

BUTTERFLY HOSPITALITY (UK) LTD. POLICY AND PROCEDURE

- Subject** : GDPR Privacy Notice
- Version** : 1
- Effective Date** : 6 August 2021
- Objectives** : This procedure aims to explain how the Company handles employee's personal information under the General Data Protection Regulation ("GDPR") and the current UK data protection legislation.
- Eligibility** : This policy applies to all individuals employed by Butterfly Hospitality (UK) Ltd.
- Details** : Butterfly Hospitality (UK) Limited collects and processes personal data relating to its employees and workers to manage the working relationship. This personal information may be held by the Company on paper or in electronic format.

The Company is committed to being transparent about how it handles employee's personal information, to protecting the privacy and security of personal data and to meeting its data protection obligations under the General Data Protection Regulation ("GDPR") and the current UK data protection legislation. The Company is required under the GDPR to notify all employees of the information contained in this privacy notice.

This privacy notice applies to all current and former employees and workers. It is non-contractual and does not form part of any employment contract, consultancy agreement or any other contract for services.

Data Protection Principles

Under the GDPR, the six data protection principles state that any personal information held on an employee must be:

1. Processed lawfully, fairly and in a transparent manner
2. Collected only for legitimate purposes that have been clearly explained
3. Adequate, relevant and limited to what is necessary in relation to those purposes
4. Accurate and, where necessary, kept up to date
5. Kept in a form which permits identification for no longer than is necessary for those purposes
6. Processed in a way that ensures appropriate security of the data

Types of Data Collected

Personal information is any information about an individual from which that

person can be directly or indirectly identified. This includes:

- Contact details, including name, address, telephone number and personal e-mail address
- Emergency contact details/next of kin
- Date of birth
- Gender
- Marital status and dependants
- Start and end dates of employment or engagement
- Recruitment records, including CV, application forms, cover letters, interview notes, references, right to work in the UK documentation, qualification certificates, driving licence and other background check documentation
- Terms and conditions of employment or engagement (including job title and working hours), as set out in a job offer letter, employment contract, written statement of employment particulars, pay review and bonus letters, statements of changes to employment or engagement terms and related correspondence
- Details of skills, qualifications, experience and work history, both with previous employers and with the Company
- Professional memberships
- Salary, entitlement to benefits and pension information
- National Insurance number
- Bank account details, payroll records, tax code and tax status information
- Disciplinary, grievance and capability records, including investigation reports, collated evidence, minutes of hearings and appeal hearings, warning letters, performance improvement plans and related correspondence
- Appraisals, including appraisal forms, performance reviews and ratings, targets and objectives set
- Training records
- Annual leave and other leave records, including details of the types of and reasons for leave being taken and related correspondence
- Termination of employment or engagement documentation, including resignation letters, dismissal letters, redundancy letters, minutes of meetings, settlement agreements and related correspondence
- Information obtained through electronic means
- Information about use of IT systems, including usage of telephones, e-mail and the Internet
- Photographs

The Company may also collect, use and process the following special categories of personal information (as applicable):

- Information about an employee's health, including any medical condition, whether there is any a disability in respect of which the Company needs to make reasonable adjustments, sickness

- absence records (including details of the reasons for sickness absence being taken), medical reports and related correspondence
- Information about racial or ethnic origin, religious or philosophical beliefs and sexual orientation
- Trade union membership
- Information about criminal convictions and offences

Collecting Personal Data

The Company will collect personal information throughout the period of the working relationship. Whilst some of the personal information is mandatory requirement, some of it is voluntary. The Company will inform all employees whether they are required to provide certain personal information or if they have a choice in this.

Personal information may be stored in different places, including in the personnel files, in the Company's HR management system and in other IT systems, such as the e-mail system.

Why and How is the Data is Used

The Company will only use an employee's personal information where:

- There is a need to do so to perform the employment contract, consultancy agreement or contract for services
- There is a need to comply with a legal obligation
- It is necessary due to legitimate interests, and the employee's interests or fundamental rights and freedoms do not override these interests

Legitimate interests include:

- Performing Company obligations or rights under the direct relationship that exists between the Company and its employee
- Pursuing Company business by employing/ rewarding employees
- Performing effective internal administration and ensuring the smooth running of the business
- Ensuring the security and effective operation of Company systems
- Protecting Company confidential information
- Conducting due diligence on employees

The purposes for which the Company processes personal data is to:

- Maintain up-to-date employee records and contact details
- Assess suitability for employment, engagement or promotion
- Comply with statutory and/or regulatory requirements and obligations, e.g., right to work in the UK
- Comply with disability discrimination obligations and make reasonable adjustments for disabled employees
- Maintain an accurate record of an employee's employment or

engagement terms

- Make decisions about pay reviews and bonuses
- Ensure compliance with statutory and contractual rights
- Ensure employees are paid correctly and receive the correct benefits and pension entitlements
- Ensure compliance with income tax requirements
- Operate and maintain a record of performance management systems including disciplinary, grievance and capability procedures and action taken
- Record and assess education, training and development activities and needs including career development and succession
- Enable effective workforce management
- Operate and maintain a record of annual leave procedures
- Operate and maintain a record of sickness absence procedures including payment of SSP or contractual sick pay
- Operate and maintain a record of maternity leave, paternity leave, adoption leave, shared parental leave, parental leave and any other type of paid or unpaid leave or time off work including payment of statutory or contractual pay entitlements, e.g. SMP, SPP, SAP and ShPP
- Ascertain an employee's fitness to work
- Meet obligations under health and safety laws
- Make decisions about continued employment or engagement
- Operate and maintain a record of dismissal procedures
- Prevent fraud
- Ensure compliance with our IT-related policies
- Ensure adherence to Company rules, policies and procedures
- Monitor equal opportunities
- Establish, exercise or defend possible legal claims

The Company will process some personal information without the employee's consent, in compliance with these rules, where this is required or permitted by law.

Failure to Provide Personal Data

An employee who fails to provide personal information when requested or required, may not be allowed to continue employment with the Company if the Company is prevented from complying with their legal obligations.

Use of Sensitive Data

The Company will only collect and use sensitive personal information which includes special categories of personal information and information about criminal convictions and offences when the law allows it.

Some special categories of personal information, i.e., information about

employees' health or medical conditions and trade union membership, and information about criminal convictions and offences, is processed to meet obligations or rights under employment law or social security law and in line with the Company's data protection policy. Information about health or medical conditions may also be processed for the purposes of assessing the working capacity of an employee or medical diagnosis, provided this is done under the responsibility of a medical professional subject to the obligation of professional secrecy, e.g., a doctor.

The purposes for processing special categories of personal information are to:

- Assess suitability for employment, engagement or promotion
- Comply with statutory and/or regulatory requirements and obligations, e.g., carrying out criminal record checks
- Comply with the duty to make reasonable adjustments for disabled employees and workers and with other disability discrimination obligations
- Ensure compliance with statutory and contractual rights
- Operate and maintain a record of sickness absence procedures including payment of SSP or contractual sick pay
- Ascertain employees' fitness to work
- Enable effective workforce management
- Meet obligations under health and safety laws
- Make decisions about continued employment or engagement
- Operate and maintain a record of dismissal procedures
- Ensure effective HR and business administration
- Ensure adherence to Company rules, policies and procedures
- Monitor equal opportunities

Where the Company processes other special categories of personal information, i.e., information about racial or ethnic origin, religious or philosophical beliefs and sexual orientation, this is done only for the purpose of equal opportunities monitoring. Personal information that the Company uses for these purposes is either anonymised or is collected with explicit written consent, which can be withdrawn at any time.

The Company may also occasionally use special categories of personal information, and information about any criminal convictions and offences, where it is needed for the establishment or defence of legal claims.

Change of Purpose

Personal information will only be used for the purposes for which it was collected. If intended for further use, the Company will provide information about the new purpose, the legal basis which allows the Company to process the personal information and any relevant further information.

Levels of Access to Personal Data

Personal data of employees may be shared internally within the Company, including with members of the HR department, payroll staff, line managers and IT staff if necessary for the performance of their roles.

The Company may share personal information with third-party service providers (and their designated agents), including:

- External organisations for pre-employment references and employment background checks
- Payroll providers
- Benefits providers and benefits administration, including insurers
- Pension scheme providers and pension administration
- Occupational health providers
- External IT services
- External auditors
- Professional advisers, such as lawyers and accountants

The Company may share personal information with third parties where it is necessary to administer the contract it has entered with an employee, where it needs to comply with a legal obligation, or where it is necessary for its legitimate interests (or those of a third party).

Protection of Personal Data

The Company has put in place measures to protect the security of all employee's personal information. It has internal policies, procedures, and controls in place to try and prevent personal information from being accidentally lost or destroyed, altered, disclosed, or used or accessed in an unauthorised way.

Where personal information is shared with third-party service providers, the Company requires all third parties to take appropriate technical and organisational security measures to protect personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. The Company only allows them to process personal information for specified purposes and in accordance with its written instructions.

The Company also has in place procedures to deal with a suspected data security breach. The Information Commissioner's Office (or any applicable supervisory authority or regulator) will be notified of a suspected breach where the Company is legally required to do so.

Duration of Personal Data on File

The Company will only retain personal information for as long as is necessary to fulfil the purposes for which it was collected and processed,

including for the purposes of satisfying any legal, tax, health and safety, reporting or accounting requirements.

The Company will generally hold employees' personal information for the duration of an employee's employment or engagement. The exceptions are:

- Any personal information supplied as part of the recruitment process will not be retained if it has no bearing on the ongoing working relationship
- Personal information about criminal convictions and offences collected during the recruitment process will be deleted once it has been verified, unless, in exceptional circumstances, the information has been assessed by the Company as relevant to the ongoing working relationship
- Detailed disciplinary, grievance and capability records will only be retained until the expiry of any warning given (but a summary disciplinary, grievance or performance management record will still be maintained for the duration of the employment).

Once an employee has left employment, the Company will "thin" the file of personal information so that it only continues to retain what is strictly necessary. This will be subject to any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records. The retention of some types of personal information for up to six and a half years to protect against legal risk, e.g., if they could be relevant to a possible legal claim in a tribunal, County Court or High Court. The Company will hold payroll, wage, and tax records (including salary, bonuses, overtime, expenses, benefits and pension information, National Insurance number, PAYE records, tax code and tax status information) for six and a half years after the termination of employment or engagement.

Personal information which is no longer to be retained will be securely and effectively destroyed or permanently erased from our IT systems and third parties will be required to destroy or erase such personal information where applicable.

Employee Rights

Employees are expected to update the Company with their most up to date personal information. The Company will not be held responsible for any errors in an employees' personal information unless the relevant change has been properly notified.

Subject to certain conditions, and in certain circumstances, employees have the statutory right to:

- Request access to their personal information - this is known as making a data subject access request to receive a copy of the personal information held on file
- Request rectification of their personal information - this means to

- have any inaccurate or incomplete personal information corrected
- Request the erasure of personal information - this means asking to delete personal information no longer necessary in relation to the purpose for which it was originally collected
- Restrict the processing of personal information - this means asking to suspend the processing of personal information
- Object to the processing of personal information - this means asking to stop processing personal information where The Company is relying on the legitimate interests of the business as the legal basis for processing and there is something relating to the employee's particular situation which makes them object
- Request data portability - this gives the right to request the transfer of personal information to another party for private purposes.

Employees can withdraw consent to the processing of personal information for a specific purpose at any time. This will not affect the lawfulness of any processing that took place beforehand. Once the Company is notified, it will no longer process personal information for the purpose originally agreed to, unless there is another legal basis for doing so.

Employees have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

Data Transfer outside of the EEA

The Company will make every effort not to transfer its employees' personal information to countries outside the European Economic Area aside from where the Company utilises the services of third parties whose data servers are located outside of the EEA.

Changes to this Notice

The Company reserves the right to update or amend this privacy notice at any time and will issue all employees with a new privacy notice when significant updates or amendments are made.