Employee privacy notice

1. **What is this notice and why should you read it?**

1.1 The purpose of this notice is to explain how the National Employment Savings Trust Corporation (‘NEST’, 'we', ‘our’, or 'us') collects and uses your personal information and how we comply with data protection law, including the UK General Data Protection Regulation or ‘UK GDPR’ and the Data Protection Act 2018 or ‘DPA 2018’. In legal terms, Nest is a ‘data controller’ for this information.

1.2 In this notice, we explain some things about the personal information NEST holds, and your rights regarding this information. It’s important that you read it carefully, together with any other privacy notices and information that we provide you, from time to time.

1.3 This notice does not form part of your contract of employment, or any other contract to supply services.

2. **NEST’s data protection responsibilities**

2.1 **As a data controller, we make decisions about what personal data to collect about you and the reasons we use it. We can only do this if we comply with the data protection law and our legal obligations.**

2.2 **“Personal data”, sometimes called personal information, is any information that relates to an identifiable natural person. Your name, address, contact details, salary details and CV are all examples of yo**ur personal data, if they identify you.

2.3 **“sensitive personal data” or “special categories of personal data” – is personal information which relates to specific issues which are thought to be more privacy sensitive: details about your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data about physical and/or mental health (including occupational health requirements, accident reports, day-to-day health concerns such as diabetes or epilepsy conditions which we should be aware of, dietary requirements and allergies), sexual orientation, as well as information relating to actual or suspected criminal convictions and offences.**

2.4 **“Process” means any activity relating to personal data, including, by way of example, collection, storage, use, consultation and transmission.**

2.5 **You also have responsibilities whenever you process personal data in connection with the performance of your role. These are outlined in our Data Protection Policy.**

3. **What types of personal data do we collect, where do we get it from and on what basis do we process it?**

3.1 We collect many different types of personal data about you for lots of reasons. We cannot administer our employment relationship with you without it. **Where our collection of your personal data is optional, we will make this clear in any forms collecting details (such as our staff surveys) and these fields can be left blank.**

3.2 **You provide us with personal data directly when you apply for a job with us (such as when you complete our new starter forms, benefits nomination form, HM Revenue & Customs Starter Checklist), or correspond with us and in the course of performing your job. We also create some personal data ourselves and obtain some personal data from other sources**. We obtain it from other people and organisations, including some public sources, such as publicly available professional directories and online resources, your emergency contacts, your use of assets, systems and platforms we provide, your line manager and co-workers, your dependants and beneficiaries, third party benefits providers.

3.3 **We process your personal data for particular purposes in connection with your employment or engagement with us, and the management and administration of our business. We are required by law to always have a permitted reason or justification (called a "lawful basis") for processing your personal data. For some processing activities, we consider that more than one lawful basis may be relevant – depending on the circumstances.**

3.4 **There are six such permitted lawful basis for processing personal data. The Annex sets out the different purposes for which we process your personal data and the relevant lawful basis on which we rely for that processing. These bases may be:**

3.4.1 **Consent**: You have given your consent to the processing (please also see paragraph **8.2);**

3.4.2 **Contract:** It is necessary to perform your employment contract;

3.4.3 **Legal obligation**: It is necessary for us to comply with a legal obligation;

3.4.4 **Legitimate interests**: It is necessary for our legitimate interests or those of third parties;

3.4.5 **Vital interests**: It is necessary in an emergency to save your life or protect you from serious harm (or to protect someone else); or

3.4.6 **Public interest**: It is necessary to perform a task in the public interest.

3.5 **Please note that where we have indicated in the table in the Annex that our processing of your personal data is either:**

3.5.1 **necessary for us to comply with a legal obligation; or**

3.5.2 **necessary for us to take steps, at your request, to perform our employment contract with you**

and you choose not to provide the relevant personal data to us, we may not be able to continue our contract of employment with you.

3.6 **We are required by law to treat certain categories of personal data with even more care than usual. These are the special categories of personal data explained earlier in this notice. Additional different lawful bases apply to them. The table in the Annex**

also sets out the different purposes for which we process your special category personal data and the relevant lawful basis on which we rely for that processing. We have included criminal related data in this category.

3.7 **The table explains the legal basis on which we use this type of personal data for the relevant purpose:**

3.7.1 **Explicit consent:** You have given your explicit consent to the processing (please also see paragraph **8.2)**;

3.7.2 **Employment and social security/protection law**: It is necessary for your/our obligations and rights in the field of employment and social security and social protection law;

3.7.3 **Vital interests:** It is necessary to protect the vital interests of the data subject or another person you or they are physically or legally incapable of giving consent;

3.7.4 **Legal claims:** It is necessary for our establishment, exercise or defence of legal claims;

3.7.5 **Substantial public interest:** It is necessary for reasons of substantial public interest; or

3.7.6 **Preventative or occupational medicine:** It is necessary for preventive or occupational medicine, for the assessment of the working capacity of

It is your responsibility to make sure the personal data you provide to us is complete and accurate and you must help us to keep it accurate and up to date. If any of the personal data you have given to us changes, such as your contact details, please inform us without delay by contacting P&C@nestcorporation.org.uk.

3.8 We may also convert your personal data into statistical or aggregated form to better protect your privacy, or so that you are not identified or identifiable from it. Anonymised data cannot be linked back to you. We may use it to conduct research and analysis, including to produce statistical research and reports. For example, to help us understand how many of our total workforce number are on secondments at any given time.

3.9 We may produce NEST employer marketing materials, including employee case studies, videos and images for use both internally and externally. It is possible that special category data (sensitive personal data) might be disclosed, as well as personal data in the creation of these materials. In the event that you are invited to contribute to our employer marketing materials, NEST will seek your explicit consent before any materials are published either internally or externally.

4. Who do we share your personal data with, and why?

4.1 **From time to time we may need to pass your personal data on to trusted third parties**

4.2 **We may ask trusted third parties to carry out certain business functions for us on our behalf, such as the administration of our payroll and our IT support. We will disclose your personal data to these parties so that they can perform those functions. Before we disclose your personal data to other people, we will make sure that they have appropriate security standards in place to make sure your personal data is protected and we will enter into a written contract imposing appropriate security standards on them. Examples of these third party service providers include service providers and/or sub-contractors, such as our outsourced payroll, HR and marketing service providers, and our IT systems software and maintenance, back up, and server hosting providers.**

4.3 **In certain circumstances, we will also disclose your personal data to third parties who will receive it as controllers of your personal data in their own right for the purposes set out above, where the relevant disclosure is:**

4.3.1 **related to a re-organisation or restructuring of NEST (or part of it), when we may disclose or transfer your personal data to the prospective buyer and their advisors;**

4.3.2 **related to any secondment you undertake to the Department for Work and Pensions (DWP); and**

4.3.3 **if we need to disclose your personal data in order to comply with a legal obligation, to enforce a contract or to protect the rights, property or safety of our employees, members or others.**

4.4 **We have set out below a list of the categories of recipients with whom we are likely to share your personal data:**

4.4.1 **employment-related benefits providers and other third parties in connection with your benefits (such as pension trustees);**

4.4.2 **consultants and professional advisors including legal advisors and accountants;**

4.4.3 **courts, court-appointed persons/entities, receivers and liquidators;**

4.4.4 **business partners and joint ventures;**

4.4.5 **trade associations and professional bodies;**

4.4.6 **insurers;**

4.4.7 **the Pensions Regulator and the DWP; and**

4.4.8 **other governmental departments, statutory and regulatory bodies including the Department for Work & Pensions, Information Commissioner's Office, the police and Her Majesty's Revenue and Customs.**

4.4.9 **specifically in relation to employer marketing materials, with your explicit consent, your data may be shared with creative agencies involved in the production of marketing materials and may be published externally, for example on the NEST website and on other social media platforms like LinkedIn.**

5. **Where in the world is your personal data transferred to?**

5.1 Some of the organisations that we share your personal information with may process it overseas. If any disclosures of personal data mean that your personal data will be transferred outside the European Economic Area, we will only make that transfer if:

5.1.1 the country to which the personal data is to be transferred ensures an adequate level of protection for personal data;

5.1.2 we have put in place appropriate safeguards to protect your personal data, such as an appropriate contract (like the contract terms sometimes called Model Contract Clauses issued by the European Commission) with the recipient (please contact dpo@nestcorporation.org.uk if you wish to obtain a copy of these);

5.1.3 the transfer is necessary for one of the reasons specified in data protection law, such as the performance of a contract between us and you; or

5.1.4 you consent to the transfer.

6. How do we keep your personal data secure?

6.1 The security of your personal data is very important to us and we take this matter very seriously. We will take steps (as required by data protection law) to protect your personal data from unlawful or unauthorised processing and accidental loss, destruction or damage. We will ensure that third parties who we disclose your personal data will do so as well. We will use appropriate procedures and security features to process and protect your information. We have in place a robust framework to ensure the security of your data. The information security management systems operated by NEST and our IT managed services provider are all independently certified to the ISO 27001 standard.

7. How long do we keep your personal data for?

7.1 We will keep your personal data during the period of your employment and then, after your employment with us ends, for as long as is necessary in connection with both our and your legal rights and obligations. This may mean that we keep some types of personal data for longer than others.

7.2 **We will only retain your personal data for a limited period of time. This will depend on:**

7.2.1 **any laws or regulations that we are required to follow;**

7.2.2 **whether there is an ongoing request or query at the time, or we are in a legal or other type of dispute with each other or any third party;**

7.2.3 **the type of information that we hold about you; and**

7.2.4 **whether we are asked by you or a regulatory authority to keep your personal data for a valid reason.**

7.3 **Generally, your personnel file will usually be held by us for a period of 7 years from the end of your employment with us, However, there are exceptions to this. Please refer to the HR Retention Policy for further details.**

7.4 **Any personal data contained in any work related correspondence or records may be retained for longer, dependant on the retention period of the file that your personal data is held on.**

8. What are your rights in relation to your personal data and how can you exercise them?

8.1 You have certain legal rights in relation to any personal data about you which we hold.

8.2 Where our processing of your personal data is based on your **consent** you have the right to withdraw your consent at any time. If you do decide to withdraw your consent we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

8.3 Where our processing of your personal data is necessary to perform a task carried out in the public interest or in exercise of official authority vested in NEST you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing

should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Your right	What does it mean?	Limitations and conditions of your right
Right of access	Subject to certain conditions, you are entitled to have access to your personal data (this is more commonly known as submitting a "data subject access request").	If possible, you should specify the type of information you would like to see to ensure that our disclosure is meeting your expectations. We must be able to verify your identity. Your request may not impact the rights and freedoms of other people, eg privacy and confidentiality rights of other staff.
Right to data portability	Subject to certain conditions, you are entitled to receive the personal data which you have provided to us and which is processed by us by automated means, in a structured, commonly-used machine readable format.	If you exercise this right, you should specify the type of information you would like to receive (and where we should send it) where possible to ensure that our disclosure is meeting your expectations. This right only applies if the processing is based on your consent or on our contract with you and when the processing is carried out by automated means (ie not for paper records). It covers only the personal data that has been provided to us by you.
Rights in relation to inaccurate personal or incomplete data	You may challenge the accuracy or completeness of your personal data and have it corrected or completed, as applicable. You have a responsibility to help us to keep your personal information accurate and up to date. We encourage you to notify us of any changes regarding your personal data as soon as they occur, including changes to your contact details, telephone number, immigration status.	Please always check first whether there are any available self-help tools to correct the personal data we process about you. This right only applies to your own personal data. When exercising this right, please be as specific as possible.
Right to object to or restrict our data processing	Subject to certain conditions, you have the right to object to or ask us to restrict the processing of your personal data.	As stated above, this right applies where our processing of your personal data is necessary for our legitimate interests. You can also object to our processing of your personal data for direct marketing purposes.
Right to erasure	Subject to certain conditions, you are entitled to have your personal data erased (also known as the *"right to be forgotten"*), eg where your personal data is no longer needed for the purposes it was collected for, or where the relevant processing is unlawful.	We may not be in a position to erase your personal data, if for example, we need it to (i) comply with a legal obligation, or (ii) exercise or defend legal claims.
Right to withdrawal of consent	As stated above, where our processing of your personal data is based on your consent you have the right to withdraw your consent at any time.	If you withdraw your consent, this will only take effect for future processing.

8.4 If you wish to exercise any of these rights, please contact our Data Protection Officer at **dpo@nestcorporation.org.uk** in the first instance.

8.5 If you have any concerns on how we handle your personal data you can raise a complaint with the Information Commissioner's Office, which is the UK data protection regulator. More information can be found on the Information Commissioner's Office website at **https://ico.org.uk/**.

9. Updates to this notice

We may update this notice from time to time to reflect changes to the type of personal data that we process and/or the way in which it is processed. We will update you on material changes to this notice by email.

10. Where can you find out more?

10.1 We have appointed a Data Protection Officer whose role is to inform and advise us about, and to ensure that we remain compliant with, data protection law. The P&D team should be your first point of contact if you have any queries or concerns about your personal data. They can be contacted at P&D@nestcorporation.org.uk. If you want any more information about this notice and its contents, or wish to discuss it, you can also contact us:

10.1.1 By email at: dpo@nestcorporation.org.uk

10.1.2 By post at: People & Culture Team, NEST Corporation, 10 South Colonnade, Canary Wharf, London, E14 4PU.

11. Non-Payrolled Staff

11.1 Non-Payrolled staff includes Consultants, Temporary, Interims and Inbound Secondees. At the point of onboarding, background checks would be required for some of our non-payrolled staff. **Your rights in relation to your personal data are as per clause 8 of this document.**

Employee Privacy Notice Annex - Categories of Personal Data, their Sources and Legal Basis of Use

Defined Term	Meaning
Core ID Data	Title, Full Name, DOB; (once employed) Employee Number and Job Title
Core Contact Data	Personal home address, personal email address, home and personal mobile telephone numbers

Personal Data	Lawful Basis	Source of information
On boarding new starters		
Core ID Data Core contact Data Education (including qualifications) Job history and experience CV, application, interview questions, answers and notes Test results and results of benchmarking Selection matrices (completed during/following interviews)	Public interest	Your application Recruitment Agencies Publicly available information from professional online resources eg Linked In
Entering into the employment contract		
Core ID Data Core Contact Data Employment Contract	Contract	Your application
Setting up the employee record and HR file		
Core Contact Data Education (including qualifications and results) Job History, skills and experience References (referee's title, name, employer/business, contact details) and their opinion of / requested factual details about job applicant	Public interest For sickness personal data, substantial public interest	Your application Recruitment Agencies Your previous employers / referees

Personal Data	Lawful Basis	Source of information
Allocated employee ID number Sickness Record (non-statutory sick pay) Gender Ethnicity		Publicly available information from professional online resources eg Linked In
Collecting and checking legally required details (for right to work, PAYE taxation, disability adjustments and emergency details for health & safety/duty of care reasons)		
Emergency Contact Details National Insurance Number Disability Right to work documentation (including date of birth, nationality and passport/visa information) Sickness Record (Statutory Sick Pay only) Next of Kin	Legal obligation For race/ethnicity, or sickness related health data, employment law obligation	Your application Information you have provided us with
Information related to you carrying out your role and duties for use and facilitating that and communicating with you		
Work contact information Image and photos Hours/days worked Mentions in NEST function related records and documentation in relation to work for NEST and involvement Any secondment details Work travel arrangements Surveys and feedback from you	Public interest	You
Sharing required health related details with your emergency contacts/medics in the event of emergency eg if you are taken ill at work		
Accident/incident health related information	Vital interests	You Your emergency contacts
Ensuring equal opportunities compliance and for diversity monitoring and reporting		
Nationality	Public interest	Your application

Personal Data	Lawful Basis	Source of information
Ethnicity Gender Religion Sexual Orientation Disabilities	For ethnicity personal data, substantial public interest	Information you have provided us with
Information volunteered by you used for special arrangements required for catering, travel, working hours/days/holidays adjustments		
Dietary requirements Travel preferences Religion/beliefs Political opinions Personal interests and achievements	Consent For health data, religious or similar beliefs or political opinions, explicit consent	Information you have provided us with
Information volunteered by you which is to be kept on HR record for duty of care purposes		
Such as information provided in confidence relating to health, personal circumstances, family etc.	Legal obligation Public task For health/special personal data, employment law obligation and substantial public interest	Information you have provided us with
To administer payroll, make necessary deductions and to pay you salary and other contractual payments/benefits plus expense claim/reimbursement		
Core ID Data Bank Details Salary Benefits Deductions Expenses claimed and reimbursed	Contract Public interest	Information you have provided us with Your contract of employment Our payroll records
To administer statutory payments (statutory leave payments for sickness/family leave, PAYE deductions, mandatory pension deductions/payments)		

Personal Data	Lawful Basis	Source of information
National Insurance Number Tax Code P45/P60 details Pension contribution (auto-enrolment)	Legal obligation	Information you have provided us with
To provide you with contractual and discretionary employee benefits		
Core ID Data Salary Beneficiaries details Health data (for disability, long term sickness, accidents at work, death benefits, or specific health benefits provided)	Contract (for contractual benefits); and public task for other benefits For health personal data, employment law obligation and substantial public interest	Information you have provided us with Your contract of employment Our payroll records
For facilitating sabbaticals		
Sabbatical applications (period, timing, reason and decision on approval/start) Health data	Public interest For health personal data in relation to sabbaticals, employment law obligation or substantial public interest	Information you have provided us with
Absence and sickness management (mandatory by law and where volunteered by the employee), including for back to work assessment/management, health & safety compliance, legal and insurance claims and administration		
Mandatory: Core ID Data Health related information GP's sickness notes Occupational health information/reports Sickness Benefit Consultant reports (specialist, non-GP) Health & safety risk assessments, incident investigation and report (health/criminal data) Non mandatory: Core ID Data, Core Address Data National Insurance Number	*Where mandatory:* Legal obligation For health data and sexual data, for employment law obligation (duty of care and health and safety) *Where non-mandatory: Public interest and for health personal data (occupational health),* substantial public interest , legal claims, preventative or occupational medicine	Information you have provided us with

Personal Data	Lawful Basis	Source of information
Adoption match date Adoption placement date Absence dates Absence pay dates Child's date of birth Maternity (MATB 1 form), Paternity Shared Parental Leave data (*also includes personal data of the spouse*)		
Trying to understand and classify you and your potential as an employee and how best to manage and develop you as a result (profiling)		
Core ID Data /Employee identification number Salary Job Title Gender Age Ethnicity Education Performance review documents (mid and end of year)	Public interest For ethnicity data, employment legal obligation	Information you have provided us with Our review records
Career planning, development and advancement, including promotion and succession planning and loyalty assessment		
Core ID Data/Employee identification number Job title Salary Statements/Opinions Performance reviews	Public interest	Our review records Our HR records Our payroll records
Online training (computer only marking and results – automated decision making) with no serious/legal consequences		
Core ID Data/Employee identification number Any results of training modules (where necessary) – i.e. scores	Public interest	Our HR records Our training records
Training records		
Core ID Data	Public interest	Our review records

Personal Data	Lawful Basis	Source of information
Job title Training course details Informal performance feedback		Our HR records
Benchmarking of performance, salary/benefits/progression against peer group to help with fairness and individual/workforce development/improvement		
Core ID Data Salary information Job title Benefits Performance rating Feedback/Opinions	Public interest	Our review records Our HR records Our payroll records
Monitoring use of the building, equipment and IT systems to keep premises, people, assets and data safe and secure and ensure appropriate use in compliance with our policies and legal obligations		
CCTV Swipe card access data Computer access (i.e. when logging in and out) Login details (username, password) Use of software on computers Use of systems on computers Internet use monitoring (websites accessed) E-mail Monitoring Use of NEST provided IT equipment, including telephones	Public interest	Our automated data Our IT records
Dealing with disciplinary matters, including investigation, reporting, decision making and any disciplinary sanctions		
Core Data Opinions/statements Outcome Sanctions Health data / criminal allegations	Public interest For special category data, substantial public interest	Our HR records Our IT records Information you have given us

Personal Data	Lawful Basis	Source of information
Statements and facts as alleged Additional facts and details Analysis of factors / weighting of factors Outcome of grievance Recommendations Appeal submission As above for appeal		
Dealing with grievances made, investigation, reporting, decision making and outcomes		
Core Data Grievance details Any (sensitive) details involved e.g. health data Opinions about employee Statements on grievance and facts as alleged Additional facts and details Analysis of factors / weighting of factors Outcome of grievance Recommendations Appeal submission As above for appeal	Public interest For special personal data (e.g. health), legal claims or substantial public interest	Our HR records Our IT records Information you have given us
Providing references about you to third parties		
Confirmation of employment Role Start/end date Salary	(If requested by you from us): consent (If requested by new employer from us): public interest	You New employer

Personal Data	Lawful Basis	Source of information
Legal compliance and good governance, including complying with binding requests and cooperating with regulators, police and similar authorities		
Complaints Requests Legal claims, orders, warrants, requests	(Legally binding): legal obligation (and for special category data) substantial public interest or legal claims (Not legally binding): public interest (and for special category data) substantial public interest or legal claims	You Third party courts, authorities and regulators Parties to legal proceedings / their advisors
Production and publication of employer marketing materials		
Personal data including your name, information about your job and working pattern, your educational and family background. Opinions/statements This may also contain special category data, including gender, ethnicity, age, disability, health status etc. Images and video footage of you	Explicit consent	You
Onboarding Consultants		
Name and a copy of their Baseline Personnel Security Standard (BPSS)	Public Interest	Consultancy providing the consultant to Nest Publicly available information from professional online resources eg Linked In
Onboarding Temporary/Interims		
As per the job applicant fair processing notice	Public Interest	Recruitment Agency Publicly available information from professional online resources eg Linked In
Onboarding Inbound Secondees		
Name, mobile number, email address	Public Interest	Company being seconded from You

Personal Data	Lawful Basis	Source of information
		Publicly available information from professional online resources eg Linked In

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<publishing number>