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## **GDPR: EMPLOYEE PRIVACY NOTICE**

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## Employee Privacy Notice

This Employee Privacy Notice sets out what personal data we, Portion Solutions Limited, hold about you and how we collect and use it, both whilst you are working for us and after you have left. It applies to current and former employees, workers, agency workers, partners, directors and volunteers including work experience (together referred to as 'Employees' or 'you').

We are required by data protection law to give you the information in this Privacy Notice. It is important that you read the Privacy Notice carefully, together with any other information that we might give you from time to time about how we collect and use your personal data. You should also read our Data Protection Policy which explains our obligations in relation to personal data and how we keep it secure, as well as what we expect from you when you are handling personal data in the course of your work.

This Privacy Notice applies from 25 May 2018, when the General Data Protection Regulation comes into force. It does not form part of your contract of employment or other contract to provide service and does not give you any contractual rights. We may update this Privacy Notice at any time.

### Who is the coordinator?

Christopher Scott is the "coordinator" for the purposes of data protection.

This Privacy Notice also covers how Portionpack Europe B.V. and Sudzucker AG uses any personal data about you that we share with them (for more information, see the Table in the Appendix, **Who we share your data with**).

### What type of personal data do we hold about you?

Personal data means any information relating to a living individual who can be identified (directly or indirectly) in particular by reference to an identifier (e.g. name, NI number, employee number, email address, physical features). It can be factual (e.g. contact details or date of birth), an opinion about an individual's actions or behaviour, or information that may otherwise impact that individual in a personal or business capacity.

We hold and use various types of personal data about you, including, for example: biographical details; recruitment information; details of the terms of your employment with us; pay and benefits details; working hours; performance information; details of your holidays and other leave; disciplinary, conduct and grievance matters; employee representation; health and safety; CCTV footage; business equipment, technology and systems usage information, etc.

Data protection law divides personal data into two categories: ordinary personal data and special category data. Any personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, or biometric or genetic data that is used to identify an individual is known as **special category** data. The rest is **ordinary personal data**.

We hold and use various types of special category data about you, including: sickness absence and medical information; details of family leave which could include information about your health, religious beliefs, sexual life or sexual orientation; equal opportunities monitoring data which could include information about your race or ethnicity, religious beliefs, sexual orientation or health.

## Why do we hold your personal data and on what legal grounds?

We hold and use your ordinary personal data for employment, HR and business administration purposes. This will include, for example: management of our employment relationship with you; administration of pay and benefits; monitoring and assessment of performance; provision and regulation of holidays and other leave; addressing conduct, disciplinary and grievance issues; performance of day-to-day business activities, etc.

Data protection law specifies the legal grounds on which we can hold and use personal data.

Most commonly, we rely on one or more of the following legal grounds when we process your personal data:

- Where we need it to perform the contract we have entered into with you (**performance of the contract**) whether this is an employment contract, a contract for services or another type of contract. This may include, for example, ensuring that we pay you correctly and that we provide your contractual holiday entitlement.
- Where we need it to comply with a legal obligation (**legal obligation**). Typically, this may include legal obligations such as the obligation: to provide statutory holidays and statutory family leave and pay (maternity, paternity, adoption, shared parental, etc.); to pay the National Living Wage /National Minimum Wage; to comply with limits on working time; to meet health and safety requirements; not to discriminate or dismiss Employees unfairly.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests (**legitimate interest**). This may include, for example, managing working hours to ensure effective business operations, and monitoring your use of computers or other technology.

We hold and use your special category data for purposes including, for example: managing absence and ensuring cover; making adjustments to your job to accommodate health conditions; facilitating the taking of family related leave; paying sick pay, maternity, paternity, adoption or shared parental pay as applicable; monitoring equality of opportunity and diversity in our organisation ensuring security of laptops/controlling access to our premises.

Since special category data is usually more sensitive than ordinary personal data, we need to have an additional legal ground to use and hold it. Most commonly, as well as one of the legal grounds listed above, we rely on one or more of the following additional legal grounds when we process your special category data:

- Where we need to exercise our legal rights or carry out our legal obligations in relation to employment or social security and the processing is in line with our Data Protection Policy (**legal obligation/right in relation to employment**)
- Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with our Data Protection Policy (**public interest in monitoring equal opportunities within the workforce**)
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards (**assessment of working capacity**)

Occasionally, we may also hold and use ordinary personal data: in the public interest for the detection or

prevention of crime; or where needed to protect your vital interests or those of another person. We may also occasionally hold and use special category data: to establish, exercise or defend a legal claim; where needed to protect your interests (or someone else's interests) where you are not capable of giving your consent; or where you have already made the information public.

Sometimes we may use your personal data for purposes that are different from or incompatible with those for which we collected it. If we do this, we will notify you and explain our legal ground for using your data in this way, as required under data protection law.

The Appendix to this Privacy Notice sets out in more detail the types of ordinary and special category personal data we collect and hold about you, what we use it for, who we share it with and the relevant legal grounds under data protection law for doing so.

### **How do we collect your personal data?**

You provide us with most of the personal data about you that we hold and use. Other personal data about you we hold and use is generated by you in the course of carrying out your duties. For example, during email correspondence or when producing documents or when you are using certain equipment such as computers, door entry systems/clocking-in and out systems.

Some of the personal data we hold and use about you is provided by or generated from internal sources during the course of running our business. For example, colleagues may refer to you in emails or documents, your manager will assess you as part of the appraisal process and information about you may be generated as part of our business and operational planning.

Some of the personal data about you that we hold and use may come from external sources. For example: when we offered you a job, we may have collected references from previous employers; we may obtain information about you from publicly available sources such as your LinkedIn profile or other media sources; we may ask for a report from an occupational health professional if you have long-term sickness absence; customers may give feedback about you; we might seek advice from a professional adviser that includes information about you.

### **If you give us someone else's personal data**

Sometimes, you might provide us with another person's personal data – e.g. details of your emergency contact or next of kin. In such cases, we require you to inform the individual what personal data of theirs you are giving to us. You must also give them our contact details and let them know that they should contact us if they have any queries about how we will use their personal data.

### **Who do we share your personal data with?**

We will only share your personal data with third parties where we have an appropriate legal ground under data

protection law which permits us to do so. Commonly, this could include situations where we are legally obliged to provide the information (e.g. to HMRC for tax purposes), to comply with our contractual duties (e.g. to providers of your contractual benefits such as occupational pension, health insurance, etc.), or where it is necessary in our legitimate interest (e.g. to an IT service provider for maintenance of our IT systems).

Further details of who we share your personal data with, and our purposes and legal grounds for doing so, are set out in the Appendix to this Privacy Notice.

### **Consequences of not providing personal data**

We only ask you to provide personal data when we have a good reason and there may therefore be consequences if you do not provide particular information to us.

Some of the personal data you provide to us is required by law. For example, if you do not provide your national insurance number, we will not be able to make correct tax/NI deductions on PAYE, and, if you are pregnant, we require a MATB1 in order to pay statutory maternity pay.

We may require you to provide other personal data, where it is necessary for us or our pensions/benefits providers to fulfil our contractual obligations to you, or for you to fulfil your contractual obligations to us, or where our use of the data is necessary in our legitimate interests. For example, if you do not provide us with a timesheet, we cannot pay you for the overtime hours you have worked / if you do not complete the application form for health insurance, we cannot provide you with health insurance.

If you choose not to provide us with personal data requested, we will tell you about the particular implications of any such decision at the relevant time.

### **How long will we keep your personal data?**

We will not keep your personal data for longer than we need it for our legitimate purposes.

We take into account the following criteria when determining the appropriate retention period for Employees' personal data:

- the amount, nature, and sensitivity of the personal data
- the risk of harm from unauthorised use or disclosure
- the purposes for which we process your personal data and how long we need the particular data to achieve these purposes
- how long the personal data is likely to remain accurate and up-to-date
- for how long the personal data might be relevant to possible future legal claims
- any applicable legal, accounting, reporting or regulatory requirements that specify how long certain records must be kept

Given the variety of Employees' personal data that we use and the varying circumstances in which we use it, it is difficult to specify ahead of time precisely how long we will keep particular items of personal data. Where possible, the Tables in the Appendix to this Privacy Notice identify retention periods applicable to your personal data, which have been determined on the basis of the above criteria and which represent the longest period for which we will ordinarily keep it. We may often keep particular items of your personal data for less time. However, there may also be circumstances in which it is appropriate for us to keep particular items of your personal data for a longer period than that set out in the Tables. In particular, we will always keep your personal data for so long as we are required to do so under legal, accounting, reporting or regulatory requirements.

In addition, for some types of personal data, it is more appropriate to decide retention periods on a case by case basis (also using the criteria described above), and this is indicated in the Tables where applicable.

We will base these decisions on relevant circumstances, taking into account the criteria listed above.

## Your rights

You have a number of legal rights relating to your personal data, which are outlined here:

- **The right to make a subject access request.** This enables you to receive certain information about how we use your personal data, as well as to receive a copy of it and to check that we are lawfully processing it.
- **The right to request that we correct incomplete or inaccurate** personal data that we hold about you.
- **The right to request that we delete or remove** personal data that we hold about you 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 data where you have exercised your right to object to processing (see below).
- **The right to object to our processing** your personal data where we are relying on our legitimate interest (or those of a third party), where we cannot show a compelling reason to continue the processing
- **The right to request that we restrict our processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- **The right to request that we transfer** your personal data to you or to another party, in a structured format. This right applies in respect of data that you have provided where our legal ground for using the data is that it is necessary for the performance of a contract or that you have consented to us using it (this is known as the right to "data portability").

If you would like to exercise any of the above rights, please contact Tammy Muddell, HR Administrator in writing. Note that these rights are not absolute and in some circumstances we may be entitled to refuse some or all of your request.

If you have any questions or concerns about how your personal data is being used by us, you can contact the Data Protection Coordinator, Christopher Scott.

Note too that you have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. Details of how to contact the ICO can be found on their website: <https://ico.org.uk>

## APPENDIX – FURTHER DETAILS

**This section of the Privacy notice tells you in more detail about the type of personal data we hold about you, what we use it for, our legal grounds for doing so, who we share it with and how long we keep it.**

Please note that we will not necessarily hold, use or share *all* of the types of personal data as described in this Appendix in relation to you. The specific types of data about you that we will hold, use and share will depend on your role, the terms on which you work for us, your individual circumstances and circumstances affecting the company from time to time. For example, if you do not have a work computer or use any other technical device in your role, we will not hold any computer or device usage records for you; if you work for us as a self-employed contractor, we will not hold records about benefits that you are not entitled to; if you have not yet taken a day off sick, we will not currently hold any sickness absence records for you; and we are only likely to share information about you with professional advisers in particular circumstances.

Note also that the first two Tables below divide items of personal data into relatively broad categories (under the heading “Type of ordinary personal data held by us”, or “Type of special category personal data held by us”). Where multiple purposes and/or legal grounds for our use of a given “type” of personal data are identified, this does not necessarily mean that *all* of the purposes and/or legal grounds are applicable to *all* items of personal data falling within that “type” of personal data.

### More information about your ordinary personal data

Type of ordinary personal data held by us	What we use it for	Legal ground	Guideline retention period
Biographical details (including name, title, contact details, DOB, gender, emergency contacts)	Administration of the contract, emergency contact details so we can look after Employee welfare in an emergency, gender or, equal opportunities monitoring, DOB for payroll and insurance purposes.	Legal obligation Performance of the contract Legitimate interest to hold emergency contact details in order to inform an Employee nominated person in an emergency situation	Data will be kept for 6 years after the last day of employment.
Recruitment information (including correspondence/ references/ right to work checks and related documents)	Administration of the contract, and to check and demonstrate that Employees have the legal right to work in the UK	Legal obligation Performance of the contract Legitimate interest to maintain relevant and appropriate records of recruitment for business administration and administration of employment	Data will be kept for 3 months if the job applicant is unsuccessful. If successful it will be kept for 6 years after the last day of employment
Employment details (including start date, contractual terms,	Administration of the contract Managing our relationship	Legal obligation Performance of the	Data will be kept for 6 years after the



location, job title, career history)	with Employees on an ongoing basis Details about role/experience, etc. may be used in communications with customers and potential customers	contract Legitimate interest to manage ongoing relationships and to promote goods/services to customers and potential customers	last day of employment.
Payroll and tax/NI and bank details	Paying Employees, deducting tax and NI as appropriate, keeping appropriate records	Legal obligation Performance of the contract	Data will be kept for 6 years after the last day of employment.
Working hours and arrangements	Paying Employees correctly Complying with legal requirements regarding working time Managing attendance, day to day operational management and dealing with requests to alter hours	Legal obligation Performance of the contract Legitimate interest to manage working hours/arrangements to ensure effective business operations	Data will be kept for 6 years after the last day of employment.
Pay and benefits including pensions (and information necessary to administer these) and expenses	Providing Employees with agreed pay, benefits and expenses; making decisions about future compensation; tracking and reviewing pay, benefits, expenses; making strategic decisions about compensation; auditing and reporting on company financial position	Legal obligation Performance of contract Legitimate interest to analyse pay, benefits and expenses and make decisions about appropriate compensation on an individual and company level	Data will be kept for 6 years after the last day of employment.
Performance and career progression (including appraisals, performance management, target/objective setting, consideration of new duties/roles)	Ensuring Employees perform in accordance with their contract and to the standards required, and considering future duties/roles; setting performance-related pay increases; determining eligibility for performance bonuses.	Performance of the contract Legitimate interest to manage performance and duties/roles to ensure effective business operations and set appropriate levels of remuneration	Data will be kept for three years from the date of the final appraisal
Qualifications (including educational, vocational, driving licences where appropriate) and training	Ensuring Employees are appropriately qualified and trained for current or potential roles	Legal obligation Performance of the contract Legitimate interest to ensure that there are appropriate qualifications and training for current or potential roles	Data will be kept for 6 years after the last day of employment.
Holidays and other leave	Managing statutory and non-statutory holiday and leave	Legal obligation Performance of the contract	The paper holiday forms will be kept for the current year

		Legitimate interest to ensure leave taken is compatible with business requirements and that any consequent operational adjustments are made	plus the 2 proceeding years. The holiday information on the time and attendance system will be kept for 6 years after the last day of employment.
Disciplinary, conduct and grievance matters about or involving Employees	Investigating and dealing with disciplinary, conduct and grievance matters related to or otherwise involving Employees	Legal obligation Performance of the contract Legitimate interest to deal effectively with disciplinary, conduct or grievance matters whether Employees are the subject of them or otherwise connected to the issues raised Public interest in detecting or preventing unlawful acts	Data will be kept for 6 years after the last day of employment.
Health and safety	Conducting risk assessments; establishing safety measures to mitigate identified risks; providing a safe working environment; keeping required records	Legal obligation Legitimate interest to ensure Employees are able to perform their duties in a safe environment for the efficient operation of the business	Data will be kept for 6 years after the last day of employment.
Changing terms of employment or termination of employment	Administration of the contract, making changes to the terms of employment to fit business requirements; managing relationships with Employees on an ongoing basis including during notice, promotions, role changes and other career progression; termination of the working relationship however instigated; managing post-employment issues	Legal obligation Performance of the contract Legitimate interest to manage, alter and, where relevant, to terminate the contractual relationship or respond to resignations and deal effectively with post-employment issues	See Employee Data Retention Process. Data will be kept for 6 years after the last day of employment.
CCTV footage	Primarily for security purposes, although we may also use CCTV footage when investigating allegations of misconduct by Employees	Legal obligation Performance of the contract Legitimate interest to deal effectively with	CCTV recording remains on local disk on site for 28 days.

		allegations of misconduct and to maintain the security of our premises	In cases of a disciplinary nature CCTV footage will be retained for 6 years following the termination of employment.
Information about Employee use of business equipment, technology and systems including our computers/ telephones/mobile phones/software/ applications/ social media/ door entry systems/clocking in and out systems/time recording/performance output monitoring	Maintaining the operation, security and integrity of business communications systems (e.g. protection from hackers, malware, etc.); providing IT and communications systems support; preventing excessive personal use; keeping premises secure; managing time; recording rate of work/efficiency of work	Performance of the contract Legitimate interest to maintain operation, security and integrity of communications systems, prevent excessive use of business resources for personal purposes, record time worked and rate/efficiency of work	Data will be kept for 6 years after the last day of employment.
Personal data produced by Employees in the course of carrying out their jobs (e.g. job-related emails, minutes of meetings, written reports, business social media presence etc.)	Performance of job duties by Employees; carrying on the business of the company; monitoring business social media presence to ensure expected standards are complied with	Performance of the contract Legitimate interest to carry out the company business	Data will be kept for 6 years after the last day of employment.
Personal data that is relevant to strategic decision making processes, to planning business operations, actual and potential legal claims, corporate reporting and business risk analysis	To carry out the company business, analyse current business performance, plan for the future, present information in reports to relevant audiences such as shareholders, protect the company from legal claims, seek professional advice as and when required in the course of running our business	Legal obligation Performance of the contract Legitimate interest to carry out the company business, including taking strategic decisions in the interest of the business, communicating about the business with relevant audiences and seeking professional advice where appropriate	Data will be kept for 6 years after the last day of employment.
Personal data, which may include any of the types of data set out above, that is relevant to strategic decision making processes, to planning business operations, actual and potential legal claims, corporate reporting and business risk analysis	To carry out the company business, analyse current business performance, plan for the future, present information in reports to relevant audiences such as shareholders, protect the company from legal claims, seek professional advice as	Legal obligation Performance of the contract Legitimate interest to carry out the company business, including taking strategic decisions in the interest of the business, communicating about the	Data will be kept for 6 years after the last day of employment.

	and when required in the course of running our business	business with relevant audiences and seeking professional advice where appropriate	
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### More information about your special category data

Type of special category data held by us	What we use it for	Legal ground	Special category legal ground	Guideline retention period
Sickness absence and medical information (including records relating to absence and its management, information about any medical condition and doctor's reports and notes) drug and alcohol testing	Payment of company and statutory sick pay; providing health insurance; managing absence and ensuring appropriate cover; considering how Employee health affects the ability to do the job and considering adjustments, which may involve seeking medical advice on this; compliance with health and safety requirements	Legal obligation Performance of contract Legitimate interest to manage Employees with health conditions, maintain a safe working environment and to manage sickness absence of the workforce and ensure appropriate cover	Legal obligation/right in relation to employment Assessment of working capacity In exceptional circumstances, to protect the Employee's or someone else's interests where consent cannot be given Data is retained and erased in accordance with the Employee Data Retention Process	The data will be kept for 40 years after the last day of employment.
Family leave (including maternity, paternity, adoption and shared parental leave, parental leave and time off for dependents) (which could include information about Employee health, religious beliefs, sexual life or sexual orientation)	Facilitating the taking of family related leave; payment of maternity, paternity, adoption and shared parental pay; managing absences and ensuring appropriate cover	Legal obligation Performance of the contract Legitimate interest to manage absences and ensure appropriate cover	Legal obligation/right in relation to employment Assessment of working capacity Data is retained and erased in accordance with the Employee Data Retention Process.	Data will be kept for 6 years after the last day of employment.
Equal opportunities and diversity (which could include	To monitor equality of opportunity and diversity in the	Legitimate interest to understand how the organisation is doing	Public interest in monitoring equal opportunities	Data will be kept for 6 years after the last day of employment.

information about race or ethnicity, religious beliefs, sexual orientation, or health)	organisation, comply with company policies	with regard to diversity and equal opportunities	within the workforce Data is retained and erased in accordance with the Employee Data Retention Process	
Equal opportunities and diversity (which could include information about race or ethnicity, religious beliefs, sexual orientation, or health)	To monitor equality of opportunity and diversity in the organisation, comply with company policies	Legitimate interest to understand how the organisation is doing with regard to diversity and equal opportunities	Public interest in monitoring equal opportunities within the workforce Data is retained and erased in accordance with the Employee Data Retention Process	Data will be kept for 6 years after the last day of employment.

### More information about how we share your personal data

Who we share your personal data with	What data we share	Why we share it	Legal ground
PortionPack Europe Holdings BV Südzucker AG	Any electronically stored data. IT usage details	To provide system maintenance support and hosting of data	Legal obligation Performance of the contract In our legitimate interest to manage the business and Employee performance
IT support provider Payroll & Time and Attendance provider Share register	Pay, NI and bank details / attendance data	To enable the service provider to carry out payroll functions/IT services/ to provide and administer pension and benefits /to operate certification process	Performance of contract In our legitimate interest to engage appropriate service providers to manage payroll/IT, etc.
Our legal and other professional advisers appointed from time to time	Any of your personal data that is relevant	To obtain legal or other professional advice about matters related to you or in the course of dealing with legal disputes with you or other Employees; to obtain advice on	Legal obligation Performance of contract In our legitimate interest to seek professional advice to clarify our rights/obligations and appropriately defend ourselves from potential

		business management and planning, including accounting advice; to independently audit our accounts	claims; to manage the business and its finances (In relation to special category data – legal obligation/right in relation to employment; defending legal claims)
Occupational health professionals/medical professionals	Details of your sickness absences, information we already have about your health/medical conditions as relevant	To seek a medical report about you in accordance with our sickness and absence policy/to carry out assessments required by health and safety legislation	Legal obligation In our legitimate interest to manage sickness, absence and health issues arising in our workforce (In relation to special category data – Legal obligation/right in relation to employment; assessment of working capacity)
HMRC	Pay, tax and NI details	To comply with regulatory and legal obligations	Legal obligation (In relation to special category data – Legal obligation/right in relation to employment or social security; defending legal claims)
Potential purchasers/new service providers	Any of your personal data that is relevant	To provide relevant information to prospective purchasers or new service providers in the event of a possible business transfer, a business or share sale, takeover or other corporate transaction	Legal obligation In our legitimate interest to consider/proceed with a transfer/sale of the business and information is required by prospective purchasers
Customers, potential customers, shareholders and interested parties	Any of your personal data that is relevant, including in particular business contact details, information about role and experience	Inclusion in corporate reports, for use in business communications, to obtain security clearance to work on customers' premises	Legal obligation In our legitimate interest to communicate about the business and our Employees to appropriate audiences, which include customers, potential customers, shareholders and other interested parties

Third parties at your request	Employment details as relevant	At your request, to provide a reference to a potential new employer/details of your employment to a mortgage company	In our legitimate interest/that of the third party recipient to action reasonable requests by you to provide your personal data to third parties with your consent
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