

Privacy Notice

VolkerFitzpatrick	VolkerFitzpatrick-Rail	VW Specialist Businesses	VolkerRail	VolkerStevin	VolkerHighways	VolkerLaser	VolkerServices
✓	✓	n/a	✓	✓	✓	✓	✓

PRIVACY NOTICE

This privacy notice is issued by all companies within the VolkerWessels UK (VW UK) Group of companies ("VolkerWessels UK").

VW UK is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

VW UK is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to the personal data of job applicants, employees, workers, contractors, work experience and former employees, referred to as personal data. This notice does not apply to the personal data of clients or other data processed for business purposes. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time and will upload the revised version on to Workspace, our document management system. Any substantial content changes will be communicated to all staff, revisions will be communicated through Record of Revisions.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

VolkerWessels UK Data Protection Principles:

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
3. Relevant to the purposes we have told you about and limited only to those purposes
4. Accurate and kept up to date
5. Kept only as long as necessary for the purposes we have told you about
6. Kept securely

The kind of information we hold about you:

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data that require a higher level of protection, such as information about a person's health or sexual orientation.

We will collect, store, and use the following personal information about you which will include but is not limited to:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Information collected during the recruitment process that we retain during your employment
- Employment contract information
- Date of birth
- Gender
- Marital status and dependants
- Next of kin and emergency contact information
- National Insurance number
- Bank account details, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Start date and, if different, the date of your continuous employment
- Leaving date and your reason for leaving

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The kind of information we hold about you: (Continued)

- Location of employment or workplace
- Your nationality and immigration status and information from related documents such as your passport or other identification and other identification and immigration information
- Copy of driving licence, insurance and driving mandates
- Dependants and partner details
- Educational and training information and records of qualifications and achievements
- 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)
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships)
- Compensation history
- Performance information including details of your appraisals and performance reviews and details of performance management / improvement plans (if any)
- Disciplinary, capability and grievance information
- CCTV footage and other information obtained through electronic means such as swipe card records
- Information about your use of our information and communications systems
- Photographs, video and time lapse footage
- Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied
- Details of your time and attendance records
- Car claims
- Work mobile phone records
- Information from vehicle trackers
- Footage and images from dash cams
- Footage and images from unmanned aerial systems (drones)
- Information to support our work winning processes (bids and tenders)

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Data regarding your health or disability (where appropriate)
- Trade union membership
- Information regarding your fitness for work
- Details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and where you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes
- Biometric data
- Information about criminal convictions and offences

How is your personal information collected?

We collect personal information about employees, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies, the Home Office, our clients, your doctors, from medical or occupational health professionals we engage, from your trade union (if applicable), other employees, consultants or other professionals we may engage, door entry systems, swipe card systems, CCTV, unmanned aerial systems (drones), access control systems, email and instant messaging systems, IP addresses, intranet, telephones, voicemail and mobile phone records.

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How is your personal information collected? (Continued)

We may also collect personal information from the trustees or managers of pension arrangements operated by a group company.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

How we will use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract, we have entered into with you or it is necessary to exercise rights or obligations in employment law
2. Where we need to comply with a legal obligation
3. Where it is necessary for our legitimate interests (or those of a third party) provided your interests and fundamental rights do not override those interests

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests)
2. Where it is needed in the public interest or for official purposes

Situations in which we will use your personal information

We require all the categories of information in the list above to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below:

- Making a decision about your recruitment or appointment
- Checking you are legally entitled to work in the UK
- Paying you and, if you are an employee or deemed an employee for tax purposes, deducting tax and National Insurance Contributions (NICs)
- Providing your benefits to you such as:
 - Voluntary benefits such as discount scheme, cycle to work and childcare vouchers
 - Healthcare
 - If eligible, health screens, life assurance and income protection benefits
 - Pension and enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties
 - Liaising with the trustees or managers of a pension arrangement operated by a group company, your pension provider and any other provider of employee benefits
 - If eligible, car provision and insurance
- Administering the contract we have entered into with you
- Business management and planning, including accounting and auditing
- Conducting performance reviews, managing performance and determining performance requirements
- Making decisions about salary reviews and compensation
- Assessing qualifications for a particular job or task, including decisions about promotions
- Gathering evidence for possible grievance or disciplinary hearings
- Making decisions about your continued employment or engagement
- Enabling operational or commercial relationships with clients, suppliers and subcontractors
- Arranging for the termination of our working relationship
- Education, training and development requirements
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work
- Ascertaining your fitness to work

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Situations in which we will use your personal information (Continued)

- Managing sickness absence
- Complying with health and safety obligations
- To prevent fraud
- To monitor use of our information and communication systems to ensure compliance with *VolkerWessels UK Information Technology Password Policy*, *VolkerWessels UK Information Technology Mobile Device Policy* and *VolkerWessels UK Information Technology Acceptable Use Policy*.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- To conduct data analytics studies to review and better understand employee retention and attrition rates
- Corporate governance processes
- Marketing and communications
- Equal opportunities monitoring
- Monitoring safe driving practices
- To provide references on request for current or former employees
- For training and quality control purposes
- To ensure staff act in compliance with business procedure
- In a physical or mental health emergency

Some of the above grounds for processing will overlap and there may be several grounds that justify our use of your personal information.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Change of Purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis that allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards that we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent
2. Where we need to carry out our legal obligations or exercise rights in connection with employment
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our Company pension schemes

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about employees or former employees in the course of legitimate business activities with the appropriate safeguards.

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Our obligations as an employer

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits including statutory maternity pay, statutory sick pay, pensions and permanent health insurance
- If you apply for an ill-health pension under a pension arrangement operated by a group company, we will use information about your physical or mental health in reaching a decision about your entitlement
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations
- We will use biometric information for time and attendance or to identify a person when accessing some of our sites or health and safety, security and fraud prevention purposes

Do we need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Criminal records information

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. This will be confirmed in the form of a DBS or BPSS check. We will use information about criminal convictions and offences in the following ways:

- Making a decision about your recruitment or appointment
- Gathering evidence for possible grievance or disciplinary hearings
- Making decisions about your continued employment or engagement
- Arranging for the termination of our working relationship
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work

Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in the following circumstances:

1. Where we have notified you of the outcome from automated decision making and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision based on any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you. We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

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Data sharing

We may have to share your data with third parties, including third-party service providers, professional advisers, clients and other entities in the group. We may also be required to share some personal information as required to comply with the law.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

Why might you share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Which third party service providers process my personal information?

"Third parties" include third-party service providers (including professional advisers, contractors and designated agents) and other entities within our group. Third-party service providers carry out the following activities:

- To facilitate our annual pay review via a third-party supplier IT system
- Pensions provision and administration - we will share personal data regarding your participation in any pension arrangement operated by a group company with the trustees or scheme managers of the arrangement in connection with the administration of the arrangements
- Benefits provision and administration including any car benefit / fleet suppliers and insurances
- Payroll systems support
- HR system support
- Recruitment agencies
- To provide products or services to us

How secure is my information with third party service providers and other entities in our group?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

When might you share my personal information with other entities in the group?

We will share your personal information with other entities within the VolkerWessels Group as part of our regular reporting and business activity.

In the context of a business reorganisation or group restructuring exercise or for system maintenance support and hosting of data, we may share your personal data.

We will share personal data relating to your participation in any share plans and pension arrangements operated by a group company with other entities in the group for the purposes of administering the share plans.

What about other third parties?

We may share your personal information with other third parties, for example, in the context of the possible sale or restructuring of the business. In that situation we would, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

We may also need to share your personal information with a regulator or to otherwise comply with the law. This may include making returns to HMRC, disclosures to stock exchange regulators (including a Regulatory News Service) and disclosures to shareholders such as directors' remuneration reporting requirements.

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Data Security

We have put in place measures to protect the security of your information. Details of these measures are available within the *VolkerWessels UK Privacy Policy*.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Further details of these measures may be found within the *VolkerWessels UK Privacy Policy*.

We have put in place *U23 Reporting Manager and Reservist* to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data Retention

How long will you use my information for?

We will only retain your personal information during and after your employment for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances, we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

Rights of Access, Correction, Erasure, and Restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us by contacting GDPR@volkerwessels.co.uk.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- Request access to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected
- Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below)
- Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation that makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes
- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it
- Request the transfer of your personal information to another party. You may request that we transfer a copy of your personal information to another party

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No fee usually required

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

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you wish to withdraw your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

If you want to review, verify (refer to J02 *Subject Access Request Procedure*), correct or request erasure (refer to J03 *Personal Data Storage, Retention and Erasure*) of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the VW UK GDPR Mailbox GDPR@volkerwessels.co.uk.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Questions or Complaints

If you have any questions about this privacy notice or how we handle your personal information or if you wish to make a complaint about the way we handle, or have handled, your personal data, you can email the data protection officer at GDPR@volkerwessels.co.uk. We will acknowledge your complaint within 30 days of receiving it.

We will investigate your complaint. This will usually involve:

- Reviewing your complaint
- Locating and reviewing the records we hold about you
- Establishing the relevant facts
- Liaising with individuals who you may have dealt with

We may also need to ask you for further information or documents. If so, we will ask you to provide the information within a specific period of time.

We will update you on the progress of your complaint at appropriate times and inform you of the outcome of the complaint without undue delay. We will explain clearly what we've done to resolve your complaint and, where appropriate, any action we have taken as a result.

If you are unhappy with the outcome of your complaint, you can complain to the Information Commissioner's Office (ICO). The ICO's contact details are:

Address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

ICO website: <https://ico.org.uk/make-a-complaint/data-protection-complaints/>

Helpline Number: 0303 123 1113

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APPENDIX A

REVISION RECORD

IMS Change Request No.	Issue No.	What has changed in this revision and why:
06145	11	As a result of a recent change to the law, we now need to include a section in our privacy notice about raising complaints.

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