

MES ENVIRONMENTAL LTD
EMPLOYEE PRIVACY NOTICE

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1. INTRODUCTION

1.1 This Privacy Notice (“**Notice**”) is intended to provide information regarding how we collect and use personal information that we collect from you or from third parties about you during and after your working relationship with us, and also how it will be processed by MES Environmental Ltd. It relates to personal data or special category personal data (defined under data protection law) about you that we refer to as personal information in this document.

1.2 This Notice applies to both employees and contractors, and does not form part of a contract of employment or other contract to provide goods/services. Therefore, we reserve the right to update this policy at any time.

2. WHO COLLECTS THE INFORMATION

2.1 MES Environmental Ltd (“**Company**”, “**we**”, “**us**”, or “**our**”) is the data controller of personal information provided by you or collected about you. This means that we are responsible for deciding how we hold and use personal information about you and that we are required to notify you of the information contained in this Notice. It is important that you read this Notice so that you are aware of how and why we are using your personal information and how we will treat it.

2.2 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.

2.3 We respect your privacy and are committed to protecting your personal information. The Human Resources Department is responsible for overseeing questions in relation to this Notice. If you have any questions about this Notice, please use the contact details set out at the end of this Notice in the “Contacting Us” section.

2.4 Your personal information may also be shared within our group of companies such as CNIM SA (our “**group companies**”) and so, in this Notice, references to ‘we’ or ‘us’ mean the Company and our group companies.

3. 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.**

4. WHAT DOES “PERSONAL DATA” MEAN?

4.1 “Personal data” (or personal information) means any information about an individual from which that person can be identified, either just from that information alone, or together with other information we hold. For example, your name, address and employee number.

4.2 There are “special categories” of more sensitive personal data which require a higher level of protection. For example, information about your health.

5. HOW WE WILL USE INFORMATION ABOUT YOU

5.1 We will only use your personal information when the law allows us to. The legal basis for our use of your personal data will generally be one or more of the following:

- a. Where we need to perform the contract we have entered into with you;
- b. Where we need to comply with a legal obligation, for example, to comply with legal obligations to ensure health and safety at work; and/or
- c. 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.

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

- a. Where we need to protect your vital interests (or someone else’s interests), for example, if you are involved in a serious accident and we need to provide health information to the accident responders;
- b. Where it is necessary in the public interest or for official purposes.

6. SITUATIONS IN WHICH WE WILL USE INFORMATION ABOUT YOU

6.1 We need all the categories of information in the list below (see *The kind of information we hold about you*) primarily to allow us to perform our employment 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 your interests and fundamental rights do not override those interests.

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

7. THE KIND OF INFORMATION WE HOLD ABOUT YOU

7.1 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;
- Next of Kin and emergency contact information;
- Expression of Wish details;
- National Insurance number;
- Driving licences
- Utilities bills (for proof of addresses in the case of new starters only)
- Bank account details, payroll records and tax status information;
- Salary, annual leave, pension and benefits information;
- Start date;
- Location of workplace;
- Recruitment information (Including copies of right to work documentation, references, other information included in a Curriculum Vitae (CV) and/or cover letter);
- Employment records (job titles, work history, working hours, training records and professional memberships);
- Performance Information;
- Absence related information;
- Disciplinary and grievance information; and
- Information about attendance (via clocking in system).

7.2 During your employment we will use the information listed above to manage our employment relationship with you, including:

- To pay you and, if you are an employee, deduct tax and National Insurance contributions;
- Provide you with benefits and liaise with your pension provider;
- For business management and planning, including accounting and auditing;
- To administer our employment contract with you, including determining education, training and development requirements, conducting performance reviews, managing performance and determining performance requirements, talent management and succession planning, assessing qualifications for a particular job or task, including decisions about promotions, making decisions about salary reviews and compensation;
- To gather evidence for possible grievance or disciplinary hearings and deal with legal disputes involving you, or other employees, workers and contractors, including accidents at work, if they arise;
- To make decisions about your continued employment or engagement and make arrangements for the termination of our working relationship;
- To ascertain your fitness to work, manage sickness absence and comply 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 and to ensure network and information security, including preventing misuse and/or 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 and for equal opportunities monitoring; and
- To carry out internal communications such as an annual pay award letter or issuing out our newsletter.

8. HOW IS YOUR PERSONAL INFORMATION COLLECTED?

8.1 We will collect personal information about employees, workers and contractors 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 or other background check agencies. If we do so, you will be provided with more specific information at the time.

8.2 If you do not provide personal information

If you do not provide certain information when requested such as bank details or a National Insurance number, we may not be able to perform the contract we have 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).

8.3 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 that 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.

9. HOW WE USE SENSITIVE PERSONAL INFORMATION

9.1 We may also collect, store and use the following “special categories” of more sensitive personal information if it relates to your employment with us:

- a. Information about your health, including any medical condition, health and sickness records;
- b. Information about your race or ethnicity, religious beliefs or sexual orientation;
- c. Trade union membership, where appropriate.

9.2 “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:

- a. Where we need to carry out our legal obligations, for example, complying with health and safety obligations and in line with our Privacy Policy;
- b. Where it is needed in the public interest, for example, equal opportunities monitoring and in line with our Privacy Policy;
- c. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards;
- d. In limited circumstances, with your explicit written consent;
- e. Less commonly, we may process this type of information where it is required 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.

9.3 Our obligations as an employer

We may use your special categories of personal data in the following ways:

- a. relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws;
- b. 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;
- c. about your race or national or ethnic origin, religious beliefs, or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting;
- d. trade union membership information to pay trade union premiums, and to comply with employment law obligations.

9.4 Do we need your consent?

9.4.1 We do not need your consent if we use special categories of your personal information in accordance with our written policy (our Privacy Policy) to carry out our legal obligations or exercise specific rights in the field of employment law.

9.4.2 In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive personal information. 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 employment contract with us that you agree to any request for consent from us.

10. INFORMATION ABOUT CRIMINAL CONVICTIONS

10.1 Where we are legally permitted and/or required, and it is appropriate given the nature of your role, we will collect information about unspent criminal convictions as part of the recruitment process and we may repeat those checks from time to time during your employment with us as considered necessary. In addition, we may be notified of such information directly by you in the course of your employment, for example informing us of a driving offence, which is relevant to your ability to drive for business purposes.

10.2 We will use information about unspent criminal convictions to meet our legal obligations such as to assess whether your continued employment poses an unacceptable risk to us, our customers or our employees / workers. We may also use information relating to criminal convictions where it is necessary in relation to legal claims or to protect your (or someone else's) interests and where you are not capable of giving your consent.

11. AUTOMATED DECISION-MAKING

The Company does not use automated systems for decision making. However, we will notify you in writing if this position changes.

12. DATA SHARING

12.1 We may have to share your personal information with third parties, including third-party service providers and other companies in the group such as CNIM SA. We require third parties to respect the security of your personal information and to treat it in accordance with the law. If we do, you can expect a similar degree of protection in respect of your personal information.

12.2. Why might we share your personal information with third parties?

We may share your personal information with third parties where required by law (for example, the Inland Revenue), where it is necessary to administer the working relationship with you (for example, payroll providers) or where we have another legitimate interest in doing so (for example, employee survey providers).

12.3 Which third-party service providers process my personal information?

“Third parties” includes third-party service providers (including contractors and designated agents) and other entities within our group.

In addition to the above, the following activities are carried out by third-party service providers: benefits provision and administration, pension administration, Insurance administration, business systems allocations, training provisions, recruitment agency services, alcohol and drugs screening programmes, annual and ad hoc occupational health services, legal advice/actions.

12.4 How secure is your information with third-party service providers and group companies?

All our third-party service providers and group companies 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 information for their own purposes. We only permit them to process your personal information for specified purposes and in accordance with our instructions. Where appropriate, we carry out due diligence on our third-party service providers to check their data protection standards and also, put relevant data protection wording in our agreements with them.

12.5 When might we share your personal information with other group companies?

We will share your personal information with other companies in our group as part of our regular human resources processes such as arriving at job role levels and bonus awards, during usual reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of personal information and in the event of an inter-company transfer of employment.

12.6 What about other third parties?

We may share your personal information with other third parties, for example professional advisors in the context of the possible sale or restructuring of the business.

Also during a tendering process, where the end of a Company's contract is imminent, suitably adapted data may be released to potential tenders. Any following Transfer of Undertakings (Protection of Employment), or TUPE action would also require an obligatory release of information at the relevant time.

We would also share your personal information with other third parties in the context of an attachment of earnings order by that court. We may also need to share your personal information with a regulator or to otherwise comply with the law.

12.7 Transferring information outside the European Union (EU)

Most of the personal information we collect about you is based in the United Kingdom or in some cases, a service provider or their sub-processor may be based elsewhere in the EU and so, they are required to comply with European data protection law. On occasion, we may appoint a third-party service provider whose operation or a server or sub-processor may be based outside of the EU. We carry out due diligence on our third-party providers and assess whether your personal information will be transferred to them or accessed by them from outside the EU. If that is the case, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- a. where the recipient country has been deemed to provide an adequate level of protection for personal information by the European Commission¹; or
- b. where we use providers based in the US, we may transfer personal information to them if they are part of the Privacy Shield which requires them to provide similar protection to personal information shared between the EU and the US. You can view certifications at www.privacyshield.gov²; or
- a. where we use certain service providers who are not in a 'adequate' country or part of the Privacy Shield, we may use specific contracts approved by the European Commission which give personal information the same protection it has in the EU, called an EU Model Clause Agreement³.

If you would like to know the specific mechanism used by us when transferring your personal information out of the EU, please contact us using the details in the "Contacting Us" section at the end of this Notice.

13. DATA SECURITY

13.1 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. These measures include:

- a. A full evaluation audit of each site to ensure that all disclosed personal information at each site is kept for a "need to know" legitimate business reason and for the intended purpose, and assurance to such information's safeguarding and safe storage.
- b. We also ensure that we limit access to your personal information to those employees, agencies, and third parties who have a business need to know. They will only process your personal information with our instructions and they are subject to a duty of

¹ Article 45 of the GDPR

² Article 46 of the GDPR

³ Article 46 of the GDPR

confidentiality and an obligation to comply with data protection law. See the Data Sharing section above for further information.

- c. We have also adopted approaches to your data security such as an encryption software that prevents unauthorised access, use, destruction and disclosure of personal information, widely used password protected documentation, prohibiting the use of data storage in any form other than the disclosed and legitimate form of processing.
- d. We also have in place measures such as corporate firewalls protecting our servers and we undertake regular penetration testing. We also have in place data encrypting software that allows users to protect multiple files/documents and restrict access to owners instructions.

13.2 If you would like to know more, contact us using the details in the “Contacting Us” section at the end of this Notice.

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

13.4 Our IT system also regularly undergoes back up procedures to ensure business continuity and disaster recovery.

14. DATA RETENTION

14.1 How long will we use your information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

14.2 Details of retention periods for different aspects of your personal information can be obtained by contacting us using the details in the “Contacting Us” section at the end of this Notice.

14.3 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.

15. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

15.1 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.

15.2 Your rights in connection with personal information

Data protection laws provide you with the following rights:

- a. **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;
- b. **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;
- c. **Request erasure** of your personal information in certain circumstances. 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). However, this is not an absolute right and there will be circumstances where we are required to retain your personal information even if you are no-longer an employee of ours, for example, to administer pension benefit;
- d. **Request the restriction of processing** of your personal information in certain circumstances. 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;
- e. **Request the transfer** (the right to “data portability”) of your personal information to another party.

15.3 You also have a **Right to Object** to the 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.

15.4 If you want to exercise any of these rights, please contact us using the details in the “Contacting Us” section at the end of this Notice.

15.5 Please note, you have the right to make a complaint at any time to the UK regulator for data protection issues, the Information Commissioner’s Office (ICO). The ICO can be contacted by telephone on 0303 123 1113 or by post at Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or via email at casework@ico.org.uk. We would, however, appreciate the chance to deal with your concerns before you approach the ICO, so please contact us in the first instance using the details in the “Contacting Us” section at the end of this Notice.

15.6 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.

15.7 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.

15.8 Timing of our response

We do our best to respond to all legitimate requests within one month. Occasionally, it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

16. RIGHT TO WITHDRAW CONSENT

16.1 In the limited 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.

16.2 To withdraw your consent, please contact us using the details in the “Contacting Us” section at the end of this Notice. 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.

17. CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this Notice at any time, and we will provide you with a new Notice when we make any material updates. We may also notify you in other ways from time to time about the processing of your personal information.

18. CONTACTING US

The Human Resources Department oversees compliance with this Notice.

If you have any queries regarding this Notice or you would like to exercise any of your rights set out above, you can contact us as follows:

MES Environmental Ltd, Human Resources Department, Crown Street, Wolverhampton, West Midlands, WV1 1QB. Tel: 01902 352864. Email: hr@mesenvironmental.co.uk