

CRFCA PRIVACY NOTICE

For CRFCA and RFCA Employees and Contractors

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What is the purpose of this document?

The following is to explain your rights and to give you information you are entitled to under the Data Protection legislation.

This notice applies to current and former CRFCA and RFCA employees and contractors. It is important that you read this notice, together with any other privacy notice that is provided 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.

Data Protection Principles

We will comply with the data protection principles under the Data Protection legislation. This says that the personal information we hold about you must be:

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

The kind of information we hold about you

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

We collect, store, and use the following categories of personal information about you:

- Personal contact for example: name, title, addresses, telephone numbers, and personal email addresses.
- Dates of birth, marriage and divorce.
- Gender.
- Marital status and dependants.
- Next of kin, emergency contact and death benefit nominee(s) information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date, leaving date.
- Location of employment or workplace.
- Copy of driving licence, passport, birth and marriage certificates, decree absolute.
- 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).
- Performance and appraisal information.
- Disciplinary and grievance information.
- Secondary employment and volunteering 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.
- Sounds or visual images (for example, photographs, videos).
- Accident book, first aid records, injury at work and third party accident information.
- Evidence of how you meet the nationality requirements and confirmation of your security clearance. This can include passport details, nationality details and information about convictions/allegations of criminal behaviour.
- Evidence of your right to work in the UK/immigration status.
- Family, lifestyle and social circumstances.
- Financial status.
- Goods or services provided.

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

- Information about your health, including any medical condition, health and sickness records.
- Information about criminal convictions/allegations and offences.

How we collect or process your data?

We typically collect personal information about CRFCA and RFCA employees and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We will sometimes collect additional information from third parties including former employers, credit reference agencies or other agencies. This may include:

- Other Government Departments (OGD),
- pension administrators,
- doctors, medical and occupational health professionals,
- trade unions,

Our legal basis for processing your personal data

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:

- Where it is in the public interest to do so; or for official purposes; or in the exercise of a function of the Crown, a Minister of the Crown or Arm's Length Body (ALB).
- Where it is necessary for the purposes of the legitimate interests pursued by the RFCAs or by a third party.
- Where we need to comply with a legal obligation.
- Where it is necessary for performing a contract, we have entered into with you.
- Where we have your informed consent.
- There can be rare occasions where it becomes necessary to use your personal information to protect your interests (or someone else's interests).

Why are we collecting or processing your data?

We need all the categories of information to enable us to perform an employment requirement; to enable us to comply with other legal obligations, to carry out our functions as a government ALB of the Crown; or where it is necessary to do so in the public interest. The situations in which we will process your personal information are listed below:

- Making decisions about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK and to provide you with the security clearance appropriate for your role.
- Paying you and, if you are an RFCA employee, deducting tax and National Insurance contributions.
- Providing employment-related benefits to you including:
 - Occupational Sick, Adoption, Maternity, Paternity, Shared Parental and Annual leave
 - Pay
 - Advances of salary and pay related allowances
- Pension payment and liaising with your pension provider, providing information about changes to your employment such as changing in working hours.
- General administration of any contract we have entered into with you.
- Business management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Assessing qualifications for a particular job or task.
- Gathering evidence and any other steps relating to possible grievance or disciplinary matters and associated hearings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, or other MOD Personnel and contractors, including accidents at work.
- Ascertaining your fitness to work, managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your business and personal use of our information and communication systems to ensure compliance with our IT policies.

- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To provide and administer security and intelligence matters.
- To carry out policing, including the prevention and detection of crime (including CCTV); apprehension and prosecution of offenders, protection of life and property; maintenance of law and order.
- To conduct data analytics studies to review and better understand MOD Personnel retention and attrition rates.
- Equal opportunities monitoring.
- Dealing with Freedom of Information Act/Environmental Information Regulations requests.
- To maintain our records and information or databanks.
- Provide health services to patients.
- General welfare and other post-service benefits.
- To promote and advertise services.
- Research.

Some of the purposes will overlap and there can be several grounds which justify our use of your personal information.

If you fail to provide personal information

If you fail to provide certain information when requested, we will not be able to fully perform our legal, security and employment obligations or provide you with assistance that you may be entitled to (such as paying you or providing a benefit), or we could 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 or new purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we will if necessary 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 will, if necessary, process special categories of personal information in the following circumstances:

- Where we need to carry out our legal obligations or exercise our employment-related legal rights and in line with our data protection policy
- Where it is in line with our data protection policy, it is substantially in the public interest to do so and necessary for:
 - a. performing our functions as a Government Department or a function of the Crown
 - b. equal opportunities monitoring.

- c. administering our pension scheme
- d. preventing or detecting unlawful acts
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

In some circumstances, we will 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.

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; this can include sickness absence or family related leave, 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.

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 for one of the other reasons outlined above.

In limited circumstances, if the need arises, we will 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.

Information about criminal convictions

We will only use information relating to criminal convictions or alleged criminal behaviour where the law allows us to do so. This can arise when it is necessary for us to comply with the law or for another reason where there is a substantial public interest in us doing so.

Less commonly, we will, if necessary, use information relating to criminal convictions or alleged criminal behaviour where it is necessary in relation to legal claims, where it is necessary 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 will only collect information about criminal convictions or allegations of criminal behaviour where 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/allegations as part of the recruitment process or if we are notified of such information directly by you in the course of you working for us. We will use information about criminal convictions/allegations and offences in line with key policy guidance ([Handling Arrests, Charges, Police Cautions and Criminal Convictions](#)).

How we store personal data

Your personal data will be stored in a secure Information Technology system. 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 only RFCA personnel, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions.

Where manual or hard copies of your personal data are held, these will be stored securely and access restricted to only those who have a legitimate business need to see them

Details of these measures are available upon request from local Data Protection Advisors.

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 procedures to deal with any suspected data security breach and will notify you and the Information Commissioner's Office (ICO) of a suspected breach where we are legally required to do so.

With whom we will be sharing your personal data

We will in some circumstances have to share your data with third parties, including third-party service providers and other Civil Service bodies. We require third parties to respect the security of your data and to treat it in accordance with the law.

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; where it is in the public interest to do so or where it is necessary for the performance of our functions as an ALB or a function of the Crown. This will, in some circumstances, involve sharing special categories of personal data and, where relevant, data about criminal convictions/allegations.

How secure is my information with third-party service providers?

All our third-party service providers 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.

What about other third parties?

If required, we will need to share your personal information with a regulator or to otherwise comply with the law.

Sharing your personal data

Where necessary or required and in accordance with the law, we share information with:

- You (the data subjects)
- Relatives, guardians or other persons associated with the data subject
- Current, past or prospective employers of the data subject
- Healthcare, social and welfare advisers or practitioners
- Education, training establishments and examining bodies

- Business associates and other professional advisers
- RFCA employees and agents of the data controller
- Suppliers, providers of goods or services
- Persons making an enquiry or complaint
- Financial organisations and advisers
- Credit reference agencies
- Debt collection and tracing agencies
- Survey and research organisations
- Trade, employer associations and professional bodies
- Police forces
- Private investigators
- Local government
- Central government
- Voluntary and charitable organisations
- Ombudsmen and regulatory authorities
- The media
- Data processors
- The national archives, places of deposit and other archives recognised under the provision of The Public Records Act (1958)
- Religious organisations
- Law enforcement agencies
- Regulatory bodies
- Legal representatives
- Prosecuting authorities
- Courts
- Prisons
- Police authorities
- Emergency services

For how long we will keep the personal data, or criteria used to determine the retention period

We will only retain your personal information 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. Our [defence records management policy and procedures \(JSP 441\)](#) is available online.

After the retention period, has elapsed all data will be destroyed securely in line with MOD data destruction policy. 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 will anonymise your personal information so that it can no longer be associated with you, in which case we will use such information without further notice to you. Once you are no longer RFCA employees and contractors we will retain and securely destroy your personal information in accordance with our data retention policy or applicable laws and regulations.

Duty to inform

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.

Your rights

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

- **Request access** to your personal information (commonly known as a "data subject access request" (SAR)). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

If you want to find out if CRFCA or the RFCA hold any personal information about you, or want to make any corrections, you can make a 'subject access request' (SAR) under the Data Protection legislation. If we do hold information about you, we will:

- give you a description of it
- tell you why we are holding it
- tell you to whom it has, or will be disclosed, in particular if it has been disclosed to international organisations.
- let you have a copy of the information in a form that is as clear and understandable as possible

Please be as specific as you can about the information you want.

There are a small number of cases where we do not have to give you the information you have asked for. For example, if we are using data for the purposes of investigating, preventing or detecting crime, or apprehending or prosecuting offenders where to do so would be likely to prejudice those purposes. In cases where it is known the police are investigating, or prosecuting offences, we will ask for their view on whether providing you with the information would prejudice their activities.

- **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.
- **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 which 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 allow you to obtain and reuse your personal data for your own purposes across different services.

- **Right to withdraw consent** - In the limited circumstances where you 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.

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 are allowed under the law to charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we can refuse to comply with the request in such circumstances.

What we need from you

To comply with your request, we sometimes 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.

Further information can be found at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

How to complain if you are not happy

If you are unhappy with how any aspect of this privacy notice, or how your personal information is being processed, you should contact your local RFCA DPA in the first instance. Alternatively you may contact the CRFCA DPO on: co-dpo@rfca.mod.uk

Your complaint will be acknowledged within 5 working days and send you a full response within 20 working days. If we can't respond fully in this time, we will write and let you know why and tell you when you should get a full response.

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113

Email: casework@ico.org.uk

<https://ico.org.uk/global/contact-us/>

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We will also notify you in other ways from time to time about the processing of your personal information.