

## EMPLOYEE DATA PRIVACY NOTICE

### 1. WHAT IS THIS?

- 1.1. At STARK Group we take privacy seriously and we are committed to protecting your personal data.
- 1.2. In our commitment to protecting your privacy, we aim to comply at all times with General Data Protection Regulation (EU 2016/679) UK GDPR and relevant data protection laws. If you are an employee located in (i) the UK, the UK Data Protection Act 2018, (ii) Jersey, the Data Protection (Jersey) Law 2018, and (iii) the Isle of Man, the Data Protection Act 2018.
- 1.3. This privacy notice is designed to provide information on how each of the STARK Group companies in the UK and trading names (“**Businesses**”) (referred to as “we”, “us”, “our”) processes the personal data of its workforce (referred to as “you”, “your”) in accordance with data protection laws. A list of the Businesses is set out in the Schedule to this Privacy Notice.
- 1.4. This notice applies to current and former members of our workforce, including employees, workers, agency workers including those provided via specialist recruitment agencies, contractors and self-employed consultants.
- 1.5. The Company and Business by whom you are employed is the data controller of your personal data. As a “data controller”, we are responsible for deciding how we process personal data about you. We are fully committed to protecting your personal data at all times. We will only process your personal data in accordance with applicable data protection laws, adhering to the data processing principles as applicable.
- 1.6. This Privacy Notice may be amended from time to time to reflect any changes in the way in which we process your personal data. We will provide you with a new privacy notice when we make any substantial updates, and we may also notify you in other ways from time to time about the processing of your personal data. Please check this [link](#) or your employee intranet occasionally to ensure you are happy with any changes.
- 1.7. This privacy notice was last updated on 1<sup>st</sup> March 2023.

### 2. THE KIND OF INFORMATION WE HOLD ABOUT YOU

- 2.1. “Personal data” is any information about a living individual from which they can be identified. It does not include data where any potential identifiers have been removed (anonymous data) or data held in an unstructured file.
- 2.2. There are “special categories” of more sensitive personal data which require a higher level of protection including but not limited to sexual orientation, race or ethnic origin and religious or philosophical beliefs.
- 2.3. When we refer to “processing”, this means anything from accessing, collecting, using, storing, transferring, disclosing, altering or destroying personal data.
- 2.4. For comprehensive definitions of the above, please refer to the [Data Protection Policy](#).

### 3. RECEIVING YOUR PERSONAL DATA

- 3.1. We may obtain personal data and/or special category personal data about you from third party sources, such as recruitment agencies, job boards, recruitment portals, behavioural, training providers, professional assessors, occupational health professionals, and background check providers. Where we receive such information from these third parties, we will only use it in accordance with this privacy notice and in line with the [Data Protection Policy](#). In some cases, they will be acting as a controller of your personal data and therefore we advise you to read their privacy notice and/or data protection policy.

### 4. HOW WE USE YOUR PERSONAL DATA

- 4.1. We process your personal data for various reasons, relying on a variety of different bases for lawful processing under data protection law, as set out below.

**4.1.1. To comply with our legal obligations.** This may include:

- eligibility to work in the UK and Ireland checks as required by immigration laws, such as passport and visa documentation;
- payroll records, social security, child maintenance, marital status, student loans, mileage claims, expense claims and national insurance information, to comply with social security and Taxation Authorities (tax) requirements;
- information in relation to legal claims made by you or against you, in order to comply with court processes and court orders including court ordered deductions from pay;
- information relating to the occurrence, investigation or prevention of an accident or incident;
- information relating to the occurrence, investigation or prevention of fraud and any other criminal offences or information required in the Civil Courts;
- pension benefits to comply with pension legislation;
- validating driving licence information including licence endorsements if you drive our vehicles or hire cars including information from your Driver Certificate of Professional Competence (CPC);
- information relating to training needs, training records or performance of your duties in order to comply with various legislation, eg. Health & Safety, employment law, Road Traffic Act; and
- any other qualifications we may request relevant to your role.

**4.1.2. To perform the contract of employment you have entered in to with us or the contract we have entered into with your employer.** This may include:

- formal identification documentation relating to you, such as a passport or driving licence, to verify your identity (including your date of birth);
- your contact details such as your name, address, telephone number(s) and personal email address which will be used to communicate with you on employment matters during your employment;
- details of emergency contacts;
- bank details which are used to send/receive funds to/from you such as payment of your salary, expenses, professional subscription fees, or to make or repay loans/debts;
- information disclosed to a third party agency relating to your pay details for the purposes of providing tenancy references;
- information disclosed to a mortgage provider relating to your employment history and pay details for the purposes of a mortgage application; and
- information disclosed to a prospective future employer relating to your employment details for the purposes of providing a reference;
- stock options, share plans, incentive plans and save as you earn schemes relating to you in order to comply with the terms of any such scheme;
- information relating to the enrolment or renewal of your employment rewards and benefits including pension and life assurance in order to provide you or your beneficiaries (if applicable) with these benefits;
- details of the terms and conditions of your employment; and
- information in relation to the termination of the contract.

**4.1.3. To perform sales contracts, you have entered in to with us.**

- We will set up cash or credit accounts for you to use to purchase goods and services from us.
  - and use your personal data to manage these accounts, to fulfil any orders placed by you and manage warranty claims;
  - when setting up a credit account we may undertake a credit reference check on you.

**4.1.4. To pursue our (or a third party's) legitimate interests as a business.** This may include:

- training records, appraisals, 360 review reports and 1:1 meeting notes about you in order to assist/assess your career development and training needs and/or to ensure you are properly managed and supervised;
- information relating to the performance of your employment duties, such as disciplinary records, as this is relevant to your ability to carry out your job and for us to assess and identify areas in which we may need to help you improve;
- information relating to the performance of your duties may also be used to conduct an investigation if circumstances warrant it and to take appropriate action either for conduct or capability reasons in accordance with our Grievance and Disciplinary Policies/Procedures;

- information relating to any grievance process involving you, in order an investigation may be conducted and appropriate action taken (if any) in accordance with our Grievance and Disciplinary Policies/Procedures;
- management reports (including statistical and audit information) to ensure compliance to company policies and procedures and to ensure workplace efficiencies are maximised;
- health, safety and environmental information, including records to ensure we are complying with relevant policies and procedures. This allows us to implement any training where applicable;
- work related contact details on our intranet and/or internal systems to facilitate efficient communication within the business;
- voicemails, emails, correspondence, other work-related communications and documents created, stored or transmitted using our computer or communications equipment for the purposes of the efficient management of the business in accordance with the IT User Charter which is available through this [network link](#) or on [request](#);
- non-medical absence records and details including holiday records, appointments, jury service, maternity, paternity, adoption and parental leave in order to monitor attendance levels and to comply with our policies;
- CCTV and/or vehicle mounted camera systems for the protection of our property, security reasons, health and safety reasons, incident investigation, defending claims, to ensure business efficiencies or to identify training needs. For more detail see our [Video Surveillance \(CCTV\) Policy](#);
- data relating to tracking devices/technologies and activities in respect of our vehicles you drive for the protection of our colleagues, third parties and assets, for health and safety reasons, incident investigation, defending claims, to support the claiming of business mileage, to maximise efficiencies or to identify training needs. For more detail see our Telematics Policy.
- We process your personal data to control access to our properties for the protection of our property and for health and safety reasons. This includes the use of access cards and biometric data for identification purposes only. This data may be used for calculating the amount of pay due to you;
- network and information security data in order for us to take steps to protect your information against loss, theft or unauthorised access in accordance with the IT User Charter which is available [here](#) or on [request](#);
- where we have set up either a cash or credit account for you to purchase goods or services from us we shall use your data to monitor your account activity, market to you, correspond or communicate with you concerning your account and manage any queries, complaints, or claims;
- photographs of you are retained in your employment records and may be included on security and access cards and in internal directories;
- photographs and videos of you are used in newsletters, bid documents and training and marketing materials to enable us to efficiently manage and develop our business; and
- use of voice and video recordings captured by mystery shoppers for the purposes of quality assurance, identifying individual training needs and providing training to staff to improve the overall quality of the services provided by the Businesses.

**4.1.5. Where you have provided your consent:** This may include:

- images, videos or other information provided by you for the purposes of marketing and developing our business; and
- any personal information you choose to share via an open or closed community (eg. Yammer) for the purposes of sharing knowledge and experiences or career development.

4.2. Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

4.3. We will only use your personal data for the purposes for which we collected it, unless we reasonably consider we need to use it for another reason and the reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

## **5. HOW WE USE SPECIAL CATEGORY PERSONAL DATA**

5.1. We also collect, store and use your special category personal data for a range of reasons, relying on a variety of different bases for lawful processing under the data protection laws. This may include information provided with your consent.

- 5.2. **To enable us to perform our legal obligations in respect of employment, social security, and social protection law**, as permitted by local data protection laws, in line with the [Data Protection Policy](#). This may include:
- information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws;
  - information relating to you involving allegations of unlawful discrimination, in order an investigation may be conducted and appropriate action taken (if any) under our Grievance and Disciplinary Policies/Procedures;
  - health information to assess and/or to comply with our obligations under employment, equal opportunities and health and safety legislation (for example a requirement to make reasonable adjustments to your working conditions);
  - trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations; and
  - any additional information you may volunteer to us or information available in a public domain.
- 5.3. **For occupational health reasons or where we are assessing your working capability**, subject to appropriate confidentiality safeguards. This may include:
- 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;
  - sickness absence records, such as statement of fitness to work, reasons for absence and self-certification forms; and
  - records of return to work interviews/meetings.
- 5.4. **Where it is needed in the public interest and/or for statistical purposes**, such as for equal opportunities monitoring. To ensure meaningful equal opportunities monitoring and reporting, we will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, and your sexual life or orientation. This information, to the extent permitted by local laws, will be either anonymised or pseudonymised to the effect you will not be identifiable.
- 5.5. **To establish, defend or exercise legal claims in an employment tribunal or any other court of law.**

## **6. INFORMATION ABOUT CRIMINAL CONVICTIONS**

- 6.1. To the extent permitted by local law, in certain circumstances we will hold information about criminal convictions.
- 6.2. We will only collect this information if it is appropriate given the nature of your role and where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations, provided we do so in line with the [Data Protection Policy](#). We may collect this information as part of the recruitment process, as part of the checks we are required to undertake if you drive for us, or from information available in a public domain, or we may be notified of such information directly by you in the course of you working for us.
- 6.3. We will use information about criminal offences and convictions in the following ways:
- Checking for driving convictions to ensure you may lawfully drive Company or hire vehicles;
  - Where appropriate as part of a disciplinary procedure or to recover losses of fees and salary paid where gained by way of pecuniary advantage;

## **7. PROFILING and AUTOMATED DECISION MAKING**

- 7.1. We may use automated systems to profile your data. "Profiling" means any form of automated processing to evaluate certain personal aspects relating to you, in particular to analyse or predict aspects concerning performance at work, development, financial situation, health, personal preferences, interests, reliability, behaviour, location or movements.
- 7.2. You will not be subject to decisions which 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.

- 7.3. Automated decision-making takes place when an electronic system uses information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:
- 7.3.1. Where we have notified you of the decision and given you 21 days to request a reconsideration;
  - 7.3.2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights; and
  - 7.3.3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.
- 7.4. If we make an automated decision on the basis of any special category of personal data, 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.

## **8. DATA SHARING**

- 8.1. We may share your personal data and special category personal data internally. In particular, it may be shared with: HR employees involved in the recruitment process, employee relations and/or administration of your employment; line managers; consultants; advisers; or other appropriate persons who we shall make you aware of from time to time.
- 8.2. We may share your personal data and special category personal data with other companies within the STARK Group. They may use your personal data:
- 8.2.1. as part of our regular reporting activities on performance;
  - 8.2.2. in the context of a business reorganisation or group restructuring exercise;
  - 8.2.3. for systems maintenance support and hosting of data.
- 8.3. In accordance with the [Data Protection Policy](#), we may share your personal data and special category personal data with third parties, agents, subcontractors and other organisations (as listed below) where it is necessary to administer the working relationship with you or where we have a legitimate interest in doing so:
- occupational health providers;
  - financial product/services providers (including auditors);
  - payroll, expense management and pension providers;
  - insurance providers;
  - employee rewards and benefits providers;
  - training providers;
  - recruitment agencies;
  - transport providers;
  - providers of IT services; and
  - providers of legal services.
- 8.4. When we disclose your personal data to third parties, we only disclose to them any personal data necessary for them to provide their service. We have contracts in place with these third parties in receipt of your personal data requiring them to keep your personal data secure and not to use it other than in accordance with our specific instructions.
- 8.5. In accordance with the [Data Protection Policy](#), we only disclose your personal data to third parties who we are sure have adequate policies/procedures in place in relation to data security and they have agreed to comply with the required data security standards, policies and procedures and put adequate security measures in place.
- 8.6. We may also share your personal data and special category personal data with other third parties for other reasons. For example, in the context of the possible sale or restructuring of the business; to provide information to a regulator; or to otherwise comply with the law. To comply with our legal obligations, we may share your data with the following:
- Taxation Authorities for tax purposes;
  - Immigration Authorities for immigration purposes;
  - student loan agencies to ensure appropriate reductions are made from your salary; and

- driver vehicle licensing authorities to validate driving licence information and the number of points on your licence if you drive company vehicles.

8.7. We may share your personal data with third parties such as mortgage providers, property rental providers, relocation services providers or prospective future employers (as stated at 5.1.4) with your consent.

## **9. TRANSFERRING INFORMATION OUTSIDE OF THE EEA**

9.1. Your personal data may be used, stored or accessed by staff operating outside the EEA working for us, other members of our group or suppliers.

9.2. If we provide any personal data about you to such non-EEA members of our group or suppliers, we will take appropriate measures to ensure the recipient protects your personal data adequately. These measures may include entering into approved standard contractual arrangements with them. If you require further information about these protective measures, you can [request](#) it from the Privacy Contact.

## **10. DATA STORAGE AND SECURITY**

10.1. Your personal data and special category personal data is stored in a variety of locations, including: electronically on our secure servers/in hardcopy form in access-restricted, locked filing cabinets.

10.2. More information as to where specific categories of personal data are stored is set out in our Employee Data Retention Policy, which is available [here](#) or on [request](#).

10.3. We take appropriate technical and organisational security measures and have rules and procedures in place to guard against unauthorised access, improper use, alteration, disclosure and destruction and accidental loss of your personal data. For more information see our IT User Charter, available [here](#) or on [request](#).

10.4. In addition, we limit access to your personal data to those members of our workforce who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

10.5. We have put in place procedures to deal with any suspected or actual data security breach and will notify you and the [Information Commissioners Office for the UK](#), the [Isle of Man Information Commissioner](#) for the Isle of Man, or the [Jersey Office of the Information Commissioner in Jersey](#), in the event of a suspected breach where we are legally required to do so.

10.6. Whenever we propose using new technologies, or where processing is construed as 'high risk', we are obliged to carry out a Data Protection Impact Assessment which allows us to make sure appropriate security measures are always in place in relation to the processing of your personal data.

## **11. DATA RETENTION**

11.1. We keep your personal data and special category personal data for as long as is necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements, and in line with our Employee Data Retention Policy, which is available [here](#) or on [request](#).

11.2. The retention period varies depending on the category of personal data we hold, and the role(s) which you have held during your employment with us. At the expiry of the set retention period, or in other select circumstances, your personal data will be permanently and securely deleted.

11.3. In some circumstances we may anonymise your personal data so it can no longer be associated with you, in which case we may use and retain such information without further notice to you, as it falls outside of the definition of personal data under the data protection laws.

## **12. YOUR DUTIES**

12.1. We encourage you to ensure the personal data we hold about you is accurate and up to date by keeping us informed of any changes to your personal data. You can update your details by contacting HR or your line manager.

- 12.2. As a member of our workforce, you also have obligations under various data protection laws. Our policy on data protection is set out in the [Data Protection Policy](#). You are required to be familiar with and comply with these rules and procedures.

### 13. YOUR RIGHTS

- 13.1. You may make a formal request for access to personal data and/or special category data we hold about you at any time. This is known as a Data Subject Access Request. Such a request may be made verbally or in writing and we must respond within one month. We may ask you to provide additional information to enable us to process your request. Please note, in certain circumstances, we are permitted to extend the one-month time period for responding by an additional two months where in our view your request is complex or numerous in nature. We may also charge a reasonable fee based on administrative costs where in our view your request is manifestly unfounded, excessive or a request for further copies. Alternatively, we may refuse to comply with the request in such circumstances. Further details on subject access requests can be obtained via the Privacy Contact whose details can be found at [paragraph 15](#) below.
- 13.2. Under certain circumstances, by law you also have the right to request:
- 13.2.1. to have your personal data corrected where it is inaccurate;
  - 13.2.2. to have your personal data erased where it is no longer required. Provided we do not have any continuing lawful reason to continue processing your personal data, we will make reasonable efforts to comply with your request;
  - 13.2.3. to have your personal data be transferred to another person;
  - 13.2.4. to restrict the processing of your personal data where you believe it is unlawful for us to do so, you have objected to its use and our investigation is pending, or you require us to keep it in connection with legal proceedings; and
  - 13.2.5. to object to the processing of your personal data, where we rely on **legitimate business** interests (see 4.1.3) as a lawful reason for the processing of your data. You also have the right to object where we are processing your personal data for direct marketing purposes. We have a duty to investigate the matter within a reasonable time and take action where it is deemed necessary. Except for the purposes for which we are sure we can continue to process your personal data, we will temporarily stop processing your personal data in line with your objection until we have investigated the matter. If we agree your objection is justified in accordance with your rights, we will permanently stop using your data for those purposes. Otherwise, we will provide you with our justification as to why we need to continue using your data.
- 13.3. The way we process your personal data and the legal basis on which we rely to process it may affect the extent to which these rights apply. If you would like to exercise any of these rights, please address them in writing to the Privacy Contact whose details can be found at [paragraph 15](#) below.
- 13.4. We may need to request specific information from you to help us to confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is an appropriate security measure to ensure personal data is not disclosed to any person who has no right to receive it.
- 13.5. In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for such specific processing at any time. To withdraw your consent, please contact the Privacy Contact whose details can be found at [paragraph 15](#) below. Once we have received notification 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. If you withdraw your consent, our use of your personal data before your withdrawal is still lawful.
- 13.6. You may complain to a supervisory body if you are concerned about the way we have processed your personal data. In the UK this is the [Information Commissioners Office](#) or the [Isle of Man Information Commissioner](#) for the Isle of Man or the [Jersey Office of the Information Commissioner in Jersey](#).

**14. QUESTIONS**

14.1. If you have any questions about any matter relating to data protection or the personal data and/or special category personal data we process about you, or cannot access any of the linked documents, please email our Privacy Contact whose details can be found at [paragraph 15](#) below.

**15. CONTACT US**

15.1. The Privacy Contact for all STARK Group UK businesses is Joanne Brooks and can be contacted via [joanne.brooks@sxbd.co.uk](mailto:joanne.brooks@sxbd.co.uk) or [dataprotection@sxbd.co.uk](mailto:dataprotection@sxbd.co.uk).

**SCHEDULE 1**

Company	Business
STARK Building Materials UK Limited	Benchmark Building Supplies Blackpool Power Tools Build Aviator Chadwicks George Boyd Gibbs & Dandy International Timber Jewson Jewson Civils Frazer Jewson Partnership Solutions Jewson Tool Hire JP Corry Matthew Charlton Minster Roger W Jones STARK
Norman Limited	Normans