

## STAFF DATA PRIVACY NOTICE

### 1. Introduction

1.1. This notice is for all EMSO staff and explains the purpose for which EMSO holds information about you (i.e. your personal data).

1.2. 'Personal data' means any of your information which identifies you or which can be linked with other data to identify you such as a name, staff ID number, your photograph etc.

1.3. Your personal data may include "special categories of data" described under GDPR. Special categories data include information on racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

1.4. This data privacy notice is in accordance with General Data Protection Regulation (GDPR), in effect from 25th May 2018. The European Multidisciplinary Seafloor and water column Observatory (EMSO) is registered with the Italian Authority For Data Protection (*Garante per la protezione dei dati personali* – [www.garanteprivacy.it](http://www.garanteprivacy.it)) for the purpose of Data Protection. EMSO's Data Protection Policy can be found here. Further information can also be obtained from Our Data Protection Officer mailing [privacy@emso-eu.org](mailto:privacy@emso-eu.org)

1.5. EMSO may process data relating to criminal convictions if your employment requires a Disclosure and Barring Service Check. Particular safeguards will be put in place for the collection and processing of special categories of data and criminal convictions.

1.6. Staff personal data is kept in accordance with EMSO's Data Protection Policy and is kept securely and used only for legitimate purposes in connection with your employment.

### 2. How is data collected?

2.1. EMSO collects your personal data from your application and from forms completed by you at the start of or during employment; from correspondence with you; or through interviews, meetings or other assessments. For example, data might be collected through CVs or resumes; obtained from your passport or other identity documents such as your driving licence.

2.2. In some cases, EMSO also collects personal data from third parties, such as references supplied by former employers, information from employment background checks and from criminal records checks permitted by law. Please note that EMSO seeks information from third parties with your consent.

### 3. Purpose of collecting and processing staff data

3.1 EMSO needs to collect, retain and process your personal data for reasons related to recruitment or your employment by EMSO.

3.2 EMSO collects and processes data for the following reasons:



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

3.3 Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations such as those in relation to employees with disabilities. Moreover, EMSO may also process other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, which is done for the purposes of equal opportunities monitoring only and to provide anonymised statistical reports.

3.4 EMSO will routinely publish some sources of information about EMSO that include personal data. These may include staff work telephone / e-mail directory, annual reports, newsletters and staff profiles on EMSO website.

#### **4. Lawful basis for collecting and processing data**

4.1. Under GDPR EMSO must have a lawful basis for collecting your data. The basis for collecting and processing most of your data is for the performance of a contract; to enter into a contract and compliance with legal obligation. For example, EMSO needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer various entitlements. The provision of this data is part of the contract you form with EMSO when you accept an offer of employment.

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

4.3. The basis for collecting and processing your data is outlined in Appendix 1.

#### **5. Disclosures to third parties**



5.1. EMSO will disclose your data to third parties where this supports the administration of recruitment, your employment or where we are legally obliged to.

5.2. The processing of some of this information may be undertaken on EMSO's behalf by organisations contracted for that purpose. Such organisations will be bound by an obligation to process data in accordance with GDPR and any specific contractual obligations with EMSO. The minimum personal information necessary for fulfilling that contract will be passed to the third party for these purposes.

5.3. In order to process your recruitment and employment effectively, EMSO deploys IT systems that may entail the transfer of data. Any such transfer will be covered by a specific contract that will include protection of personal data.

5.4. Details where EMSO transfers personal data are contained in Appendix 2.

## **6. Transfers to countries outside the European Union (EU)**

6.1. On occasions where we have to achieve the purpose for which we are processing your personal data, we may need to share your personal data with other organisations based within the EU or if outside the EU in countries that have comparable levels of data protection.

6.2. When it is necessary to share your data with organisation outside of the EU, we will ensure that they are appropriate safeguards in place.

## **7. How does EMSO store and protect data?**

7.1. The European Multidisciplinary Seafloor and water column Observatory (EMSO) takes the security of your data seriously. We have internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

7.2. Data will be stored in a range of places, including in your personnel file, in EMSO's HR management systems, recruitment system and in other IT systems. Data will not be stored for any longer than is necessary and in line with GDPR.

## **8. Your rights**

8.1. Under GDPR you have a right to request a copy of your personal data held by EMSO. EMSO is required to fulfil this request within 20 working days.

8.2. You can:

- access and obtain a copy of your data on request;
- require EMSO to change incorrect or incomplete data;
- require EMSO to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where EMSO is relying on its legitimate interests as the legal grounds for processing.



8.3. Any request for such a copy should be made in writing to [privacy@emso.it](mailto:privacy@emso.it)

8.4. If you believe that the organisation has not complied with your data protection rights, you can contact the Information Commissioner (the Italian Authority For Data Protection – *Garante per la protezione dei dati personali* – [www.garanteprivacy.it](http://www.garanteprivacy.it))

## 9. Your Responsibilities

9.1. You have a responsibility to keep your personal details accurate and up to date and should notify EMSO of any changes.

9.2. Staff at EMSO may, during the course of their employment, have access to personal data about other individuals. Staff are expected to treat any personal data relating to other people which may be accessed whilst at EMSO in a responsible and professional manner, in line with EMSO's Data Protection Policy. This responsibility is in addition to any obligations arising from professional ethics or codes of conduct.

9.3. Information obtained in the expectation of a duty of confidence should be treated confidentially and generally not disclosed without the data subject's consent.

9.4. Staff have a responsibility to report any breaches of data protection immediately to the EMSO DPO and the Information Security Manager in accordance with the Data Breach Notification Process.

## 10. Additional Notices and guidance policies

10.1 Other policies and guidance documents such as EMSO's Data Protection Policy, the Data Breach Notification Process, the CCTV Policy and policies relating to IT Security and Usage provide further useful information about the way in which EMSO processes your personal data. EMSO policies can be found on the HR intranet and EMSO's Policy and Regulations webpage.

### Appendix 1: Staff data and basis for processing

Data	How is it collected?	Purpose for use	Lawful basis for processing
Personal details: Name, title, address, contact details including email address, telephone, date of birth and gender.	Recruitment application and through the recruitment and employment process.	Contact, to enter into a contract and employment purposes.	For the performance of a contract.



Qualifications, skills, experience and employment history, including start and end dates, with previous employers and with EMSO.	Recruitment application and through the recruitment and employment process.	To enter into a contract, contract and employment purposes.	For the performance of a contract.
Remuneration, including entitlement to benefits such as pensions or insurance cover.	Through the recruitment process and in employment.	Contract and employment purposes.	For the performance of a contract.
Bank account details.	Through the recruitment process and in employment.	Salary payment and payroll administration.	For the performance of a contract.
National insurance number	Through the recruitment process and in employment.	Salary payment, payroll and tax administration.	Compliance with legal obligation
Next of kin, dependants and emergency contacts.	Through the recruitment process and in employment.	Health and Safety contact and pension administration.	For the performance of a contract and compliance with legal obligation.
Nationality and entitlement to work in Italy	Through the recruitment process and in employment.	Contract and employment purposes.	For compliance with legal obligation.
Criminal record data and checks.	Through the recruitment process and in employment.	In line with the EMSO's Criminal Convictions, disclosure and barring (Staff Policy and Procedure)	For compliance with legal obligation.
Schedule (days of work and working hours) and attendance at work.	During employment.	Salary payment and payroll.	For performance of a contract.
Periods of leave taken including, sickness absence, family leave and the reasons for the leave.	During employment.	Salary payment and payroll.	Legal obligation – employment purposes



Periods of leave taken including holiday sabbaticals, and the reasons for the leave.	During employment.	Salary payment and payroll.	For performance of a contract.
Details of disciplinary or grievance procedures, any warnings issued and related correspondence.	During employment.	Contract and employment purposes.	For the performance of a contract.
Assessments of performance, i.e. - appraisals, performance reviews and ratings, performance improvement plans.	During employment.	Contract and employment purposes.	For the performance of a contract.
Medical or health information and conditions.	Through the recruitment process and in employment.	Contract and employment purposes.	Compliance with legal obligation – employment purposes.
Ethnic origin, sexual orientation, health and religion or belief.	Through the recruitment process and in employment.	For equality monitoring and to provide anonymised statistical reports.	Public task – substantive public interest.
Name, photograph, email and EMSO ID for EMSO swipe card.	During employment.	Access to EMSO offices, personal safety and security.	Legitimate purposes in connection with access to EMSO.
Data collected in accident reports and risk assessments.	Through accident reports.	Statutory reporting Health and Safety at Work Legislation	For compliance with legal obligation.
Name, telephone, vehicle details including registration number.	Collected from staff.	Car parking registration and permit application.	Legitimate purposes in connection with access to EMSO.
Images of staff.	*CCTV system around EMSO sites	Personal safety and security.	Legitimate purposes in connection with personal safety and security.



\*CCTV is not used for routine monitoring of staff and images are only used in circumstances that EMSO could not ignore where there is a risk of or actual criminal activity taking place, where there is gross misconduct alleged or undertaken or where behaviours of staff put others at risk. Further information can be found on EMSO's CCTV policy.

## Appendix 2: Disclosures to third parties

Disclosure to:	Details:
Data processors and storage	For purposes of administering payroll payments and the production of payslips.
EMSO's Data storage software system?	The I.T system that supports the recruitment of staff.
EMSO's pension providers	For purposes of administering pension payments.
Collection of a tax or duty	Benefit or Tax Inspectors.
ITA Visa and Ministry of the Interior	As required in carrying out right to work permit checks.
Public Prosecution Offices	As required in carrying out criminal convictions, disclosure and barring checks in line with EMSO policy.
ITA Agencies with duties relating to the prevention and detection of crime, apprehension and prosecution of offenders, or safeguarding national security	For example: the Police, as necessary, and with consideration of your rights and freedoms.

## Appendix 3: Legal basis for processing your data under GDPR

GDPR is new law and it has not yet been applied to circumstances similar in context to our relationship with staff. The extent of lawful grounds for processing data has yet to be fully understood. Appendix 1 gives EMSO's present view on the grounds for processing against each specified purpose. As legal views mature EMSO may change its views on its legal basis for processing.

(Article 6(1)(a)), Consent – on specific occasions EMSO will only process certain data if you consent e.g. in recruitment you only need to provide certain "special categories" of data if you agree to this.

(Article 6 (1)(b)), necessary for the performance of your employment contract – on many occasions



EMSO will process your data to enable it to meet its commitments to you.

(Article 6 (1)(c)), necessary to comply with a legal obligation – EMSO does have legal obligations to provide your personal data to others e.g. HMRC and pension providers.

(Article 6 (1)(d)), for the purpose of protecting the vital interest of yourself or another – sometimes in extreme circumstances EMSO will have to release information to protect your interests or the interests of others e.g. in medical emergencies.

(Article 6 (1)(e)), processing necessary for the performance of a task carried in the public interest – EMSO is an educational establishment and in particular its educational activity is conducted in a public interest.

(Article 6 (1)(f)), processing is necessary for the purposes of the legitimate interest of EMSO or a third party subject to overridden interests of the data subject – EMSO (and sometimes third parties) has a broad legitimate interest in activities that connect to the activities. Subject to those interests not being overridden by the interests of fundamental rights and freedoms of staff, it will pursue those interests.

(Article 22(2)(a)), automated decision making necessary for performance of a contract – EMSO may sometimes automate decisions relating its contract with you i.e. application of the nationally agreed annual pay award.

(Article 9(1)(a)), processing “special categories” of data where you have given consent – EMSO will process certain sensitive information about you with your consent.

(Article 9(1)(g)), processing “special categories” of data where necessary for reasons of substantial public interest.

(Article 9(1)(f)), processing “special categories” of data in connection with legal claims.

It is recognised that some of the above grounds will overlap and that EMSO could rely on multiple grounds justifying its lawful processing.

EMSO also reserves the right to rely upon other grounds that are not referred to under Appendix 1.

