



Network Rail internal privacy notice

Introduction

This privacy notice describes in detail how Network Rail Infrastructure Limited (NR) and its subsidiaries use your personal information when you become an employee. It explains who is responsible for the personal information that we collect about you, what personal information we collect, how we will use such personal information, who we may disclose it to and your rights and choices in relation to your personal information. Personal information is information that is about you and which identifies you.

This privacy notice should be read together with your contract of employment and replaces any contractual data protection provisions issued prior to May 2018. It may be updated from time to time.

For further information on how we comply with the principles of data protection legislation including definitions, please refer to the Data Protection policy.

Personal information we hold

The personal information we hold includes:

- Name, address, telephone number(s), email address
- Gender
- Proof of your right to work in the UK (such as a copy of a passport and/or visa)
- Employment history, other relevant experience, achievements, skills and qualifications
- Employment references and the results of any pre-employment screening
- The notes and outcome of any interviews or tests which formed part of the recruitment process
- Terms and conditions of employment, contract variations, current employment history
- Information about your conduct including details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence
- Information about your performance, training and development
- Correspondence and call recordings relating to your employment
- Pay and pension details, national insurance number, tax coding, expense claims and payments and details of the bank or building society account into which your salary is paid
- Details of salary deductions such as trades union membership, student loan repayments, Give As You Earn donations or Attachment of Earnings Orders
- Details of your employee benefits (e.g. membership of private medical insurance or childcare voucher schemes)
- The reasons for any periods of absence (e.g. annual leave, maternity/paternity leave, sickness absence)
- Medical records - Self-certification forms, occupational health reports, return to work forms, GP consultation records and reports, drug and alcohol tests, health assessments for senior roles
- Details of emergency contacts, next of kin
- Birth certificate/adoption certificate of your children (if provided, e.g. for parental leave purposes)
- Photographs and CCTV footage
- Journey history associated with duty and safeguarded travel
- Systems and building access history
- Location and vehicle speed information - Vehicle Speed Warning System (VSWS)
- Equalities monitoring information (if provided - see information on 'special categories' below)
- Details of your schedule (days of work and working hours) and attendance at work

Legal basis for using your information

Under privacy and data protection legislation, NR is only allowed to use personal information if we have a proper reason or 'legal basis' to do so. In the case of your employment with NR, there are a number of these 'legal grounds' we rely on, which include:

- For the 'performance of a contract', for example:
 - to comply with the obligations contained in your contract of employment and NR's policies
- Legal obligations:
 - In some circumstances we are obliged to handle your information in a certain way, for example: to provide salary information to HMRC for tax purposes.
- Where it forms part of NR's public function, for example:
 - The publication of salary information under NR's transparency obligations
 - When passing information to the Information Commissioner's Office, which regulates data protection and freedom of information
 - In your capacity as an official representative of NR in the performance of your role
- Where it is in the legitimate interests of the business for example:
 - Compiling directories of staff contact details for business continuity purposes
 - The processing of CCTV footage and swipe card records to ensure the security of our premises and the health and safety of individuals
- Where you have given your consent to NR, for example:
 - You have asked us to give a reference to a financial institution regarding an application you have made for a mortgage, personal loan, etc.
- Where it is in your vital interest i.e. emergency instances of contacting your next of kin

Sometimes we may need to collect or store information that is called 'special category personal data', which is defined under Data Protection legislation as the following:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- The processing of genetic data
- Biometric data for uniquely identifying an individual
- Data concerning health
- Data concerning an individual's sex life or sexual orientation

In addition, UK privacy legislation has added information about criminal allegations, proceedings or convictions to the list of special categories compiled under EU law.

As before, there are a number of 'legal grounds' we rely on when handling any kind of special category personal information, depending on the circumstances.

Obtaining and using your information

The personal information we hold about you comes from the following places:

- your recruitment application and the supporting information you included with it
- pre-employment checks, vetting and references from external parties
- information you provide when you start employment, (such as emergency contacts and bank account information)
- Information created, or received, by NR during the course of your employment, such as performance or pay reviews, disciplinary records or occupational health information.

NR and the companies that process data on its behalf will use your personal information for the purposes of human resource administration (i.e. managing NR's employment relationship with you). The information provided will be used to:

- Pay you, administer employee benefits, calculate any tax, NI or statutory payments due
- Administer any absences including sickness and annual leave
- Manage your performance and attendance and make decisions about appropriate training and development
- Manage any employment disputes including disciplinary actions or grievances
- Supply references to prospective employers
- Support organisational change initiatives

Your personal information will only be accessed and processed by authorised personnel (i.e. line managers, HR professionals, occupational health professionals and pensions administrators) who are involved in the management and administration of your employment and have a legitimate need to access your information.

NR may use employee data for analysis purposes - for example to ensure that we have an efficient and diverse workforce - or for occupational health purposes. Individuals will not be identified using this information. Where appropriate we may aggregate or de-personalise personal data e.g. performance rating calibration.

Length of time we keep information

Most of your personal information will be retained by NR for the duration of your employment plus an additional seven years from the date on which you cease to be an employee. This is for the following reasons:

- To respond to correspondence, concerns or complaints
- To maintain records according to rules that apply to us (for example employment law, or financial regulations)
- To establish and defend any legal rights

Please note that personal information included in occupational health and pension administration records will normally need to be retained for much longer periods.

Keeping personal information secure

NR takes the privacy of our employees very seriously and has a range of robust policies, processes and technical measures in place to safeguard their personal information.

Access to systems that hold employment related information is restricted to authorised personnel through the use of unique identifiers and passwords. Your information is stored on systems that are protected by secure network architectures and are backed-up on a regular basis for disaster recovery and business continuity purposes; and to avoid the risk of inadvertent erasure or destruction.

Automated processing and profiling

Under data protection legislation we have to let you know when we use your personal information to do something 'automatically' using our computers or other systems, or use it to make an automated decision (without human intervention) that significantly affects you.

NR does not make any employment related decisions based solely on the use of automated systems, databases or computer applications.

Sharing personal information

NR has contracts with a number of third party service providers, who provide specialist services such as our Occupational Health service, Employee Relation advice and Employee Assistance Programme and various employee benefits schemes. These third parties will process personal information in accordance with NR's instructions and make decisions regarding the information as part of the delivery of their services; they are also required to put in place appropriate security measures that ensure an adequate level of protection for personal information.

In some circumstances, disclosures of employee personal information to the police (and other law enforcement agencies) are permitted by data protection legislation, if they are necessary for the prevention or detection of crime and/or the apprehension or prosecution of offenders. Each law enforcement request to NR is dealt with on a strictly case by case basis to ensure that any such disclosure is lawful and proportionate.

NR may also disclose your personal information to a third party in certain circumstances for example:

- For the purpose of providing employment references
- To the NR Pension Fund(s)
- To a prospective purchaser of the Employer (or the purchaser's advisers) in connection with a future proposal to sell or transfer the Employer or a Group Company or all or part of their respective businesses
- In an emergency where the health or personal security of an employee is at risk
- Where we are required to do so by law (e.g. in response to a court order, or to assist with investigations carried out by government departments such as HM Revenue and Customs, the Department for Work and Pensions, Job Centre Plus, the Child Support Agency, or local authorities)
- In your capacity as a representative of NR - for example in response to Freedom of Information requests
- If it is necessary to do so in order to establish or defend NR's legal rights (i.e. in the context of a court case involving NR)
- Where NR is otherwise required or permitted by law to make the disclosure

Overseas processing

NR and its service providers may process your personal information in countries both within, and outside, the European Economic Area (EEA).

Any such processing will be carried out in strict accordance with UK and EU privacy and data protection legislation and the appropriate contractual safeguards which NR has put in place in line with guidance from the Information Commissioner's Office (ICO).

Your information rights

You have certain rights with respect to your personal information, these are:

- Right of access to your personal information
- Right to rectify your personal information
- Right to erasure of your personal information
- Right to restrict the use of your personal information
- Right to data portability
- Right to object to the use of your personal information
- Right to withdraw consent
- Right to complain to the relevant data protection authority

These rights may only apply in certain circumstances and are subject to certain exemptions e.g. if you ask for the erasure of your bank details we would refuse as we would be unable to perform the terms of your contract

For more information please see the link [here](#)

Changes to this notice

Any changes to our employee privacy notice will be uploaded to the internal intranet site. The updated privacy notice will take effect as soon as it has been published or otherwise communicated to you.

This privacy notice was last updated in May 2018.

Contact us

Data protection queries should be directed to the Data Protection Officer, Network Rail, The Quadrant, Milton Keynes MK9 1EN.

Email: data.protection@networkrail.co.uk