



## **EMPLOYEE NOTICE: PROCESSING OF PERSONAL DATA**

VLE Limited ("we/us/our/VLE") is committed to protecting the privacy and security of your personal information. As your employer we collect your personal information and are a "controller" of it under data protection law.

This notice is to help you understand what personal information we collect about you, why we collect it and what we do with it.

### **1 Contact details**

If you have any questions in relation to our use of your personal information or this Employee Notice, please contact Tom Storer, Legal Manager, who is the acting Head of Privacy for VLE:

Email: [tom.storer@limitededition.virgin.co.uk](mailto:tom.storer@limitededition.virgin.co.uk) or [headofprivacy@virginlimitededition.com](mailto:headofprivacy@virginlimitededition.com)

### **2 What personal information we collect**

We collect, store, and use the information about our employees and workers in relation to your employment or engagement with us as listed in Schedule 1 to this Employee Notice.

If you fail to provide certain information when requested, we may not be able to perform all our legal and contractual obligations or carry out all activities regarding your employment or engagement such as payroll, benefits, tax and insurance and to ensure health and safety.

It is important that the personal information we hold about you is accurate and up to date. Please keep us informed if your personal information changes during your working relationship with us.

### **3 How we collect your personal information**

Your personal information is either (a) provided by you, (b) obtained from third parties, (normally through the application and recruitment process), or (c) created by us in the course of job-related activities during your employment/engagement with us.

In particular, data may be obtained from the following third parties: former employers, employment agencies, and, in certain cases where we have informed you, from providers of criminal records screening services or psychometric testing.

### **4 How we use personal information**

We use your personal information for the following purposes:

- for human resources management (for example, recruitment, career development, training, talent management, performance management, appraisals and disciplinary and grievance management);

- for staff administration and operational purposes (for example, in relation to absences, pay, benefits, compensation, stock administration, business travel, maintaining employee directories, enabling access to our systems and resources, managing authorisation controls, ensuring the security of our systems and resources, management forecasts and planning changes in our group structure);
- detecting or preventing any inappropriate behaviour or breach of our policies including protecting our intellectual property, confidential information and assets;
- making contact in an emergency;
- ensuring that our (or any of our group companies) systems are used primarily for business purposes, have sufficient capacity for the needs of the business, are protected against cybersecurity threats such as malware;
- for the purposes of any potential and/or actual litigation or investigations concerning us or any group company or its officers; and
- to carry out appropriate criminal record and background screening checks for certain roles.

## **5 Why we use personal information**

We will use your personal information where:

- it is necessary for the performance of and compliance with your employment contract or other applicable engagement contract with us or in order to take steps prior to entering into that contract;
- we need to process your information in order to comply with a legal or regulatory obligation (for example, complying with duties under UK employment, social security, social protection and tax legislation, and complying with our obligations under equality legislation or in relation to statutory sickness or maternity rights);
- exceptionally it is necessary for vital interests relating to you or another person (for example, avoiding serious risk of harm to you or others); or
- it is necessary for our legitimate interests (or those of a third party) provided that our legitimate interests are not overridden by your interests or rights which require protection of your data.

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 which 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.

## **6 When do we have "legitimate interests"?**

As mentioned above, we can, sometimes, use your personal information where this is necessary for our legitimate interests (or those of a third party). This includes where use of your personal information is necessary to:

- ensure effective administration and management of your employment or engagement, benefits, management of the business and business continuity;
- ensure our assets are protected, kept confidential and not used for inappropriate or unlawful purposes;
- prevent, detect, or investigate unauthorised use of our systems and ensure we comply with law and our policies;
- ensure we can contact you or your family in the case of an emergency;
- check you are legally entitled to work in the UK, manage performance and promotion processes;
- manage training and development requirements;
- deal with disputes and accidents and take legal or other professional advice;
- prevent fraud; and
- ensure network and information security.

If you would like further information on our legitimate interests as applied to your personal information, please contact the Head of Privacy.

## **7 How we use special category personal information**

Some personal information is treated as falling into a special category. This information is listed in Schedule 1 and used to be known as sensitive data. We will process this information for the following purposes:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment, social security, social protection and other laws and to record and administer sickness and maternity leave;
- We will use information about your physical or mental health, condition, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work on health grounds subject to appropriate confidentiality safeguards and to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits;
- We will use information about your racial and ethnic origin and information relating to your health, disabilities or religious, beliefs to ensure meaningful equal opportunity monitoring and reporting (where relevant) and to on-board you as an employee and for administering your employment contract; or

- We will use trade union membership information to pay trade union premiums and to comply with employment law obligations.

## **8 Why we use special category personal information**

We will use special categories of personal information collected about you because:

- you have provided your explicit consent;
- we need to do so to carry out our legal obligations, for example, complying with our obligations under equality legislation or in relation to statutory sickness or maternity rights and in line with our Data Privacy Rules and Governance Policy;
- it is necessary for the establishment, exercise or defence of legal claims;
- where it is needed for reasons of substantial public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with our Data Privacy Rules and Governance Policy;
- exceptionally, where it is necessary for vital interests relating to you or another person (for example, avoiding serious risk of harm to you or others) and where you are not capable of giving consent; or
- where you have already made the relevant personal information public.

## **9 Information about criminal convictions**

We will only collect information about criminal convictions via background screening 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 addition, where it is appropriate in relation to certain roles, we will also check criminal convictions periodically.

We will use information about criminal convictions and offences where it is necessary to protect your interests, our interests and those of other employees or to protect clients and other third parties from theft, fraud and similar risks.

We are allowed to use your personal information in this way where you have provided your consent and in accordance with our Data Privacy Rules and Governance Policy and Records Retention Policy.

## **10 Automated decision making**

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.

## **11 Information that we share**

We will share your personal information with companies, organisations and individuals inside and outside of our group as follows:

- to other employees and companies in our group in countries in which we or any of our group companies have offices, for administrative, management and accounting

purposes, and as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data subject to us taking reasonable measures to ensure that your information is kept secure at all times;

- to suppliers, vendors and contractors who perform services and process your personal information for us for the purposes listed above, based on our instructions including carrying out processing on our behalf such as (a) pre-employment screening providers, (b) payroll providers, (c) pension providers, (d) employee benefit providers (such as those providing private medical cover, childcare vouchers etc) (e) IT administrators, (f) training providers, (g) auditors, (h) building security providers, (i) consultants and other professional advisers;
- future and prospective employers;
- regulators, competent authorities (e.g. tax authorities), courts and otherwise as required by law;
- to companies, organisations or individuals outside of our group companies if we have a belief in good faith that disclosure of the information is reasonably necessary to:
  - meet any applicable law, regulation, legal process or enforceable governmental or regulatory request, for example to public authorities/bodies (for tax and social security administration);
  - enforce your employment agreement with us, including investigation of potential violations;
  - detect, prevent or otherwise address fraud, security or technical issues;
  - provide potential acquirers or purchasers with information in relation to disposal of any of our or our group companies' business or assets;
  - provide other group companies with your information in the context of a restructuring of the business; or
  - protect against harm to the rights, property or safety of us or our group companies, our employees, contractors, customers or the public, as required or permitted by law.

## **12 Retention of your information**

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.

In general terms this means that we will retain your personal information for the duration of your employment with us and for 7 years following termination. There are also certain types of information, such as tax records, which require to be retained for a certain period by law.

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.

Details of retention periods for different aspects of your personal information are available in our retention policy which is available on the VLE "Lobby Drive" in the "Data Protection" file.

### 13 Securing your information

We follow strict security procedures as to how your personal information is stored and used, and who sees it, to help stop any unauthorised person accessing it.

### 14 Where your information will be held

The personal information we collect about you will be stored in business applications hosted by third party providers located in the UK and, where you are engaged by one of the Virgin Limited Edition properties, at the property. It is also transferred to certain other countries where we use third party IT service providers, such as [countries to be confirmed].

However, to ensure that your personal information receives an adequate level of protection we have put in place the following appropriate measures to ensure that your personal information is treated in a way that is consistent with and which respects the EU and UK laws on data protection: Standard Contractual Clauses approved by the European Commission and applicable under Article 46 GDPR. If you would like to obtain the details of such safeguards you can request these from the Head of Privacy.

### 15 Your rights

You have a number of rights in relation to our handling of your data. These include the following:

- **Access:** you are entitled to ask us if we are processing your information and, if we are, you can 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.
- **Correction:** you are entitled to request that any incomplete or inaccurate personal information we hold about you is corrected.
- **Erasure:** you are entitled to ask us to delete or remove personal information in certain circumstances. There are also certain exceptions where we may refuse a request for erasure, for example, where the personal data is required for compliance with law or in connection with claims.
- **Restriction:** you are entitled to ask us to suspend the processing of certain of your personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Transfer:** you may request the transfer of certain of your personal information to another party.
- **Objection:** where we are processing your personal information based on a legitimate interest (or those of a third party) you may object to processing on this ground. However we may be entitled to continue processing your information based on our legitimate interests.

- **Automated decisions:** you may contest any automated decision made about you where this has a legal or similar significant effect and ask for it to be reconsidered.

If you want to exercise any of these rights, please contact Rebecca Jagger, VLE's HR Data Privacy Liaison, in writing at [Rebecca.Jagger@virginlimitededition.com](mailto:Rebecca.Jagger@virginlimitededition.com) and complete our Individual Rights Request form.

You also have a right to lodge a complaint with a supervisory authority, in particular in the Member State in the European Union where you are habitually resident, where you work or where an alleged infringement of Data Protection law has taken place. In the UK you can make a complaint to the Information Commissioner's Office (Tel: 0303 123 1113 or at [www.ico.org.uk](http://www.ico.org.uk)).

## **16 Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection and processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Rebecca Jagger, VLE's HR Data Privacy Liaison, in writing at [Rebecca.Jagger@virginlimitededition.com](mailto:Rebecca.Jagger@virginlimitededition.com)

## **17 Questions or complaints**

We have appointed a Head of Privacy to oversee compliance with this notice. If you have any questions about this notice or how we handle your personal information, or any complaints please contact them on the contact details above in the first instance.

## **18 Changes to this notice**

This notice will be changed from time to time.

If we change anything important about this notice (the information we collect, how we use it or why) we will notify you.

If you would like to access previous versions of this notice please contact the HR team.

# Schedule 1

## Information relating to you

- *Personal identifiers* such as title, name, date of birth, age, gender, home address, telephone number, driver's licence number, passport information, and where applicable, national tax ID, social security number.
- *Resume/CVs* which will include information on your education and training details such as qualifications, academic records, schools, training record, professional expertise.
- *Personnel records* which includes offer letters, recommendations, policy acknowledgements, employment agreements, promotion and transfer records, termination and resignation letters, right to work documentation, exit interview notes and severance agreements, performance evaluations and reviews, leave requests and absence records, company benefits you are entitled to/signed up to, disciplinary and grievance and training records and professional memberships.
- *Information provided as part of the recruitment process.*
- *Employment details* such as employment status, job title(s) and description, employee ID, employee type and whether full time or part time, work location, hire/start date, termination date, individual photo, and organisational details such as name of company, work phone number and email, intranet user log in, department and supervisors details and employment history.
- *Financial information* such as salary and compensation history, benefits (including enrolment and application forms, reports on accruals and years of service, documentation summarising enrolment and participation on benefit programs, general employee communications related to benefits), stock ownership, pay, travel expenses, pay cheque information, bank account information, bonus targets, pensions information, and credit card usage.
- *Records generated by and in relation to investigations* of misconduct allegations or for the general purpose of collecting facts or other information.

## Information relating to your family

- Emergency contact person(s) and their contact details.
- Marital status, number and identity of dependents and spouse (if any) where necessary for the purpose of any employment benefits.
- Beneficiary information, as regards health insurance and other benefits for employees and their families.

## Information relating to your use of our information and communications systems

- Records of your use of our IT systems including email, internet systems, computers, laptops (including via remote access) telephone systems and mobile devices.
- Access to the content of your emails, telephone calls and other content stored on any of our devices that we provide to you;



- CCTV footage and other information obtained through electronic means such as swipecard records.

#### **Information about criminal convictions**

- Background check information, such as driving records, and criminal offences data.

#### **Special categories of personal data**

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

- *Racial and ethnic origin* and information relating to disabilities or religious beliefs for equal opportunities monitoring (where relevant).
- *Physical or mental health* or condition (e.g. health and attendance records, medical exams and records resulting from sickness absence or injuries at work).
- *Immigration/Naturalisation records* for employees where required for purposes of checking legibility to work and which discloses racial/ethnic origin information
- *Information relating to trade union membership.*