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Employee Privacy Notice



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Document authorisation

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Glossary/Abbreviations/Definitions/Acronyms

Term	Description

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1. Introduction

- 1.1.1. We take your privacy seriously. In this notice, you can find out more about your privacy rights and how we gather, use and share personal data about you, it does not form part of any contract of employment or other contract to provide services to you.
- 1.1.2. References to "you" means any of our current or former employees, officers, directors, secondees, contractors, agents, consultants or agency workers based in United Kingdom or based outside the United Kingdom but where your personal data is processed in the context of any of our establishment in the United Kingdom. References to "you" will also include, where relevant, any dependants or other individuals about whom you provide personal data in connection with your relationship with us for employee management reasons, such as for emergency contact or employee benefit purposes.
- 1.1.3. "**Data Protection Laws**" means all applicable laws relating to privacy or data protection the United Kingdom, including the UK GDPR and the Data Protection Act 2018.
- 1.1.4. By "**processing**", we mean the collection, recording, storage, use, disclosure and any other form of operations or dealings with your personal data.
- 1.1.5. In the course of your employment with us, we may need to gather and use personal data about you, by which we mean any information about you from which you can be identified. The purpose of this employee privacy notice is to inform you about how we will process your personal data and the measures and processes we have put in place to ensure its adequate protection.
- 1.1.6. This notice does not form part of your contract of employment, and we may amend it from time to time.

2. About Us

- 2.1.1. East West Railway Company Limited ("EWR", "we", "us" and "our") is a limited company registered in England with our address at One Grafton Mews, Midsummer Boulevard, Milton Keynes, England, MK9 1FB (Registration no. 11072935).
- 2.1.2. We are a non-departmental arm's length body set up by the Government to deliver the East West Rail project – a new rail link between Cambridge and Oxford (the "**Project**").
- 2.1.3. We are a "controller" of your personal data, meaning we are responsible for gathering, using, storing and sharing your personal data. We are committed to protecting your privacy and processing your personal data fairly and lawfully in compliance with Data Protection Laws.

3. Fair and Lawful Processing

3.1.1. We will only process personal data about you where the processing is necessary:

- (a) to manage our business and operations;
- (b) to administer and manage our employment relationship with you;
- (c) to provide employee benefits to you;
- (d) for our legitimate interest or those of any third-party recipients that receive your personal data; and/or
- (e) to comply with our legal obligations.

3.1.2. We may also process certain personal data about you where you have given us your express consent to do so (which you may withdraw at any time, as detailed in section 10 below).

4. What Personal Data We Collect About You

4.1.1. We typically process the following types of personal data about you:

- (a) personal details, such as name, address, date of birth, gender, marital status, emergency contact details, country of residence, national insurance number, salary, bank details, PAYE and tax related details;
- (b) professional and employment details, such as your work contact details, details of your qualifications, relevant experience and skills, location of employment and workplace, employment history, certifications;
- (c) next of kin and emergency contact information;
- (d) financial details such as bank account details, payroll records and tax status information, salary, annual leave, pension and benefits information;
- (e) 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);
- (f) identification documentation, such as copies of your passport, driving licence, national or work ID card, or other documentation required by law (which may include photographs of your face and shoulders);
- (g) information about your use of our information, IT and communications systems;

- (h) information provided to us through employment checks such as a Disclosure and Barring Service (**DBS**) checks, HMRC employment status checks;
- (i) vehicle information including driving licence details, vehicle registrations, car usage (mileage), insurance and accident details;
- (j) image and/or voice capture through photography, filming, videotaping and/or audit recordings,
- (k) response to internal surveys and other internal communications;
- (l) HR-related records, such as training, appraisals/performance assessments, absence and time-keeping records, disciplinary, grievance or capability proceedings, equal opportunities data, references and background checks, medical records and diversity data; and
- (m) details of your access to our premises and to systems, software, websites, and applications including access and location data and communications data or CCTV footage.

4.1.2. Certain categories of personal data requires special protection under the law. We typically process the following types of sensitive types of personal data:

- (a) information about your ethnic background, religious beliefs and sexual orientation for the purposes of equality and diversity monitoring;
- (b) trade union membership;
- (c) information about your health, including any medical condition, health and sickness records; and
- (d) information about your criminal convictions and offences (for example, from DBS checks).

We make every effort to maintain the accuracy and completeness of your personal data which we store and to ensure all of your personal data is up to date. However, you can assist us with this considerably by promptly contacting us if there are any changes to your personal data or if you become aware that we have inaccurate personal data relating to you (see Section 10 below). We will not be responsible for any losses arising from any inaccurate, inauthentic, deficient or incomplete personal data that you provide to us.

5. How We Collect Personal Data

- 5.1.1. We usually collect your personal data from the information you submit during the course of your relationship with us or our group companies. This will typically be done when you apply for a job with us, join us as an employee, make any amendments to your personal details via our office intranet or by notifying us. We may also collect additional personal information in the course of job-related activities throughout the period of you working for us.
- 5.1.2. Depending of your role and how you came to work for us, we may collect personal information about you from other sources:
 - (a) screening and background check providers;
 - (b) customers of EWR;
 - (c) your colleagues or our suppliers;
 - (d) recruitment agencies;
 - (e) HM Revenue and Customs;
 - (f) third party references, including previous employers and named referees;
 - (g) trustees or managers of pension arrangements;
 - (h) government agencies;
 - (i) training providers;
 - (j) travel service providers;
 - (k) health providers, including occupational health providers;
 - (l) insurance companies;
 - (m) internal survey providers;
 - (n) professional advisors including external legal advisors; and
 - (o) IT service providers.

6. How and Why We Use Personal Data

- 6.1.1. Data protection and privacy laws requires companies to have a "legal basis" to collect and use your personal information. Most commonly, we will use your personal information in the following circumstances:
- (a) to comply with our legal and regulatory obligations;
 - (b) for the performance of our contract with you or to take steps at your request before entering into a contract;
 - (c) where you have given consent; or
 - (d) where it is necessary for legitimate interests pursued by us or a third party and your interests and fundamental rights do not override those interests.
- 6.1.2. We will also need to have further justification for collecting, storing and using special categories of personal information. We may also process special categories of personal data about you for the following key purposes:
- (a) in limited circumstances, with your explicit written consent;
 - (b) as necessary for the purposes of carrying out the obligations of being your employer and to exercise our rights as your employer;
 - (c) for reasons of public interest;
 - (d) as necessary for the establishment, exercise or defence of legal claims; and
 - (e) for the purposes of preventative or occupational medicine, including for conducting assessments of working capacity, for diagnosis and for the provision of treatment and care.
- 6.1.3. We will process your personal data in connection with the management of our relationship with you, for the following purposes and on the following legal bases:

Purpose	Legal Basis
For the administration of your employment including determining the terms on which you work for us, making decisions about salaries and promotions	Performance of contract Legitimate interests (Employee Management, Training and Welfare)

	As necessary to exercise our rights and carry out our obligations as your employer
For background check and vetting purposes	<p>Legitimate interests (Employee Management, Training and Welfare)</p> <p>As necessary to exercise our rights and carry out our obligations as your employer</p>
In response to requests from government law enforcement authorities conducting an investigation or in response to a court order	For purposes required by law
To comply with our legal and regulatory obligations and requests anywhere in the world, including reporting to and/or being audited by national and international regulatory, enforcement or exchange bodies	For purposes required by law
To check you are legally entitled to work in the UK	For purposes required by law
For occupational health services and health assessments for fitness to work purposes	<p>Legitimate interests (Employee Management, Training and Welfare)</p> <p>For purposes required by law</p> <p>As necessary for the purposes of preventive or occupational medicine</p> <p>Consent where sharing with an occupational health providers</p>
For equal opportunities monitoring	<p>For purposes required by law (to comply with legal obligations to monitor and measure equal opportunities.)</p> <p>Public interest (necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or</p>

	treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.)
To record health and safety incidents	For purposes required by law As necessary to exercise our rights and carry out our obligations as your employer
For internal finance management, including personnel expense reimbursement, travel and time-keeping	Legitimate interests (Business Administration and Operations) Performance of contract
For general HR administration, including payroll, PAYE and benefits, training and development, performance management, sickness and absence management, emergency contact, and business continuity planning	Performance of contract As necessary to exercise our rights and carry out our obligations as your employer
To contact your next of kin, for instance, in order to meet the employees welfare needs in the event of an incident/accident	Legitimate interests (Employee Management, Training and Welfare) As necessary to exercise our rights and carry out our obligations as your employer
For the purposes of grievance and disciplinary procedures	Performance of contract As necessary to exercise our rights and carry out our obligations as your employer Possibly in the pursuit or defence of legal claims
For monitoring and assessing compliance with our policies and standards	Legitimate interests (Employee Management, Training and Welfare)

For administrative purposes in relation to the security and access of our systems, premises, platforms and secured websites and applications	Legitimate interests (Business Administration and Operations)
For the administration of pensions and benefits	Performance of contract As necessary to exercise our rights and carry out our obligations as your employer
Conducting performance reviews, managing performance and determining performance requirements	Legitimate interests (Employee Management, Training and Welfare)
To exercise and/or defend our legal rights	Legitimate interests (Business Administration and Operations) In the pursuit or defence of legal claims
Business management and planning, including accounting and auditing	Legitimate interests (Business Administration and Operations)
Making decisions about your continued employment or engagement or making arrangements for the termination of our working relationship	Legitimate interests (Business Administration and Operations)
Education, training and development requirements	Legitimate interests (Employee Management, Training and Welfare) For purposes required by law (such as health and safety regulations which require certain roles to have training in safety management areas)
To prevent fraud	Legitimate interests (to detect and prevent fraud)
To monitor your use of our information and communication systems to ensure compliance with our IT policies and to ensure network and information	Legitimate interests (Business Administration and Operations)

security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution	
In connection with a business transaction such as merger, restructuring or sale of the business or business strategies	Legitimate interests (Business Administration and Operations)

- 6.1.4. Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.
- 6.1.5. Less commonly, we may process and share this type of information where it is needed to protect your vital interests (or someone else's vital interests) and you are not capable of giving your consent, or where you have made that personal information public.

7. International Transfers of Personal Data

- 7.1.1. The personal data we collect in connection with your employment may be transferred to (including accessed in or stored in) a country or territory outside the UK and European Economic Area ("EEA"), including to countries whose laws may not offer the same level of protection of personal data as are enjoyed within the UK and EEA. We will ensure that any such international transfers are made subject to appropriate or suitable safeguards as required by the UK Data Protection Laws. Where we need to disclose transfer your personal data internationally, we will do so on the basis of (i) a jurisdiction being declared adequate; or (ii) binding contractual commitments approved by the ICO.
- 7.1.2. Copies of the relevant safeguard documents are available at through contacting the Data Protection Officer using the details set out in section 13 below.

8. When We May Disclose Your Personal Data

- 8.1.1. We do not and will not sell, rent out or trade your personal data. We will only disclose your personal data in the ways set out in this notice and, in particular, to the following recipients:
- (a) to third parties who process your personal data on our behalf (such as our payroll provider or other systems providers);
 - (b) to third parties who process your personal data on their own behalf but in connection with a service provided to us or you on our behalf (such as industry event organisers, pension providers, background check providers or third parties from whom we request a reference);
 - (c) future employers;
 - (d) to companies providing services for money laundering checks, credit risk reduction and other fraud and crime prevention purposes and companies providing similar services, including financial institutions, credit reference agencies and regulatory bodies with whom such information is shared;
 - (e) to any third party to whom we assign or novate any of our rights or obligations;
 - (f) to any prospective buyer in the event we sell any part of our business or assets; and/or
 - (g) to any government, regulatory agency, enforcement or exchange body or court where we are required to do so by applicable law or regulation or at their request.

9. How We Protect Your Data

- 9.1.1. We are committed to safeguarding and protecting personal data and will implement and maintain appropriate technical and organisational measures to ensure a level of security appropriate to protect any personal data provided to us from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed.

10. Your Rights in Relation to Personal Data

- 10.1.1. Under applicable data protection laws, you may have certain legal rights in respect of your personal data, such rights include:
- (a) to request access to your personal data;
 - (b) to request correction of your personal data we hold about you;
 - (c) to request erasure of your personal data, which enables you to ask us to delete or remove personal information in certain circumstances;
 - (d) to object to processing of your personal data in certain circumstances such as where we are relying on a legitimate interest (or the legitimate interests of a third party) to process your personal data;
 - (e) to request restriction of processing of your personal data;
 - (f) to request the transfer of your personal data to you or to a third party;
 - (g) to request a copy, or reference to, the personal data safeguards used for transfers outside the European Union (we may redact data transfer agreements to protect commercial terms); and
 - (h) to request to withdraw consent to processing where the legal basis for processing is solely justified on the grounds of consent.
- 10.1.2. You can request this by emailing us at the address set out in section 13 below. We endeavour to respond to such requests within a month or less, although we reserve the right to extend this period for complex requests.
- 10.1.3. In any of the situations listed above, we may request that you prove your identity by providing us with a copy of a valid means of identification in order for us to comply with our security obligations and to prevent unauthorised disclosure of data.
- 10.1.4. We reserve the right to charge you a reasonable administrative fee for any manifestly unfounded or excessive requests concerning your access to your personal data, and for any additional copies of the personal data you request from us.

11. How Long Will We Hold Your Data For

- 11.1.1. We will only retain your personal data for as long as necessary to fulfill the purpose for which it was collected or to comply with legal, regulatory or internal policy requirements.
- 11.1.2. We will generally keep your personal data in accordance with any applicable limitation period (as set out in applicable law) plus one (1) year, to allow reasonable time for review and deletion or anonymisation of the personal information held. This will usually be seven (7) years following the expiry of our employment relationship with you.
- 11.1.3. A copy of the EWR Record Management Procedure and Retention Policy is available on the EWR intranet. If you have any questions, please contact us via the details set out in section 13 below.

12. How Will We Update or Change this Candidate Privacy Policy

- 12.1.1. We may change or update parts of this employee privacy notice in order to maintain our compliance with applicable law and regulation or following an update to our internal practices. We will do this by updating this employee privacy notice on our extranet. You will not necessarily be directly notified of such a change. Therefore, please ensure that you regularly check this employee privacy notice so you are fully aware of any changes or updates.
- 12.1.2. This candidate privacy notice was last updated on 19 January 2022.

13. How Can You Contact Us

- 13.1.1. If you have any queries about the contents of this candidate privacy notice, or wish to inform us of a change or correction to your personal data, would like a copy of the data we collect on you or would like to raise a complaint or comment, please contact us using the details set out below:

Email: dpo@eastwestrail.co.uk

Post: The Data Protection Officer

14. How to Lodge a Complaint Against the Regulator

- 14.1.1. We would be happy to address any concerns you have about your data privacy directly, and we encourage you to contact us in the first instance with your queries. However, you are entitled to lodge a complaint with our data protection regulator if you consider that we have breached your data protection rights. Our data protection regulator is the Information Commissioner's Office, which can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.