

## Employee Privacy Policy

Marston's PLC of Registered Office Marston's House, Brewery Road, Wolverhampton, WV1 4JT, United Kingdom, Telephone 01902 711811, Registered in England No. 31461, VAT Number: GB100019352 ("**We**").

We are committed to protecting and respecting your privacy, which includes ensuring we treat your personal data carefully.

Personal data is any information that identifies you as an individual. There are also "special categories" of more sensitive personal data which require a higher level of protection. These "special categories" include information about race or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic/biometric data, health, sex life or sexual orientation.

As an employee of Marston's PLC we need a variety of your personal data in order to employ you and administer the benefits we offer you. In addition, we use your personal data to enable us to make decisions in connection with your employment. This policy (together with any other documents referred to) sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

For the purpose of the General Data Protection Regulation (2016) (the "**GDPR**"), We are the data controller. Various third parties that enable processing of your personal data will act as the data processor. We will outline such parties further on in this document.

The person who is responsible for managing data protection within our business is Jonathan Moore, Corporate Risk Director. His contact details are as follows:

Email - [jonathan.moore@marstons.co.uk](mailto:jonathan.moore@marstons.co.uk)

Telephone - 07814 731857

### Information we may collect from you

We may at varying stages of pre-employment or employment collect from you the following categories of personal data:

- Information submitted to our recruitment teams including via CV's, covering letters, application forms, interviews, references or any other means
- Contact details including but not limited to your name, address, telephone number and email address
- Date of Birth
- Gender
- National Insurance Number and individual tax codes
- Right to work documentation
- Employment Start Date
- Bank details
- Historical Payroll, employment and tax data that may include Student loan details
- Salary and annual leave information
- General employment history data including but not limited to location of employment or workplace, job roles, hours, training records, professional memberships, performance reviews (including PCDR) etc
- Working time information
- Warning, Disciplinary & Grievance details
- Conflict of Interest Declaration Data
- Marital Status and dependants, including details of Paternity and Maternity leave
- Emergency contact and next of kin details

- Information pertaining to various benefits schemes where you are entitled, including but not limited to Pension, Childcare Contributions, Expenses, Private Medical Insurance, Income Protection and Life Assurance, Sharesave Schemes etc
- Driving Licence and related motor vehicle data
- Security Access to buildings logs
- Photographs
- CCTV footage
- Your usage of the company's IT systems (including Mobile Phones)

Special Categories of personal data we may collect can include:

- Race, ethnicity, religious belief, sexual orientation or political opinions
- Trade union membership
- Health data including medical conditions, sickness and absence records, disability or accessibility data
- Criminal conviction and offence data
- Data and details of children under the age of 16
- Any other sensitive areas that may be deemed necessary in administering your employment or benefits or making decisions in relation to your employment.

#### Uses made of the information

Each category of personal data may be used in a variety of ways in order to administer and manage your application for employment, your employment or your benefits. Under the GDPR, we can only process your personal data if we have a legal basis for doing so. We will process your personal data through a variety of means including where we need to perform the contract of employment, where we need to comply with a legal obligation or 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. Below the uses are categorised by the legal basis listed, but in some instances there may be a dual basis for processing your information.

#### **Performance of Contract**

- To perform the duties of your employment contract including paying your wage
- Determining the terms on which you work for us
- To provide and administer varying benefits schemes where applicable as follows (third party involvement is detailed in brackets):
  - Pension ([Aviva Ltd](#) for Group Personal Pension Plan, the [National Employment Savings Trust Corporation \(NEST\)](#) for Automatic Enrolment and [Mercer LLC](#) for the Defined Pension Scheme,) including the SMART pension option and Salary Sacrifice
  - Private Medical Health Insurance ([Western Provident Association Ltd](#))
  - Employee Assistance Program ([AXA ICAS Ltd](#))
  - Occupational Health ([Medigold Health Consultancy Ltd](#))
  - Income Protection and Rehabilitation Claims ([Unum Ltd](#))
  - Life Assurance ([Zurich Insurance PLC](#))
  - Childcare Contributions ([Reward Gateway UK Ltd](#))
  - Sharesave scheme ([Equiniti Ltd](#))
  - Holiday Flex
  - Marston's Rewards ([Reward Gateway UK Ltd](#))
  - Company Car Allowance
  - Training ([CPL Online Ltd](#) and others dependent on your role)
- To administer flexible working hours requests or other related requests
- Managing sickness absence
- To ensure no conflict of interest exists within your role

**Legitimate interest** – This legal basis is relied on 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. Our legitimate interests are those of an employer and business. We also consider that this type of processing is in your interests and below we set out in the square brackets [ ] the explanation as to why we consider such processing also to be in your interests.

- To determine your eligibility and suitability for employment with us (including qualifications, skills, experience and references), making a decision about your employment prospects and terms based on this and to contact with you regarding this [without processing this data, we cannot administer your application for employment].
- To keep records about our recruitment process [without processing this data we cannot ensure our recruitment process remains fair and offers equal opportunities].
- To determine suitability for a particular task, including decisions regarding training courses and promotions [without processing this data, we cannot offer you the best opportunities suited to you within the workplace].
- To complete performance reviews including annual and mid-year PCDR [without processing this data, we cannot offer you the best opportunities suited to you within the workplace or manage your performance if it needs to be improved or developed].
- Dealing with grievances and disciplinary issues [without processing this data, we cannot remedy any complaints you may have or deal with disciplinary issues affecting you or others]
- Ascertaining your fitness for work and considerations of reasonable adjustments [without processing this data, we cannot ensure that this is the right job for you or that you are receiving the right level of support from us]
- To complete salary and bonus reviews [without processing this data, we cannot offer you the best opportunities suited to you within the workplace].
- Dealing with legal disputes involving you, or other employees, including accidents at work [without processing this data, we cannot respond to any claims you may have against us or manage disputes we may have with you]
- To assess decisions around continued employment and if relevant the arrangements for termination of the employment contract [without processing this data, we cannot offer you the best opportunities suited to you within the workplace].
- Business management and planning, including accounting and auditing [without processing this data, we cannot manage your employment or be held to be accountable for the way in which we manage the company]
- To monitor compliance with various company policies (in particular the Information Technology Policy) [without processing this data, we cannot ensure you are remaining compliant with relevant legislation or ensure you are not breaching your contract].
- To monitor access to the building to ensure security [without processing this data, we cannot ensure your physical safety on site, including but not limited to fire and first aid safety].

### **Legal Obligation**

- To ensure you have the right to work in the UK
- To determine the terms on which you work for us
- To make the relevant adjustments and contributions to your wage and sharing this with HMRC and other relevant bodies
- To administer and facilitate any complaint, grievance or disciplinary actions, hearings or appeals
- To administer and facilitate any legal disputes including accidents in the workplace
- Making decisions about the termination of your employment
- To adhere to Health and Safety policies and legislation
- To administer and manage any whistle-blowing complaints
- To administer and manage sickness and absence leave (including but not limited to maternity leave, paternity leave & bereavement leave)

- Ascertaining your fitness to work and considerations of reasonable adjustments
- To monitor your use of our information and communication systems to ensure compliance with applicable policies and laws
- To ensure we abide by various statutes including the Equality Act 2010 and to ensure we are not discriminating against you. In addition, to gather statistics for reporting on equality and diversity.
- To prevent fraud or other relevant legal implications

As detailed above we do from time to time use special categories of personal data. In addition to the above reasons, we are most likely to use special categories of personal data for the following additional reasons:

- In limited circumstances, with your explicit consent;
- Where it is necessary for the purposes of carrying out obligations and exercising rights under employment, social security and social protection laws and in line with our data protection policy;
- Where it is necessary to protect your vital interests (in emergency situations);
- Where the processing is necessary for reasons of substantial public interest (such as equal opportunities monitoring) and in line with our data protection policy;
- Where the processing is necessary for the purposes of occupational medicine, medical diagnosis or for the assessment of your working capacity on health grounds etc pursuant to a contract with a health professional; or
- Where the processing is necessary for the establishment, exercise or defence of legal claims.
- We may ask for your criminal conviction records in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role. We process this data on the basis of legitimate interest in that we are an alcohol & retail focused industry with a reasonable expectancy to screen employees against the conflicts of working in such an industry. There is definitively no automated decision making around this type of data.

#### Do we need your consent?

In most situations we do not need your consent for the processing of personal data or special categories of personal data as we rely on other legal conditions for the processing of such data. In limited circumstances, we may approach you for your written consent to allow us to process certain special categories of personal data. If we do, we will provide you with full details of the information that we would like and the reason we need it, so that you can consider whether you are prepared to give your consent. It is not a condition of your employment with us that you agree to any request for consent.

#### Third party recipients of personal data

We may share your personal data with third parties, including third-party service providers (e.g. benefits providers, pension administrators etc) and other entities within the group. We require third parties to respect the security of your personal data and to treat it in accordance with the law. We will share your personal data 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. We have identified above those third party service providers we share personal data with.

#### Transfer of personal data outside the EEA

We never pass your data to any companies outside of the European Economic Area (EEA) and all third parties are thoroughly vetted before contractual engagement and are required to only hold personal data they obtain from us for the strict purpose for which it is intended (e.g. administering benefits etc).

#### How long we hold your data

We hold different types of your personal data for varying amounts of times dependent on its use and the relevant statute that governs specific retention periods for certain data as well as taking into account various limitation periods for the processing of claims against us. Full details of how long we hold your data can be found within the company Retention Schedule which can be accessed from the Exchange or the Hub.

#### 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:

- Where we have notified you of the decision and given you 21 days to request a re-consideration;
- Where it is necessary to perform the contract with you and appropriate measures are in place 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.

#### Your rights as a data subject

There are several rights available to a data subject as below. Their application is dependent on circumstance and legal basis for processing so will not always be absolute.

- The right to be informed – this means you are entitled to receive the relevant privacy information at any time and have it freely available to you. An up to date copy of this document will be stored on the Exchange > Information Centre > Data Security & Data Protection > Documents or on the Hub for reference and you will be notified of any significant changes when they occur.
- The right of access – You can request copies of your personal data at any time by emailing your HR representative.
- The right to rectification – Should you require any of your personal data updating due to its inaccuracy or incompleteness, you can do so at any time. Dependent on the type of data, this may be achievable via access to the Exchange or the Hub or if unavailable, your HR representative.
- The right to erasure – This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You can do so by contacting your HR representative.
- The right to restrict processing – you can ask us to suspend the processing of personal data in order to establish its accuracy or the reason for processing it
- The right to data portability – this only applies to data held on the basis of contract that you have provided to us. You have the right to ask us to produce and transfer copies of this data to other third parties should you wish. You can do this by contacting your HR representative.
- The right to object – you can object to the processing of personal data 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 a right to object where we are processing your personal data for direct marketing purposes. You can do this by contacting your HR representative.
- Rights in relation to automated decision making and profiling. We do not currently undertake any automated decision making or profiling tasks. This notice will be kept up to date to ensure you are notified of any changes.

We welcome questions, comments and requests regarding this privacy policy and these should be addressed to [datasecurityinformation@marstons.co.uk](mailto:datasecurityinformation@marstons.co.uk). You have the right, should you feel necessary, to contact the relevant supervisory authority, the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk) or on 0303 123 1113.