



## Delaware North Privacy Notice

### What is the purpose of this document?

Delaware North Companies (UK) Services Ltd is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all employees, workers and contractors.

Delaware North Companies (UK) Services Limited is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers, casual and variable staff and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide 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 data protection law. This says that the personal information we hold about you must be:

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

### The kind of information we hold about you

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

There are "special categories" of more sensitive personal data which require a higher level of protection.

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

- Personal contact details such as name, title, addresses, telephone numbers and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date.
- Location of employment or workplace.
- Copy of driving licence.
- 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).
- Employment records (including job titles, work history, working hours, training records and professional memberships).
- Sick notes (please see "special categories of personal data" below).
- Occupational Health reports (please see "special categories of personal data" below).
- Medical records (please see "special categories of personal data" below).
- Compensation history.
- Performance information.
- Disciplinary and grievance 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.
- Photographs and video footage

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

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions, contained in any identification documents required to gain access to our venues.
- Information about your health, including any medical condition, health and sickness records.
- Genetic information and biometric data for example, for time and attendance purposes
- Information about criminal convictions and offences, as set out in our Safeguarding Policy.

### **How is your personal information collected?**

We collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies, the Disclosure and Barring Service, the Global Watch List (both as set out in our Safeguarding Policy) or other background check agencies.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

### **How we will use information about you**

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:

1. Where we need to perform the contract, we have entered into with you.
2. Where we need to comply with a legal obligation.
3. 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.
4. Where it is necessary for carrying out our obligations under employment law.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest.

### **Situations in which we will use your personal information**

We need all the categories of information in the list above (see "The kind of information we hold about you") primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided that your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking that you are legally entitled to work in the UK.
- For information obtained through the Basic Disclosure background checks or the Global Watch List checks, to ensure that all appropriate measures are in place to ensure the protection of our staff and customers.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing the following benefits and processes to you (where applicable):
  - Life insurance
  - Private medical insurance
  - Income protection insurance
- Liaising with your pension provider.
- Provision of Childcare vouchers
- Liaising with car leasing providers.
- Liaising with any other third-party benefit providers
- Administering the contract, we have entered into with you.
- Business management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary 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 employees, workers 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 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 conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To publicise our activities and promote our brand we may use your image (in photographs or video footage) and relevant accompanying stories Where possible we will notify you of the purpose in advance of publishing any specific image). Potential uses include:
  - Delaware North annual reports
  - Delaware North website at [www.delawarenorth.com](http://www.delawarenorth.com)
  - Any Delaware North social media accounts
  - Any Delaware North advertising, marketing, business development materials

Delaware North reserve the right to use individual's image in all forms and media, and in all manners, including composite representations, without limitation as to the frequency or duration, for any lawful purposes, commercial or non-commercial.

Individuals working for Delaware North voluntarily release the Company from and against any and all claims, injury, losses, liabilities, demands, causes of action, cost and expenses whatsoever that they may have arising out of the use of their professional story and/or image(s), including claims for invasion of privacy.

Should you raise an objection to our use of a specific image, we will stop using this image where it is practical to do so, and we have no over-riding legitimate interest.

### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers). For our background checks, if you fail to supply information which is required by some of our clients to work at their venues, you may not be able to work on these specific protected sites (for more information, please see our Safeguarding Policy).

### **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 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.

### **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 may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations (including but not limited to our obligations under employment law) and in line with our Data Protection Policy.
3. 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.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may 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. We may also process such information about current and former employees / workers / contractors in the course of legitimate business activities with the appropriate safeguards.

### **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, which may include sickness absence or family related leaves, 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.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

### **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 exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data, including information required for our background checks at our venues. 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, although please note that for some of our venues where an agreement to background checks is required, a refusal to agree to the checks may mean you cannot work at the venue. For more information, please see our Safeguarding Policy.

## Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided, we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions 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 may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

We will only collect information about criminal convictions if it is appropriate given the nature of the role, the locations in which you will be working 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 the course of you working for us. We will use information about criminal convictions and offences in the following ways (further details for which are set out in our Safeguarding Policy):

- Determining your suitability to work for us, including at our protected venues.
- To comply with the security obligations set out by our clients for the venues we work at.
- To comply with the security obligations at our protected venues.
- To protect our staff and members of the public in line with the recommendations of the National Counter Terrorism Security Office (NaCTSO).

We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data as set out in our Safeguarding Policy.

## 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:

1. Where we have notified you of the decision and given you 21 days to request a re-consideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures 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.

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. Where we use psychometric testing as part of any

ongoing development for you, any results or profiles compiled by the testing are reviewed by HR and your manager (as appropriate) and no decisions or outcomes are made solely on the basis of ADM.

### **Data sharing**

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU.

If we do, you can expect a similar degree of protection in respect of your personal information.

### **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 or where we have another legitimate interest in doing so, for example with our clients to enable you to access their venues so you can work for us.

If your role, or any role you apply for during your employment, falls within a joint venture between Delaware North and a third party ("Joint Venture"), the information may be shared between us and the HR team and managers of the Joint Venture to enable the Joint Venture to administer the working relationship with you or where we have another legitimate interest in doing so, for example to facilitate the Joint Venture to carry out its own legal obligations relating to your employment.

### **Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers (including contractors, client venues and designated agents) and any other entities within our group. The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision, occupational health providers and administration.

### **How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers and other entities in the group 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.

### **When might you share my personal information with other entities in the group?**

We will share your personal information with other entities in our group 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.

### **What about other third parties?**

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with clients and the venues we work with, for training purposes and if required as a security protocol for the venue. We may also need to share your personal information with a regulator or to otherwise comply with the law.

### **Transferring information outside the European Economic Area (EEA)**

We may transfer the personal information we collect about you to other Delaware North Companies, including Delaware North for America which is based in New York State, and to other locations outside

the EEA, in order to perform our contract with you and for the purposes of Delaware North for America's regular and periodic audits on its subsidiary companies (including Delaware North Companies (UK) Services Limited and any of its subsidiaries). These audits are necessary for the business and for Delaware North for America to analyse our financial and business performance, as well as the adequacy of the systems and controls of Delaware North Companies (UK) Services UK Limited and the Delaware North group of companies as a whole. Personal information may also be transferred where required for Delaware North for America to make decisions on bonuses and salary reviews for staff of Delaware North Companies (UK) Services Ltd.

To ensure that your personal information does receive an adequate level of protection we have put in place the following appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection:

- Only personal data that is necessary for the purposes of the audit or otherwise in the performance of our contract with you will be disclosed.
- Such data will be limited to those individuals for whom the audit or other purpose is carried out and will be on a need to know basis.
- Such information will be kept confidential by the individuals conducting the audit or other purpose.
- Any personal data to be disclosed shall (if appropriate) be redacted, and in any event retained for no longer than is necessary for our (and our Group and Parent companies') compliance and due diligence obligations.
- Appropriate security measures will be taken when transferring the data.

If you require further information about these protective measures, you can request it from the HR department on [helpmeout@delawarenorth.com](mailto:helpmeout@delawarenorth.com).

If we are required to transfer your data to another country outside the EEA, we will notify you in advance and confirm any protective measures we are putting in place.

### **Data security**

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

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 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 those employees, agents, clients, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

We adopt the following security measures:

1. Staff must input passwords to access our IT systems.

2. Passwords for our systems will be regularly updated.
3. Documents containing personal data are password protected.
4. An employee's consent will be sought before releasing any personal data about them which they have requested, for example for future employers or for financial applications.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **Data retention**

### **How long will you keep my information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes for which we collected or have it, including for the purposes of satisfying any legal, accounting, or reporting requirements. 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 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. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

## **Rights of access, correction, erasure, and restriction**

### **Your duty to inform us of changes**

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 in connection with personal information**

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

- **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.
- **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 (see below).
- **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 should we ever process 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 another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact [helpmeout@delawarenorth.com](mailto:helpmeout@delawarenorth.com).

#### **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 may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

#### **What we may need from you**

We may 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.

#### **Right to withdraw consent**

In circumstances where you may 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. To withdraw your consent, please contact the HR department on [helpmeout@delawarenorth.com](mailto:helpmeout@delawarenorth.com). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law, which we will notify to you.

#### **Queries on the privacy notice and complaints**

If you have any questions about this privacy notice or how we handle your personal information, please contact the HR department on [helpmeout@delawarenorth.com](mailto:helpmeout@delawarenorth.com). You also 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.

#### **Changes to this privacy notice**

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 may also notify you in other ways from time to time about the processing of your personal information.

**Policy effective from:**

August 2019