

1. Introduction

Serco Limited (“**Serco**”, “**we**” or “**us**”) is responsible for your personal information and we take our data protection and privacy responsibilities seriously. We have developed this Serco Work Programme Privacy Policy (“**SWP Privacy Policy**”) to ensure you are informed and confident about the security and privacy of your personal information.

This privacy policy applies to information held about: (i) our customers; and (ii) individuals named as the contact person of a customer’s employers (collectively “**you**”).

We ask that you read this SWP Privacy Policy carefully as it contains important information on who we are and how and why we collect, store, use and share your personal information. It also explains your rights in relation to your personal information and how to contact us or Information Commissioner’s Office (**ICO**) in the event you have a complaint.

This SWP Privacy Policy supplements our terms and conditions (e.g. our registration paperwork) and is not intended to override them.

2. Please note that the Serco Works Programme has been discontinued and we are no longer receiving new customer referrals. However, information of current customers will continue to be processed in accordance with this SWP Privacy Policy, Who Is Responsible for my Personal Data

Serco operates the Work Programme of behalf of Job Centre Plus and Department of Work and Pensions (“DWP”).

The Work Programme is a DWP welfare-to-work programme aimed at supporting the long-term-unemployed or those at most risk of becoming so. It is delivered in partnership with Job Centre Plus (JCP) who are the referring agent for the provision.

Serco

Serco is a Controller of certain personal information we hold about you, based at Serco House, 16 Bartley Wood Business Park, Bartley Way Hook, Hampshire, RG27 9UY. However, there are circumstances where Serco will only be acting as a Processor of Information, on behalf of DWP.

DWP

The DWP will also be a Controller of personal data which is collected, used and shared between Serco and DWP as part of delivery of the The Work Programme programme. For further information please refer to DWPs privacy policy at: <https://www.gov.uk/government/organisations/department-for-work-pensions/about/personal-information-charter>.

3. Personal Data Collected

When using the term “personal data” or “personal information” in this SWP Privacy Policy, we mean information (including opinions) that relates to you and from which you could be identified, either directly or in combination with other information which we may have in our possession.

We may collect and use the following personal information about you:

- **Personal details:** title, full name, business or home address (current and historic), telephone and mobile numbers, email address, gender, date of birth, age, signature.
- **Employment and Business Details:** industry, job role, business activities, employer, work contact details, details of services/products provided, the terms and conditions of your contract.
- **Identification Information:** benefit information letters details, signing in books, utility bill details, bank statements, National Insurance Number, serial numbers from passports, birth certificates, driving licence and identity cards
- **Family and Friends Information:** family and dependents, emergency contacts.

- **Financial and Welfare Details:** payslips, welfare and benefits information, HMRC data for example if self employed URL number.
- **Correspondence:** responses, comments, feedback and opinions when you communicate with us for instance when making a complaint.
- **Action Plan and Assessment Records:** Action plan and needs assessment related to joining the programme and meeting notes following communication/attendance at meetings
- **Correspondence:** details of referrals, quotes and other contact and correspondence with you.
- **Preferences:** permissions, or preferences that you have specified, such as whether you wish to give consent for contact of your employer(s)
- **Incident History:** health and safety accidents, security incidents, accident information, complaints communications, insurance claims history, reports and notes about health, treatment and care including details about hospital and doctor's clinic visits.
- **Special Category Personal Data:** health and medical information, ethnic origin.
- **Criminal Conviction Information:** spent and unspent convictions details, restrictions on employment.

4. How Your Personal Data Is Collected

We will obtain your personal data in different ways:

- We may receive information about you from DWP when you are referred to us;
- We may collect information about you from a future employer;
- We collect information directly from you in various ways, including: over the phone, via email, when you fill in a survey, submit a physical or electronic enquiry form, in person and otherwise in writing;
- The personal data is collected during normal course of our relationship with you (e.g. when we have our initial assessment meeting, through managing your programme etc.);
- The personal data collected was made public by you (e.g. contacting us via a social media platform);
- The personal data may come from third parties including your employer, other companies you have a relationship, other organisation such as local authorities or organisations you are involved with;
- We will collect your data via our IT systems, including via our website; and
- Personal data may also be created by us, such as records of your communications with Serco.

5. How And Why We Use Your Personal Information

Data protection and privacy laws requires companies to have a “legal basis” or “lawful ground” to collect and handle your personal information. We will only collect, use and share your personal information where we are satisfied that we have an appropriate legal basis to do this.

The purposes for which we may use your personal data and the legal bases on which we may perform such processing are set out below:

Where necessary to the performance of a contract with you, or take steps linked to a contract:

- To fulfil our agreement with you, including delivering programme content.
- To exercise our legal rights with respect to our contract with you.

Where you give us consent:

- On occasions we may ask you for consent, we will use the data for the purpose which we explain at the time.

For purposes which are required by law:

- In response to requests from government law enforcement authorities conducting an investigation.
- Other processing necessary to comply with professional, legal and regulatory obligations that apply to our business eg. in the framework of tax control and reporting obligations.

Where necessary for Serco's legitimate interests, as listed below, and where our interests are not overridden by your data protection rights:

- To effectively manage and deliver our services to you, including sharing your information with relevant partners and service providers in connection with delivering these services.
- To provide an efficient and high quality service to you.
- To comply with our DWP contractual obligations.

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- To verify details of customers who gain employment as part of the The Work Programme, in order for Serco to receive payment from DWP.
 - To contact you and manage any enquiries, complaints and feedback.
 - To enhance, modify, personalise or otherwise improve our services / communications for the benefit of our customers.
 - For risk management purposes.
 - For promotional purposes.
 - For accounting and auditing purposes.
 - To ensure business policies are adhered to, e.g. programme induction, completion of paperwork.
 - For business analysis purposes and to develop our business strategies.
 - To support business and administrative functions of the business.
 - For staff training purposes, e.g. benchmarking compliant paperwork.
 - For the detection and prevention of crime.
 - For safety and/or security purposes.
 - In connection with a business transaction such as merger, restructuring or sale of the business.
 - To investigate and/or report breaches of business policy and procedures, fraud, misrepresentation, security incidents, crime and similar matters, in accordance with applicable law.
 - In connection with establishing, exercising or defending our legal rights in the event of a claim and compliance, regulatory and investigative purposes as necessary (including disclosure of such information in connection with the legal process or litigation).

A legitimate interest is when we have a business or commercial reason to use your information, so long as this is not overridden by your own rights and interests. We carry out balancing tests for the data processing we undertake based on our legitimate interests. For more information, please contact us using the details below.

Where we need to use your personal information for any other purpose, we will let you know at the time we collect your personal information or as required or permitted by law.

Serco sometimes handles personal information relying on exemptions under the applicable data protection law. Any permitted handling of personal information under such exemptions will take priority over this SWP Privacy Policy to the extent of any inconsistency.

6. When Is Sensitive Data Collected And Used?

We may on occasions process your special category information (eg. information about your health) or information about your criminal convictions, as set out in section 3. This information is considered particularly sensitive and requires higher levels of protection.

We will primarily collect this information in the following scenarios:

- Where we may ask you about health concerns, dietary requirements or disabilities as part of the initial consultation to ensure that what we deliver is both suitable and tailored to you.
- Information on spent/unspent criminal convictions or restrictions on your employment to ensure we safeguard yourself and others when supporting you into employment.
- If there is an accident on site, we will record the details which may include medical information.
- Collect information about your ethnic background for the purposes of equal opportunity monitoring. Collection of this information will not affect whether you will be accepted onto the programme.
- You may choose to share special category information in your communications with us.

Where we do collect and handle such information, we will only handle that information in accordance with applicable law, including where:

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- we have your explicit consent (i.e. you have agreed for us to use this information for a particular reason);
 - the processing is necessary for the establishment, exercise or defence of legal claims; or
 - processing is necessary for reasons of substantial public interest such as preventing and detecting unlawful acts.

We will consider that you have given us your consent to hold your special category data where you have voluntarily provided such information in your communications with us or provided information we have marked as optional but for the avoidance of doubt, Serco will only use the information for the purpose for which it was received unless otherwise required by applicable law.

Less commonly, we may process this type of information where it is needed to protect your vital interests (or someone else's vital interests) and you are not capable of giving your consent, or where you have already made the information public.

Where required by applicable laws, we will take steps to have in place an appropriate policy document and safeguards relating to the processing of such personal information.

7. Cookies

We use cookies on our website. Cookies are small text files that are downloaded onto your device when you visit a website. Please refer to our cookies policy <https://www.serco-ese.com/cookie-policy> for further information about our use of cookies.

8. Sharing Your Personal Information With Others

As set out above in section 2, we operate this programme on behalf of DWP and we will share your personal data with them as part of delivering the services.

We will only disclose personal information to other parties in limited circumstances, or where we are permitted to do so by law. The third parties we may share your personal data with include:

- other organisations within the Serco group of companies, where such disclosure is necessary to provide you with our services or to manage our business;
- our subcontractors who operate under contract to Serco to deliver services of The Work Programme;
- charity and welfare organisations;
- partner organisations for instance, as part of our contractual audit requirements such as the Greater London Authority and other local Authorities;
- third parties contracted to deliver training as part of the programme;
- third parties approved by you e.g. when you request your details to be transferred;
- our professional advisors (e.g. law firms, insurers, auditors); and
- Government, regulatory and law enforcement bodies where we are required in order:
 - a) to comply with our legal obligations;
 - b) to exercise our legal rights (e.g. pursue or defend a claim); and
 - c) for the prevention, detection and investigation of crime.

We may disclose your personal information to third parties in connection with a reorganisation, restructuring, merger, acquisition, sale or DWP changes service providers, as long as the third party uses the information for the same purposes as it was originally given to us or used by us (or both).

Less commonly, we may process and share your personal data with third parties where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent.

Transferring your personal information outside the European Economic Area

We do not currently transfer, store or otherwise process personal data, as applicable under this Privacy Policy, outside European Economic Area ("EEA"). However, if our business needs change, we will take appropriate steps to ensure

that transfers of personal data are in accordance with applicable law and carefully managed to protect your privacy rights and interests. Our standard practice when transferring personal data outside the EEA is to:

- put in place binding corporate agreements, which will include the standard contractual clauses approved by the European Commission for transferring personal information outside the EEA, to ensure that your information is safeguarded;
- ensure that the country in which your personal information will be handled has been deemed "adequate" by the European Commission or the company is registered and compliant with a European Commission approved privacy shield scheme;
- in the limited circumstances that information is transferred within Serco Group, ensure such transfers are covered by an intra-group data sharing agreement entered into by all relevant entities within Serco Group, which contractually obliges each member to ensure that personal information receives an adequate and consistent level of protection; and
- carefully validate any requests for information from law enforcement or regulators before disclosing the information.

We will co-operate with any regulators as required by law to ensure that we remain transparent about the way we handle your personal information. If you would like further information about the global handling of your personal information, please contact us using the details below.

9. Security Of Your Personal Information

Serco takes precautions including administrative, technical and physical measures to safeguard your personal information, including password protected access to IT systems, documented employee procedures, internal monitoring and training to help ensure that your information is protected and secure. Our employees, contractors and agent are bound by confidentiality obligations and will only have access to information where there is a genuine business need.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our websites; any transmission is at your own risk. Once we have received your information, we will use robust procedures and security features to try to prevent unauthorised access.

10. How Long Do We Keep Your Personal Information

We will store your personal information for as long as is reasonably necessary for the purposes set out in this SWP Privacy Policy. Where your personal information is no longer needed, we will ensure that it is disposed of in a secure manner.

We are required to retain certain personal information of our customers in line with the Department for Work and Pensions (DWP) guidelines. Under the current contract guidelines, we will retain this information until 31st December 2022.

Where not subject to the above requirement, we will generally keep your personal data in accordance with any applicable limitation period (as set out in applicable law) plus one (1) year, to allow reasonable time for review and deletion or anonymisation of the personal information held. This will usually be seven (7) years following the expiry of our business relationship with you.

In some circumstances we may store your personal information for longer periods of time, for instance where we are required to do so in accordance with legal, regulatory, tax, accounting requirements or so that we have an accurate record of your dealings with us in the event of any complaints or challenges, or if we reasonably believe there is a prospect of litigation relating to your personal information or dealings.

11. Your Legal Rights

You have legal 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 (commonly known as the "right to be forgotten"). This enables you to ask us to delete or remove personal information in limited circumstances, where: (i) it is no longer needed for the purposes for which it was collected; (ii) you have withdrawn your consent (where the data processing was based on consent); (iii) following a successful right to object (see [Object to processing](#)); (iv) it has been processed unlawfully; or (v) to comply with a legal obligation to which Serco is subject.
- We are not required to comply with your request to erase personal information if the processing of your personal information is necessary for a number of reasons, including: (i) for compliance with a legal obligation; or (ii) for the establishment, exercise or defence of legal claims.
- **Object to processing** of your personal information by us or on our behalf which has our legitimate interests as its legal basis for that processing, if you believe your fundamental rights and freedoms outweigh our legitimate interests. If you raise an objection, we have an opportunity to demonstrate that we have compelling legitimate interests which override your rights and freedoms. You can object at any time to your personal information being processed for direct marketing (including profiling).
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, but only where: (i) its accuracy is contested, to allow us to verify its accuracy; (ii) the processing is unlawful, but you do not want it erased; (iii) it is no longer needed for the purposes for which it was collected, but we still need it to establish, exercise or defend legal claims; or (iv) you have exercised the right to object, and verification of overriding grounds is pending.
- We can continue to use your personal information following a request for restriction, where: (i) we have your consent; (ii) to establish, exercise or defend legal claims; or (iii) to protect the rights of another natural or legal person.
- **Request the transfer** of your personal information. You can ask us to provide your personal information to you in a structured, commonly used, machine-readable format, or you can ask to have it transferred directly to another data controller, but in each case only where: (i) the processing is based on your consent or on the performance of a contract with you; and (ii) the processing is carried out by automated means.
- **Obtain a copy, or reference to, the personal data safeguards used for transfers outside the European Union.** We may redact data transfer agreements to protect commercial terms.
- **Withdraw consent** to processing where the legal basis for processing is solely justified on the grounds of consent.

Please note, to ensure security of personal information, we may ask you to verify your identity before proceeding with any such request.

We reserve the right to charge a fee where permitted by law, for instance if your request is manifestly unfounded or excessive.

If you would like to exercise any of these rights, you can submit your request directly to the DWP using the Right of Access online form at <https://www.gov.uk/guidance/request-your-personal-information-from-the-department-for-work-and-pensions>.

You can also submit your requests to Robert Taylor at: employment@serco.com, who will direct your request to the appropriate party.

Subject to legal and other permissible considerations, we will make every effort to honour your request promptly to inform you if we require further information in order to fulfil your request.

We may not always be able to fully address your request, for example if it would impact the duty of confidentiality we owe to others, or if we are legally entitled to deal with the request in a different way.

12. Data Protection Officer

We have appointed a Data Protection Officer (**DPO**) to oversee compliance with this SWP Privacy Policy. If you have any questions about this SWP Privacy Policy or how we handle your personal information, please address to:

Data Protection Officer
Serco Ltd
Enterprise House
18 Bartley Wood Business Park
Bartley Way
RG27 9XB

Alternatively, please email dpo@serco.com or call +44 (0)1256 745900.

Supervisory authority

We would be happy to address any concerns you have about your data privacy directly, and we encourage you to contact us in the first instance with your queries. However, you have a right to lodge a complaint with the Information Commissioner's Office (<https://ico.org.uk/concerns/> or telephone: 0303 123 1113) who will then investigate your complaint accordingly.

Changes To This SWP Privacy Policy

This SWP Privacy Policy was published in August 2019.

We may amend this SWP Privacy Policy from time to time to keep it up to date with legal requirements and the way we operate our business. Please regularly check www.serco-ese.com for the latest version of this SWP Privacy Policy. On some occasions, we may also actively advise you of specific data handling activities or significant change to this SWP Privacy Policy as required by applicable law.