

HR Privacy Statement

The processing of personal data of job applicants, existing and former employees, volunteers, placement students, workers and self-employed contractors is covered by these arrangements and, for data protection purposes, they are referred to as 'relevant individuals'. The statement below explains how Scottish Opera collects and uses your personal information.

Scottish Opera is the data controller for the personal information you provide to us. This means that the Company determines the processes when using your personal information during the course of your employment/engagement. We will protect your privacy and we will not collect more information from you than we need. We safeguard the security of the personal information you provide to us with physical, electronic, and managerial procedures. We will process your information fairly, lawfully and in a clear and transparent way.

We will continue to collect, use, store, and share your information where there is a legitimate need to do this. Within the GDPR, there are six categories of lawful basis of processing of data:

1. **Consent:** where the individual has given clear consent for specific purposes
2. **Performance of a contract:** processing is necessary for the contract with the individual, or because they have asked us to take specific steps prior to entering into a contract
3. **Legal obligation:** necessary for us to comply with the law
4. **Vital interests:** to protect someone's life, or in emergency situations
5. **Public task:** necessary to perform a public task or official function
6. **Legitimate interests:** necessary for the Company's legitimate interest or the legitimate interest of a third party

Information we process

We hold information in many formats known as 'data' about you that may include:

- personal details, name, address, date of birth, email address, phone numbers
- NI number, tax code, bank details, withholding tax details
- next of kin, and emergency contact numbers
- information including your CV, application form, reference details, education and employment history
- your photograph and documentation relating to your right to work in the UK
- driving licence and any statutory licences
- current and previous job titles, job description, pay grade, pension entitlement, hours of work and other terms and conditions of employment with us
- letters of concern, formal warnings and other documentation relating to disciplinary proceedings

- gender, marital status, medical or health information, including whether or not you have a disability
- information used for equal opportunity monitoring about your sexual orientation, religion or belief and ethnic origin
- internal performance information, appraisal forms, and training details
- leave records including annual leave, working time, family leave and sickness absence
- details of criminal records, Protection of Vulnerable Groups Scheme membership
- CCTV footage, building entry records, company mobile phone and IT systems
- photograph, physical characteristics, and costume measurements
- audio and audio-visual recording of company activity

Why we collect and process your data

We collect data during your employment/engagement for a range of specific purposes, to administer employee benefits, to record working hours, to update attendance records in order to ensure accurate pay and holiday pay, to document training and development activities. We keep records of job role, disciplinary-related incidents, and to record health and safety information. We do this to administer the employment contract/contract for services and to carry out legally required duties, and in order to carry out our legitimate interests. Data is processed for organisational purposes, which are in the legitimate interests of the Company. Examples of this processing include monitoring the efficiency of our voice and data communications, monitoring the security arrangements and viewing CCTV footage. All of the data processing we carry out falls into one of the permitted reasons for processing as defined by the GDPR.

Special categories of data

There are stringent requirements for processing of special category data. This data relates to your race, sexual orientation, religious belief, health, ethnic origin, political opinion, trade union membership, and genetic and biometric data (if you have chosen to use fingerprint, facial or retinal technology for Company devices.) We will process special categories of data when one or more of the following applies:

- You have given explicit consent to the processing
- We must process the data in order to carry out our legal obligations
- We must process data for reasons of substantial public interest
- You have already made the data public

We will use your special category data:

- For equal opportunities monitoring
- In our sickness absence management procedures
- To determine reasonable adjustments to roles

Sharing your data

Your data is shared amongst colleagues within the Company where it is necessary for them to undertake their duties. This includes your line manager, for their management of you, and the Finance department for administering payment under your contract of employment/contract for services. We share your data with third parties who provide services to you. For example, the Company pension scheme provider and training providers. We also share data to comply with a legal requirement or request from a competent court, regulator, or other authority. There may be occasions when data is used

outside of the European Economic Area. For example, if we are planning a foreign tour, your data will be required for petitions for work permits. There are contracts in place on all occasions when data is shared with others, to ensure the data is managed correctly and securely by the relevant third parties.

Your rights to your data

You have certain rights to the data we hold on you, these are:

- The right to be informed – this means that we must tell you how we use your data, and is the purpose of this privacy statement
- The right of access – you can access the data we hold on you. To do this you should make a subject access request. The right for inaccuracies to be corrected – if any data held about you is incomplete or inaccurate, you are able to require us to correct it. You also can restrict the processing of data until it is corrected
- The right to have information deleted – if you believe there is no reason for us to process your information, you have the right to ask us to delete it
- The right to portability – we may transfer your data if you request us to do so. For example, you may authorise us to provide information to a home letting agency, or to a bank
- The right to object to the inclusion of information – you can object to your information being included when we use it for our legitimate interests
- When you have provided consent – you can withdraw that consent at any time. We will stop processing the data you have given us to use. However in some cases we may continue to use the data where we have a legitimate reason for doing so

You can exercise your rights by contacting our Data Protection Controller at:

Scottish Opera
39 Elmbank Crescent
Glasgow G2 4PT
Email: data@scottishopera.org.uk

If you are unhappy with how we handle your personal information, you can write to us using the contact details noted above. You have the right to make a complaint to the supervisory authority: please contact the Information Commissioner's Office (ICO)
<https://ico.org.uk/concerns>.

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

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

How long we keep your data

We keep the information for the period that is required by specific regulations. Timescales are also determined by legal requirements and our policies and procedures, and for other operational reasons. Typically, employee data is stored for six years after the end of employment, although there are exceptions to this. The Company must keep health

surveillance records for forty years. After the relevant storage period, data is destroyed. We engage a company to provide a professional mobile data shredding service and data destruction occurs on a regular basis.

Automated decision-making

No decision will be made about you based on automated decision-making technology. Scottish Opera does not use any electronic systems that process data without human involvement. (An example of this is where there are automated systems to select job applicants for the first stage of shortlisting for interview).

Consent for use of special category data

We do not need your consent if we use special categories of data in order to carry out our legal obligations or exercise specific rights under employment law.

However, we now ask for your consent to allow us to process your special category data for other purposes that may arise. For example, since 2014 we have been collecting information in the Recruitment Diversity Monitoring Form. This information is collected for the equal opportunity monitoring of recruitment and the Scottish Government occasionally asks for this type of anonymised data from employers, for use as part of their considerations when developing national policy.

If you do not provide necessary data to us

One of the reasons for processing your data is to allow us to carry out our duties in line with your application and/or contract of employment/contract for services. Please be aware that if you do not provide us with the required data we may be unable to perform those duties.

Contact

If you wish to exercise any of the rights that have been explained in this Privacy Statement, please contact data@scottishopera.org.uk. If you have any questions or concerns about the content of this document, please contact the HR department at Scottish Opera to discuss these.