

Privacy notice for employees, workers, contractors and job applicants

1. Introduction

- 1.1 This Privacy Notice describes in detail who is responsible for the personal information that we collect about you, what personal information we collect, how we will use such personal information, who we may disclose it to and your rights and choices in relation to your personal information.
- 1.2 This Privacy Notice applies to current and former employees, workers, apprentices, contractors and job applicants. This Privacy Notice does not form part of any contract of employment or other contract to provide services. We may update this Privacy Notice at any time.
- 1.3 In this Privacy Notice references to:
 - 1.3.1 **we, us or our** means FEC Energy, registered address: Agriculture House, Stoneleigh Park, Kenilworth, Warwickshire, England, CV8 2TZ; Registered in England and Wales. Company Number: 04056474
 - 1.3.2 **personal information** is information that is about you and which identifies you.
- 1.4 FEC Energy will be the data controller for all employees workers, apprentices, contractors and job applicants.

2. Who is responsible for the personal information that we collect?

- 2.1 We are the controller, for the purpose of data protection law, in respect of your personal information that is collected and used during and after your working relationship with us.
- 2.2 If you have any questions regarding this Privacy Notice or the way we use your personal information, you can contact us please contact Head of Operations at info@fec-energy.co.uk address.

3. What personal information do we hold about you?

- 3.1 We will collect, process and use the following personal information about you:
 - 3.1.1 personal contact details such as name, title, addresses, telephone numbers and email addresses, date of birth, gender, and dependents, identity documents such as copies of driving licence or passport;
 - 3.1.2 national insurance number, bank account details, payroll records and tax status information, salary, annual leave, pension and benefits information;
 - 3.1.3 your start and end date for your employment / services provided;
 - 3.1.4 employment records (including job titles, location of employment or workplace, work history, working hours, performance/training records, professional memberships, compensation history, disciplinary and grievance information);
 - 3.1.5 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);

- 3.1.6 where relevant, apprenticeship information (including information provided to us by relevant training providers on courses completed, performance and examinations passed);
 - 3.1.7 references that we may provide to mortgage companies or letting agents or other third parties on your request;
 - 3.1.8 CCTV footage
 - 3.1.9 information about your use of our email and telephone information and communications systems, including corporate mobile devices and laptops;
 - 3.1.10 pension records (including pension provider, pension policy number and details of employee and employer contributions); and
- 3.2 We may receive the personal information about you from the following sources:
- 3.2.1 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) from recruitment agencies;
 - 3.2.2 your fellow employees, workers and contractors;
 - 3.2.3 information provided by temporary work agencies in respect of agency workers and proposed agency workers;
 - 3.2.4 information we have obtained from your referees;
 - 3.2.5 health / medical information from your GP or occupational health physicians;
 - 3.2.6 apprenticeship providers (where relevant) and other providers of training and learning and development courses;
 - 3.2.7 HMRC;
 - 3.2.8 benefits and pensions providers;
 - 3.2.9 in certain circumstances, our professional and legal advisers; and
- 3.3 We may also collect certain sensitive personal information (including any special categories of personal data) about you. This may include information concerning your:
- 3.3.1 health, including any medical condition, health and sickness records;
 - 3.3.2 information regarding your criminal records, which may be obtained via the Disclosure and Barring Service check as part of the recruitment process; and
 - 3.3.3 race or ethnicity, religious beliefs, or sexual life or sexual orientation.

4. Information about third parties

- 4.1 In the course of your dealings with us you may provide us with personal information relating to third parties. This includes details of your next of kin and emergency contact(s) (as applicable) and details of dependants provided on life assurance forms.
- 4.2 We will use this personal information in accordance with this Privacy Notice. If you are providing personal information to us relating to a third party, you must have the permission of the third party to share such personal information with us and you must make the information in this Privacy Notice available to the third party.

5. How do we use the personal information we collect about you?

5.1 Your personal information may be used by us, our employees, workers, service providers, and disclosed to third parties for the following purposes. For each of these purposes, we have set out the legal basis on which we use your personal information.

| Purpose | Legal Basis |
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| <p>Making a decision about your recruitment or appointment and determining the terms on which you work for us.</p> | <ul style="list-style-type: none"> • This processing is necessary for entering into and the performance of the contractual obligations between you and us. • This processing is also necessary for our legitimate business interests. The legitimate interest relied on is our interest in recruiting the workforce we need to deliver our products and services to our customers, including ensuring that workforce is appropriate for an apolitical organisation. |
| <p>Assessing qualifications and skills for a particular job, including decisions about promotions.</p> | <p>This processing is necessary for our legitimate business interests.</p> <p>We have a legitimate interest in ensuring that promotions or decisions about work allocation are taken on merit and in ensuring that workers, contractors and employees have the skills and qualifications necessary to perform and achieve in their roles.</p> |
| <p>Assessing your fitness to work (this purpose will not usually apply to self-employed contractors who are responsible for their own assessment of their fitness to work and may not apply to agency workers where this would usually be assessed by the agency).</p> | <p>Depending on the circumstances, we process your personal information in order to carry out our obligations under employment law, because it is necessary for you to exercise your employment law rights (such as to statutory sick pay) or with your explicit consent.</p> |
| <p>Administering the contract(s) that we have entered into with you (this may not apply to agency workers with whom we would not typically have a direct contract).</p> | <p>This processing is necessary for the performance of the contractual obligations between you and us.</p> |
| <p>To communicate with you during and after your employment or services.</p> | <p>The legal basis will fall into one of the following categories, depending on the communication and the purpose for which it was sent:</p> <ul style="list-style-type: none"> • our legitimate business interests in order for us to manage our relationship with you; and/or • performance of a contract between you and us. |
| <p>Checking you are legally entitled to work in the UK.</p> | <p>This processing is necessary for us to comply with our legal obligations.</p> |

| Purpose | Legal Basis |
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| <p>Paying you and, if you are an employee or if we are otherwise required to do so, deducting tax and National Insurance contributions.</p> | <ul style="list-style-type: none"> • This processing is necessary for the performance of the contractual obligations between you and us. • This processing is also necessary for us to comply with our legal obligations (for example under tax laws). |
| <p>Conducting your performance reviews, managing performance and determining performance requirements.</p> | <p>This processing is necessary for our legitimate business interests.</p> <p>We have a legitimate interest in ensuring high standards of performance across our business. Additionally, our employees, workers and contractors have a legitimate interest in performance issues involving colleagues being handled and resolved in accordance with our employment procedures.</p> |
| <p>Providing education, training and career development opportunities, including apprenticeships (this purpose will not normally apply to contractors who will generally be responsible for their own training and career development).</p> | <p>This processing is necessary for our legitimate business interests.</p> <p>We have a legitimate interest in employees, workers and contractors having the skills and qualifications to perform their roles and in developing their skills and capabilities to improve business performance.</p> |
| <p>Making decisions about salary reviews and compensation.</p> | <p>This processing is necessary for our legitimate business interests.</p> <p>We have a legitimate interest in ensuring workers and employees are rewarded appropriately for their work and that we pay an appropriate rate for any services provided by contractors.</p> |
| <p>Providing the following benefits to you: Life Assurance, Private Medical Insurance (where applicable) Company Car (where applicable) Non-contractual benefits provided through our benefits portal (such as lifestyle discounts) NB. This purpose will not typically be relevant to agency workers, contractors and many workers as, typically, benefits are only provided to employees.</p> | <p>In many cases, this processing is necessary for the performance of the contractual obligations between you and us.</p> <p>Not all of our benefits are contractual and, in relation to non-contractual benefits, we believe we have a legitimate interest in ensuring that employees are appropriately rewarded for their work and in providing a benefits offering that helps us attract, retain and motivate talent.</p> |
| <p>Liaising with your pension provider (where relevant).</p> | <ul style="list-style-type: none"> • This processing is necessary for the performance of the contractual obligations between you and us. • This processing is necessary for us to comply with our legal obligations. |

| Purpose | Legal Basis |
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| <p>In relation to employees, workers and agency workers, monitoring attendance (including sickness absence).</p> | <ul style="list-style-type: none"> • This processing is necessary for the performance of our contractual obligations between you and us. • This processing is necessary for us to comply with our legal obligations. • This processing is necessary for our legitimate business interests. We have a legitimate interest in ensuring high levels of attendance to ensure we deliver for our customers but also in ensuring adequate support is required for employees who are absent from work. • Where this involves the processing of sensitive personal information such as health / medical information, we process such information in order to carry out our employment law obligations, because it is necessary for the exercise of your employment law rights or with your explicit consent, depending on the circumstances. |
| <p>To comply with our procedures in relation to grievance or disciplinary hearings and to make decisions on disciplinary sanctions and whether grievances should be upheld. This may involve your personal information being used as evidence in such processes (for example through notes of meetings/statements you give as part of the process).</p> | <p>This processing is necessary for our legitimate business interests.</p> <p>We have a legitimate interest in ensuring high standards of behaviour and performance across our business. Additionally, our employees, workers and contractors have a legitimate interest in disciplinary and grievance issues involving colleagues being handled and resolved in accordance with our employment procedures.</p> <p>We also have a legitimate interest in maintaining and furthering a happy and harmonious workforce and therefore in ensuring any concerns regarding conduct or work are resolved.</p> <p>Where grievances involve allegations of discrimination then we may collect or process information relating to your sensitive data (such as race or sexual orientation) either from you or your colleagues. We will process such data because it is necessary for the purposes of our employment law rights or obligations or for the purposes of you exercising your employment law rights. There may also be occasions where we need to rely on explicit consent to process such data.</p> |
| <p>Making decisions about your continued employment or engagement for services.</p> | <ul style="list-style-type: none"> • This processing is necessary for the performance of the contractual obligations between you and us. • This processing is necessary for us to comply with our legal obligations. |

| Purpose | Legal Basis |
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| | <ul style="list-style-type: none"> This processing is necessary for our legitimate business interests. Where a potential dismissal is for performance or disciplinary reasons, we will rely on our legitimate interest of ensuring high standards of behaviour and performance across our business. |
| <p>To monitor your use of our information and communication systems to ensure compliance with our IT policies and the standards of conduct expected of our employees, workers and contractors.</p> | <p>This processing is necessary for our legitimate business interests.</p> <p>We have a legitimate interest in ensuring that our resources are used for the purposes for which they are provided to employees, workers and contractors and not used for unlawful purposes or purposes, which do not meet the standards of behaviour we expect of our employees, workers and contractors.</p> <p>Additionally, we have a legitimate interest in ensuring that personal use of such resources is kept within reasonable levels.</p> |
| <p>Images captured on CCTV</p> | <p>This processing is necessary for our legitimate business interests.</p> <p>We have a legitimate interest in ensuring that we provide a safe place to work and in knowing who is leaving and entering our premises.</p> |
| <p>Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.</p> | <p>This processing is necessary for us to comply with our legal obligations.</p> |
| <p>Complying with our legal or regulatory obligations (including in connection with a court order)</p> | <p>This processing is necessary for us to comply with our legal obligations.</p> |
| <p>To prevent fraud.</p> | <p>This processing is necessary for our legitimate business interests. We have a legitimate interest in ensuring we can have high levels of trust in our employees, workers and contractors.</p> |
| | <ul style="list-style-type: none"> |
| <p>For contacting next of kin in an emergency situation.</p> | <p>The processing is necessary in order to protect your vital interests</p> |
| <p>To enforce or apply the agreements concerning you (including agreements between you and us).</p> | <p>Depending on the circumstances:</p> <ul style="list-style-type: none"> the processing is carried out for our legitimate business interests in order to conduct and manage our business; or in connection with legal proceedings (i.e. the establishment, exercise or defence of legal claims). |

| Purpose | Legal Basis |
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| Compiling directories (for example of employee company telephone numbers, email addresses, employee photographs and job titles) | This processing is necessary for our legitimate interests. We have a legitimate interest in our workforce being able to contact each other for work-related matters. |

5.2 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 or any duty we may have to make reasonable adjustments).

5.3 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. We do not currently use any automated decision-making in our employment or recruitment processes.

6. Information on criminal records

6.1 We will only collect information about criminal convictions if 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 as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences to ensure that it is appropriate to employ or engage employees, workers, apprentices and contractors in roles where they will be engaged in safeguarding activity or other roles where we are under a legal requirement to check whether or not an employee, worker, apprentice or contractor has a criminal record.

7. Who may we disclose your personal information to?

7.1 You agree that we may share your personal information with:

7.1.1 other companies and entities within the group;

7.1.2 our business partners, suppliers and sub-contractors for the performance of any contract we enter into with you, for example we engage third parties to provide HR, payroll and IT services, employee assistance programmes, pension administration, employee benefits and administration, providers of insurance benefits offered to employees, to provide childcare vouchers for employees

7.1.3 other professional advisers (including accountants, lawyers and training providers) that assist us in carrying out our business activities;

7.1.4 accommodation and travel organisations and holders of external events for the purposes of your attendance at external events as part of performing our contract with you;

7.1.5 police and other law enforcement agencies in connection with the prevention and detection of crime;

7.1.6 other external agencies and organisations (including the National Crime Agency) for the purpose of preventing and detecting fraud (including fraudulent transactions), money laundering and criminal activity;

7.1.7 third parties if we are under a duty to disclose or share your personal information in order to comply with any legal obligation or instructions of a regulatory body (including

in connection with a court order), or in order to enforce or apply the terms of any agreements we have with or otherwise concerning you (including agreements between you and us) or to protect our rights, property or safety of our clients, employees or other third parties; and

- 7.2 We may also disclose your personal information to other third parties, for example:
- 7.2.1 in the event that we sell or buy any business or assets we will disclose your personal information to the prospective seller or buyer of such business or assets;
 - 7.2.2 if we or substantially all of our assets are acquired by a third party (or are subject to a reorganisation within our corporate group), personal information held by us will be one of the transferred assets; and
 - 7.2.3 if we are under a duty to disclose or share your personal information in order to comply with any legal obligation, or in order to enforce or apply the agreements concerning you (including agreements between you and us).

8. Where will we transfer your personal information?

- 8.1 We do not currently envisage transferring personal information outside the European Economic Area (EEA). In the event that we do we will implement appropriate and suitable safeguards to ensure that such personal information will be protected as required by applicable data protection law.

9. How long will we keep your personal information

- 9.1 In the case of employees, workers and contractors, we will keep your personal information for the duration of your employment or engagement and a period of 7 years after your employment or engagement ends. We may delete recruitment information that is not relevant to our ongoing relationship 12 months after it has been collected.
- 9.2 In the case of unsuccessful applicants for employment or engagement we will not normally retain your personal information beyond the date falling 12 months after we collected it.
- 9.3 In any of the above cases, we may retain your personal information for longer where it is necessary for the purposes of defending or bringing legal proceedings.

10. Your rights

- 10.1 You have certain rights with respect to your personal information. The rights may only apply in certain circumstances and are subject to certain exemptions. Please see the table below for a summary of your rights.
- 10.2 If you wish to exercise any of the below rights, please contact a member of the Human Resources Department.

| Summary of your rights | |
|---|---|
| Right of access to your personal information | <p>You have the right to receive a copy of your personal information that we hold about you, subject to certain exemptions.</p> <p>Any access request is free of charge. We may require further information in order to respond to your request (for instance, evidence of your identity and information to enable us to locate the specific personal information you require).</p> |

| Summary of your rights | |
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| Right to rectify your personal information | You have the right to ask us to correct your personal information that we hold where it is incorrect or incomplete. |
| Right to erasure of your personal information: | You have the right to ask that your personal information be deleted in certain circumstances. For example (i) where your personal information is no longer necessary in relation to the purposes for which they were collected or otherwise used; (ii) if you withdraw your consent and there is no other legal ground for which we rely on for the continued use of your personal information; (iii) if you object to the use of your personal information (as set out below); (iv) if we have used your personal information unlawfully; or (v) if your personal information needs to be erased to comply with a legal obligation. |
| Right to restrict the use of your personal information | You have the right to suspend our use of your personal information in certain circumstances. For example (i) where you think your personal information is inaccurate and only for such period to enable us to verify the accuracy of your personal information; (ii) the use of your personal information is unlawful and you oppose the erasure of your personal information and request that it is suspended instead; (iii) we no longer need your personal information, but your personal information is required by you for the establishment, exercise or defence of legal claims; or (iv) you have objected to the use of your personal information and we are verifying whether our grounds for the use of your personal information override your objection. |
| Right to data portability | You have the right to obtain your personal information in a structured, commonly used and machine-readable format and for it to be transferred to another organisation, where it is technically feasible. The right only applies where the use of your personal information is based on your consent or for the performance of a contract, and when the use of your personal information is carried out by automated (i.e. electronic) means. |
| Right to object to the use of your personal information | You have the right to object to the use of your personal information in certain circumstances. For example (i) where you have grounds relating to your particular situation and we use your personal information for our legitimate interests (or those of a third party); and (ii) if you object to the use of your personal information for direct marketing purposes. |
| Right to withdraw consent | You have the right to withdraw your consent at any time where we rely on consent to use your personal information. |
| Right to complain to the relevant data protection authority | You have the right to complain to the relevant data protection authority, which is in the case of us, the Information Commissioner's Office, where you think we have not used your personal information in accordance with data protection law. However, if you have such concerns, we would encourage you to raise them with us informally in the first instance so that we can see if we can alleviate your concerns. |



Changes to our privacy notice

Any changes we make to this Privacy Notice in the future will be notified to you by email. The updated Privacy Notice will take effect as soon as it has been updated or otherwise communicated to you.

This Privacy Notice was last updated on 07/02/2019.