

# PHYSIOLOGICAL MEASUREMENTS LTD (“the Company”)

## PRIVACY NOTICE FOR EMPLOYEES, WORKERS AND CONTRACTORS

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## INTRODUCTION

We are Physiological Measurements Ltd (“the Company”), a provider of community-based diagnostics and distributor of related medical devices. We provide services in partnership with the NHS, to private hospitals and private customers (non-NHS). We are a Limited company, registered in England and Wales 05478605. Our registered address is The Old Malt House, Willow Street, Oswestry, Shropshire, SY11 1AJ, 01691 676 496 (Option 2).

Our Privacy Lead can be contacted in writing at [privacylead@pml.tel](mailto:privacylead@pml.tel), The Data Protection Office, Physiological Measurements Ltd, the Old Malthouse, Willow Street, Oswestry, SY11 1AJ, 01691 676 496 (option 2).

The Company is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (**GDPR**). It applies to all employees, workers and contractors.

## **1. WHAT IS THE PURPOSE OF THIS DOCUMENT?**

### **1.1 Data Controller**

The Company is a "data controller" (ICO registration number Z9616007). Our Privacy Lead can be contacted in writing at [privacylead@pml.tel](mailto:privacylead@pml.tel), The Data Protection Office, Physiological Measurements Ltd, the Old Malthouse, Willow Street, Oswestry, SY11 1AJ, 01691 676 496 (option 2). This means that we are responsible for ensuring personal data is used in compliance with the data protection principles and for informing people about how they collect and use personal data. We are required under data protection legislation to notify you of the information contained in this privacy notice.

### **1.2 Who Does This Notice Apply to?**

This 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.

### **1.3 Understanding This Notice**

It is important that you read this 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.

## **2. DATA PROTECTION PRINCIPLES**

### **2.1 Link to ICO**

Please see <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/principles/>

## **3. THE KIND OF INFORMATION WE HOLD ABOUT YOU**

### **3.1 What Type of Data Do We Keep?**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

## 3.2 Special Categories

There are "special categories" of more sensitive personal data which require a higher level of protection.

## 3.3 Categories of Personal Information we may use

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, home and mobile telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information (i.e. names, relationships and home and mobile telephone numbers).
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Nationality and immigration status and information from related documents, such as a passport or other identification and immigration information.
- Employment contract information including in relation to salary and annual leave, and details of pension and any other benefit arrangements, and all information included in these and necessary to implement and administer them.
- Start date.
- Location of employment or workplace.
- Recruitment information (including copies of right to work documentation, educational qualifications, references and other information included in a CV or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, training records and professional memberships).
- Information on grievances raised by or involving you.
- Information on disciplinary issues involving you.
- Details of work output, appraisals and performance reviews.
- Details of performance management/improvement plans.
- Time and attendance records.
- Information in applications made for other positions within our organisation;
- Copy of driving licence.
- Information obtained through electronic means such as swipecard records.
- Photographs.
- Details of share incentive arrangements, and all information included in these and necessary to implement and administer them.

- Information about your use of our IT, communication and other systems, and other monitoring information.
- Details of use of business-related social media, such as LinkedIn.
- In very limited circumstances, to check specific risks for specific functions within our organisation, use of public social media (you will be notified separately if this is to occur).
- Details in references about you that we give to others.

### 3.4 **We May Collect the Following ‘Special Categories’ of Information**

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

Information about your health, including any medical condition, health and sickness records.

Information about your temperature which is taken via electronic tablet upon entering the Old Malt House

Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.

Trade union membership.

Genetic information and biometric data.

Information about criminal convictions and offences and results of criminal record checks.

## 4. **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

### 4.1 **Other Information We May Collect from You**

We may collect information from you, employment agencies, former employers or other referees, educational institutions, credit reference agencies or other background check agencies, your personnel records, the Home Office, pension administrators, child care voucher scheme administrators, your doctors, from medical and occupational health professionals we engage, the DBS, your trade union, other employees, application logs, 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, eDiscovery technology, mobile device management systems, iPMC2, e-learning portals (E Learning for Health and Virtual College) and People Inc.

## 5. **WHY WE ARE COLLECTING YOUR INFORMATION**

### 5.1 **When Will You Use My Personal Information?**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

Where we need to perform the contract, we have entered into with you;

For example:

- Employment/worker/subcontractor Contract
- where we need to comply with a legal obligation;

**For example:**

- Pensions administration
- HMRC and payroll/PAYE and National Insurance contributions  
and/or

**5.2 Legitimate Interests**

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.

For Example:

- Time recording and reporting (timesheets)

**5.3 Other Reasons to use your Personal Data**

We may also use your personal information in the following situations, which are likely to be rare: where we need to protect your interests (or someone else's interests); and/or

For example:

where medical history is disclosed to a hospital A&E department treating them after a serious accident

**6. SITUATIONS IN WHICH WE WILL USE YOUR PERSONAL INFORMATION**

We need all the categories of information in the list above primarily to (i) allow us to perform our contract with you\* and (ii) to enable us to comply with legal obligations\*\*. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties\*\*\*, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below. We have indicated by asterisks the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved.

- Making a decision about your recruitment or appointment.\*/\*\*/\*\*\*
- Determining the terms on which you work for us.\*
- Checking you are legally entitled to work in the UK.\*\*
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.\*/\*\*
- Providing employment benefits to you. \*
- Liaising with your pension provider.\*/\*\*
- Administering the contract we have entered into with you.\*

- Business management and planning, including accounting and auditing.\*\*\*
- Conducting performance reviews, managing performance and determining performance requirements.\*\*\*
- Making decisions about salary reviews and compensation.\*\*\*
- Assessing qualifications for a particular job or task, including decisions about promotions.\*\*\*
- Gathering evidence for possible grievance or disciplinary hearings.\*/\*\*/\*\*
- Making decisions about your continued employment or engagement.\*/\*\*
- Making arrangements for the termination of our working relationship.\*/\*\*
- Education, training and development requirements.\*
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.\*/\*\*/\*\*
- Ascertaining your fitness to work.\*/\*\*/\*\*
- Managing sickness absence.\*
- Complying with health and safety obligations.\*/\*\*
- To prevent fraud.\*\*/\*\*
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.\*/\*\*
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.\*/\*\*
- To conduct data analytics studies to review and better understand employee retention and attrition rates.\*\*\*
- Equal opportunities monitoring.\*/\*\*
- To provide references for you.\*\*

## 6.1 Grounds For Processing

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

## 6.2 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).

## 6.3 Change of purpose

If we need to use your personal data for another reason not previously explained we will tell you.

## **7. HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

### **7.1 Special Categories of Information**

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- in limited circumstances, with your explicit written consent;
- where we need to carry out our legal obligations or exercise rights in relation to your employment or other engagement with us, in line with our Privacy Policy;
- where it is needed in the public interest, such as for equal opportunities monitoring or in relation to any pension scheme, in line with our Privacy Policy; and/or
- where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

### **7.2 Protected Interests**

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

## **8. OUR OBLIGATIONS AS AN EMPLOYER**

### **8.1 Using your Sensitive Personal Information**

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

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- Where applicable, we will use trade union membership information to comply with employment law obligations.



- Where requested to do so, we may provide your sensitive personal information to an insurance broker or provider to obtain appropriate insurance (e.g. life assurance, travel insurance, D & O insurance) in relation to you.

## 8.2 Do we need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## 8.3 Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our Privacy Policy.

- Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- We may also process such information about staff members or former staff members in the course of legitimate business activities with the appropriate safeguards.
- We envisage that we will hold information about criminal convictions.
- We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legal able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process if it is appropriate given the nature of the role and where we are legally able to do so. We may also be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions in the following ways:
  - Making a decision about your recruitment or appointment
  - Making a decision about continued employment

## 9. DATA SHARING

We may have to share your data with third parties, including third-party service providers.

We require third parties to respect the security of your data and to treat it in accordance with the law.

## 9.1 **Why we might share your personal information with third parties**

We will share your personal information (including sensitive personal data) with third parties where requested to do so by regulatory authorities, where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

## 9.2 **Which third-party service providers might process your personal information**

We are allowed to use your personal information in this way to carry out our legal obligations under the Protection of Freedom Act. We have in place a Privacy Policy which we are required by law to maintain when processing such data.

## 9.3 **What Does 3<sup>rd</sup> Party Mean?**

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. By way of example the following activities are carried out by third-party service providers: Human Resources, payroll, pension administration, benefits provision and administration, IT services including cloud based storage services.

## 9.4 **Security of your information**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 9.5 **When we might share your personal information with other third parties**

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

## 9.6 **9.6 Transferring information outside the EU**

We will not transfer the personal information we collect about you outside the EU.

## 10. **DATA SECURITY**

- We have put in place measures to protect the security of your information. Details of these measures are available on the intranet (QS 1116 Information Security Policy).
- Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

- We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.
- We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## 11. DATA RETENTION

### 11.1 How long we will use your information for

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from the Privacy Lead. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the Company we will retain and securely destroy your personal information in accordance with our QS1195 Records Management Policy, applicable laws and regulations.

## 12. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

### 12.1 Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

### 12.2 Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- 12.2.1 **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- 12.2.2 **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

- 12.2.3 **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- 12.2.4 **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground.
- 12.2.5 **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- 12.2.6 **Request the transfer** of your personal information to another party.

### 12.3 **How to Amend or Correct any Information**

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please see the relevant section on the website “How to make a subject access request” or contact the Privacy Lead.

### 12.4 **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### 12.5 **What we may need from you**

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.

## 13. **RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Privacy Lead. 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.

#### 14. **QUESTIONS OR COMPLAINTS**

We have appointed a Privacy Lead to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Privacy Lead. You have the right to make a complaint at any time to the Information Commissioner's Office ("ICO"), the UK supervisory authority for data protection issues.

#### 15. **CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact the Privacy Lead.**