

Privacy notice (employment)

Our processing of your personal data for employment and related purposes

Why we process information about you

The Pensions Ombudsman (TPO) is committed to respecting and protecting your privacy. This notice explains how and for what purposes TPO will collect and process any personal information about you to administer our employment or contractual relationship with you and related activities.

If we process personal information about you, you are a “data subject.” You might be a data subject for the purposes of this notice if you are:

- a current employee
- a previous employee
- a prospective employee
- agency staff
- an apprentice
- a consultant
- a student or intern
- a contractor
- a secondee
- an individual representing a third party service provider supplier (for example, a representative of our Occupational Health providers or of our payroll administrators).

TPO collects and retains personal data that is relevant to your prospective, current or previous employment and related functions. We will also collect and retain personal data where you carry out work with us or provide your services to us under any other contractual arrangement. We use your personal data where necessary in order to fulfil our obligations to you as our employee and any legal obligations we may have as an employer or under our contractual arrangement. We will also share this data with third parties where necessary (please see the section “Who we share your data with” below).

We will also use personal data to compile statistics and conduct analysis in accordance with our duties under the Equality Act 2010 and to comply with other legal requirements such as responding to requests made under the Freedom of Information Act 2000. Where possible we will anonymise your data.

We will collect your personal data from different sources including:

- you
- your family members
- your referees
- educational establishments you have attended or are attending
- your current employer and/or any previous employer
- a health care provider and/or an occupational health provider
- your GP
- your agency
- your Trade Union
- government departments

- Ucheck, Secure Screening Services and The Disclosure and Barring Service (for the purposes of security and other vetting procedures)
- third party service providers
- Civil Service Learning and other providers of learning management systems or training
- HMRC
- your pension provider.

The employment and related purposes for which we will process your personal data include:

- to maintain accurate employment records
- to provide references
- for recruitment and selection purposes (including your right-to-work and residence status)
- to operate the payroll including the reimbursement of expenses
- administer your pension and any other benefits as appropriate, this will include processing information such as your salary, dependents, government identifiers such as your national insurance number and your bank account details
- to make reasonable adjustments for prospective and current employees and to obtain occupational health advice
- to keep a record of your contact details (including emergency contact details)
- to carry out pre and post-employment vetting procedures including a DBS check and other security clearance procedures
- for monitoring staff use of TPO systems in accordance with our security policies, including access to premises, computer and telephone use and reporting data breaches or suspicious activities where appropriate
- for monitoring TPO premises (including by CCTV) for the purposes of protecting TPO and its workforce against injury, theft, legal liability, fraud or abuse
- to facilitate and maintain accurate records of and ensure compliance with TPO workplace management policies (including sickness, annual leave and other types of leave, poor performance, disciplinary, grievance, whistleblowing and information security)
- to operate and keep a record of other types of leave such as maternity leave and adoption leave
- for investigating complaints made against TPO staff
- to monitor staff compliance with TPO Code of Conduct, Conflicts of Interest Register and Hospitality and Gifts Register
- to monitor attendance at, and participation in, work-related training events in-house, externally and online (for example via the Civil Service Learning website)
- to monitor recruitment and performance-related data such as objectives, comments, feedback, skills and competencies, work related qualifications and other information relevant to the personnel records of staff to produce relevant statistics and to conduct analysis for compliance with equality legislation
- to monitor and report on equal opportunities
- to make appropriate disclosure for the purposes of employment and other related legal proceedings
- to promote TPO through promotional videos and literature
- to perform our contractual obligations with third party suppliers and service providers
- to facilitate and process a complaint you may make or feedback you may give about the contact you have had with us.

The kind of personal information we collect and process

Personal data

Personal data refers to any information by which a living individual can be identified. Individual identification can be by one piece of information alone or in conjunction with other information.

The personal data we collect and process about you may include, but is not limited to: name, address, other contact details (e.g. email and telephone numbers), sex, marital status, date and place of birth, nationality, passport details, driving licence, employer, educational qualifications and history, job title and employment history, pension history, family details including their relationship to you, your relationship with others, images of you including photographs and CCTV footage, location data or online identifier, financial details, national insurance number, recruitment and performance related information.

Special category data

Certain categories of personal data have additional legal protections when being processed. These categories are data about your health, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data or data concerning your sex life or sexual orientation.

The special category data we collect and process about you may include, but is not limited to: medical information (e.g. for the purposes of carrying out reasonable adjustments under the Equality Act 2010, risk assessments and the application of our sickness policy); your race or ethnic origin and/or your religious beliefs and sexual orientation (e.g. for equal opportunity monitoring, when compiling statistics and conducting analysis for the purposes of the Equality Act 2010 or responding to a request under the Freedom of Information Act 2000). Where possible we will anonymise your data.

We may also process information provided by your trade union for the purpose of administering your subscription via the payroll.

Criminal offence data

The processing of criminal offence data also has additional legal safeguards. Criminal offence data includes information about criminal allegations, criminal offences, criminal proceedings and criminal convictions. TPO does not keep a comprehensive register of the criminal convictions or cautions of prospective or current staff. However, as part of our pre-employment processes each person will be subject to security clearance that will include obtaining information about any criminal convictions or cautions both from you and from third-parties. TPO will retain this information during the period of your employment and afterwards in certain circumstances.

Our legal basis for processing your data

Contract and legal obligation

If you are an employee we will collect and process your data, including special category or criminal offence data, where it is necessary to do so for the performance of our employment contract with you or where we have a legal obligation to do so (for example making reasonable adjustments in accordance with the Equality Act 2010 and due to an obligation under employment law) or in the circumstances set out in the section "Who we share your data with".

Special category data may be processed by us where it is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in Schedule 1, Part 2, paragraph 8(2) of the Data Protection Act 2018. This processing will be with a view to enabling equality to be promoted or maintained and is not carried out for the purpose of making decisions with respect to a particular data subject. Such processing will not be carried out where consent has been declined or you have given notice that you do not wish your data to be processed for these purposes. It will only be carried out where it is not likely to cause substantial damage or distress to an individual. Any data used for this purpose will be anonymised.

If you carry out work with us or provide your services to us under any other contractual arrangement we will collect and process your personal, special category or criminal offence data, including providing it to third parties, where it is necessary to do so for the performance of that contract.

Consent

As a prospective employee (prior to you entering into a contract of employment with us) we will only collect and process your data based on your explicit consent to do so. You can withdraw your consent at any time. However, if you do withdraw your consent or refuse to provide the data required for the recruitment process we may not be able to progress your application properly or at all.

For employees and those working under other contractual arrangements, there may be occasions where it is necessary to seek your explicit consent to process your personal data, including special category data.

Whenever we want to process your data by consent you will be provided with a consent form to complete. This will explain:

- what you are being asked to agree to and why
- how your data will be used
- who we will share your data with
- your right to withdraw your consent at any time
- the process through which you can withdraw your consent
- who to contact if you have any concerns about the use of your data.

Legitimate Interests

There are some circumstances where we will process your data on the basis that TPO has a legitimate interest in doing so. For example, when we collect information about who to contact in an emergency and when CCTV monitoring is used in workplace premises. We consider that having contact details in the event of an emergency involving our staff and safeguarding the security of our premises and the information held in them are legitimate interests.

We will always seek to balance our legitimate interests with the fundamental rights and freedoms of data subjects.

Who we share your data with

For the employment, contractual and related purposes set out above we will need to share your personal data with third parties. The categories of persons we share your personal data with include:

- our payroll provider
- our pensions providers
- HMRC and other government departments
- public bodies
- our occupational health provider
- persons or organisations requesting a reference in relation to your employment with us
- Ucheck, Secure Screening Services and The Disclosure and Barring Service (for the purposes of security and other vetting procedures)
- work place representatives
- employment agencies
- third-party suppliers and service providers
- the public (for example for the purposes of transparency TPO will publish relevant details of senior staff from its Hospitality and Gifts Register and Conflicts of Interests Register).

We are also required to share your data with third parties where there is a legal obligation to do so. We share information with other public bodies and government departments in order to facilitate the exercise of their statutory or other public functions. For example, to assist with the issue of a witness summons or where your name appears on material that we are legally bound to disclose for legal proceedings. The categories of persons we may share your data with include:

- courts and tribunals
- public bodies
- the Information Commissioners' Office
- police forces and other law enforcement agencies
- regulatory bodies or ombudsmen and the Health and Safety Executive
- professional advisers, experts and consultants.

How long we will keep your data

TPO has a retention and disposal schedule which lists the data we hold and how long we hold it for. To find out how long we keep your data please see our retention and disposal schedule [here](#).

Your rights in relation to the data we hold

Data protection legislation provides you with a number of rights relating to your personal data. These rights are subject to some specific exemptions. Your rights may include:

- the right to access your data
- the right to have your data corrected if it is wrong or incomplete
- the right to request restrictions to the processing of your data
- the right to object to your data being processed
- the right to have your data erased
- the right to be informed about how your data is processed
- rights relating to automated decision making and data portability

You should keep us informed of any changes to your information so that we can be confident that the data we hold about you is accurate.

Our Data Controller and Data Protection Officer

Our data controller is the Ombudsman. The data controller has overall control over the purpose for which and the way we obtain and process personal data.

TPO has a designated Data Protection Officer. If you have any queries or concerns about exercising your data rights or the way in which we collect, handle or process your data, please contact the Data Protection Officer either via the 'contact us' page of our website or by emailing informationmanagement@pensions-ombudsman.org.uk.

Alternatively you can contact our switchboard on 0800 917 4487 between 9am and 5pm, Monday to Friday.

Your right to complain to the Information Commissioner

If you are unhappy with any aspect of the way in which we have processed your personal data, you have the right to make a complaint to the Information Commissioner's Office: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF www.ico.org.uk Tel: 0303 123 1113 casework@ico.org.uk

Feedback or complaints about our service or staff

If you want to give us feedback or make a complaint about our service or staff please contact us through the 'contact us' page of our website or by emailing enquiries@pensions-ombudsman.org.uk.

Alternatively you can contact our switchboard on 0800 917 4487 between 9am and 5pm, Monday to Friday.

Review of this notice

This privacy notice will be regularly reviewed and may be revised. Please visit our [website](#) to check for any updates.