Records of any work place accidents.

The organisation collects this information in a variety of ways. For example, data is collected through CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments, from third parties, such as references supplied by former employers.

Data is stored in a range of different places, including in your personnel file, in the organisation's HR management systems and in other IT systems (including the organisation's email system).

## 2. Why does the organisation process personal data?

The organisation needs to process data to consider your application for a role and if successful to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefit, pension and insurance entitlements.

In some cases, the organisation needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.

In other cases, the organisation has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the organisation to:

- run pay review and promotion processes;
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

Where the organisation relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of candidates, employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, are processed to carry out employment law obligations (such as those in relation to employees/candidates with disabilities and for health and safety purposes).

Where the organisation processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that the organisation uses for these purposes is anonymised or is collected with the express consent of employees/candidates, which can be withdrawn at any time. Employees/candidates are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

### **3. Who has access to data?**

Your information will be shared internally, including with members of the HR team (including payroll), your line/recruiting manager, managers in the business area in which you work/apply and IT staff if access to the data is necessary for performance of their roles.

The organisation shares your data with third parties in order to obtain pre-employment references from other employers. The organisation may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

The organisation also shares your data with third parties that process data on its behalf, in connection with payroll and the provision of benefits

Your data may be transferred to countries outside the European Economic Area (EEA) as a result of Korean management and control of the Company. The Company may need to pass your personal data (including sensitive personal data where the situation so requires) to persons connected with the Company in other areas of the world and particularly in Korea.

Data is transferred outside the UK on the basis of the standard contract clauses which are entered into by SDSK and Samsung SDS Co., Ltd.

### **4. How does the organisation protect data?**

The organisation takes the security of your data seriously. The organisation has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

Where the organisation engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

## **5. For how long does the organisation keep data?**

The organisation will hold your personal data for the duration of your employment/or until the vacancy you have applied for is filled/closed. The periods for which your data is held after the end of employment are set out in the relevant statutory retention periods normally 6 years from the date employment ends.

Samsung SDS Europe Ltd retains paper for 3 years and online files for 6 years post termination of employment. For candidates no candidate data is held after the vacancy has been closed,

## **6. Your rights**

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require the organisation to change incorrect or incomplete data;
- require the organisation to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing; and
- ask the organisation to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact KiDong Kang, via email [kidong.kang@samsung.com](mailto:kidong.kang@samsung.com) or HR Department, Samsung SDS Europe Ltd, 5 The Heights, Weybridge, Surrey, KT13 0NY.

If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner.

## **7. What if you do not provide personal data?**

You have some obligations under your employment contract to provide the organisation with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide the organisation with data in order to exercise your statutory





rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the organisation to enter a contract of employment with you. If you do not provide other information, this will hinder the organisation's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

### **8. Automated decision-making**

Employment decisions are not based solely on automated decision-making.

I hereby confirm that I have received a copy of the Employee and Candidate Privacy Notice GDPR March 2021 and hereby expressly consent to the Company processing my personal data in order to properly fulfil its obligations under my Contract of Employment and otherwise by law in relation to my employment in accordance with the Global Data Protection Regulations May 2018.

Signed: .....

Print Name: .....

Date: .....