

PRIVACY NOTICE (LOCAL AUTHORITY SCHOOLS AND NURSERIES) – EMPLOYMENT RECORDS

Human Resources and Organisational Development



Being transparent and providing accessible information to individuals about how personal information is used is a key element of the Data Protection Act and the General Data Protection Regulation (Regulation (EU) 2016/679).

The information being processed

The Council/School collects and processes personal data relating to its employees for the purposes of meeting its obligations under your employment contract, to ensure that it is complying with its legal obligations and to allow effective workforce management. We operate and keep a record of the following:

General

- your name, address and contact details, including email address and telephone number, photographic image for ID card, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the organisation;
- information about your remuneration, including entitlement to benefits such as pensions;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- details of your working pattern (days of work and working hours) and attendance at work;
- details of trade union membership;
- details of your vehicle and driving licence (if applicable)
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

Leave

- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;

Disciplinary/Grievance

- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence including
- if dismissal is the outcome of a disciplinary process, record of the reasons for the purposes of restricted re-employment

Performance

- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;

Health

- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;

- Personal risk assessments relating to individuals returning to work

The Council needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer pension or benefit entitlements.

In some cases, the organisation needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

The organisation seeks information from third parties (such as references supplied by former employees) with your consent only.

Where the Council relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Information Sharing

To ensure that the council provides you with an efficient and effective service we will sometimes need to share your information between teams within the council as well as with our partner organisations that support the delivery of the service you may receive. In this case, the information collected may be shared with:

- HMRC (for tax calculation)
- DWP (for benefit and pension provision)
- Delt Services (Payroll Provider and Pension Administrator)
- IMASS (Occupational Health Provider)
- Edenred (Employee benefits provider)
- LGPS/TPS/NHSPS (Pension providers)
- DBS (when a criminal record check is required as outlined in your contract)
- DVLA (where applicable)
- Potential future employers (for reference requests)

We will only ever share your information if we are satisfied that our partners or suppliers have sufficient measures in place to protect your information in the same way that we do.

We will never share your information for marketing purposes.

Retention Periods

We will only keep your information for the following periods:

- **Contractual** – Six years after employment ceases (75 for employees working with children or vulnerable adults)
- **Leave** – Three years after tax year to which the leave relates
- **Disciplinary/Grievance** - Six years after employment ceases (75years for employees working with children or vulnerable adults)
- **Performance** – Three years after record created (40 years for all records relating to training concerning children)

- **Risk Assessments:** 3 years after risk assessment expires (Personal risk assessment records for staff working with children or vulnerable adults are kept for 20 years)
- **Occupational Health Referral files:** 85 years after employee's date of birth
- **Pension Records:** Six years after last payment
- **Dismissal** – reasons for dismissal and other employment details for the purposes of ineligible for re-employment: 75 years after dismissal

Purpose of Processing Personal information

As a Local Authority, the Council delivers services to you. In order to do this in an effective way we will need to collect and use personal information about you.

The Data Protection Act 2018 and the EU General Data Protection Regulation ensure that we comply with a series of data protection principles. These principles are there to protect you and they make sure that we:

- Process all personal information lawfully, fairly and in a transparent manner.
- Collect personal information for a specified, explicit and legitimate purpose.
- Ensure that the personal information processed is adequate, relevant and limited to the purposes for which it was collected.
- Ensure the personal information is accurate and up to date.
- Keep your personal information for no longer than is necessary for the purpose(s) for which it was collected.
- Keep your personal information securely using appropriate technical or organisational measures.

Your Rights

You have certain rights under the Data Protection Act and the EU General Data Protection Regulations (GDPR), these are:

- The right to be informed via Privacy Notices such as this.
- The right of access to any personal information the council holds about yourself.
- The right of rectification, we must correct inaccurate or incomplete data within one month.
- The right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information.
- The right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future.
- The right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked.
- The right to object. You can object to your personal data being used for profiling, direct marketing or research purposes.
- You have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Consent

During your contact with the Council/School you will be informed of how your information will be used and shared with other services or organisations.

We will usually seek your consent prior to processing or sharing your information, If you object you must inform the Council/School, however, if there is a legal reason, as outlined under the Data Protection Act, we may not require your consent, for example:

- To protect a child, a vulnerable adult, or member of the public
- Where the disclosure is necessary for the purposes of the prevention and/or detection of crime.
- Tax or duty assessment
- Required by court or law

Where we need to disclose sensitive or confidential information such as medical details to other partners, we will do so only with your prior explicit consent or where we are legally required to. We may disclose information when necessary to prevent risk of harm to an individual.

Details of transfers to third country and safeguards

Your personal and sensitive data will only be stored and processed on servers based within the European Economic Area (EEA).

Data Controller

Plymouth City Council is registered as a data controller with the Information Commissioner's Office (registration number: Z7262171).

Contact details for the Council's Data Controller are:

Data Protection Officer, Plymouth City Council, Ballard House, West Hoe Road, Plymouth PL1 3BJ.
Email: dataprotectionofficer@plymouth.gov.uk