

Privacy Notice for Employees

Why we are collecting your personal data?

Rother District Council is a data controller for the purposes of the Data Protection Act 1998 and, from the 25 May 2018, the General Data Protection Regulation 2016.

Rother District Council is committed to protecting the privacy and security of your personal information. By personal information, we mean information which, by itself or with other data available to Rother District Council, can be used to identify you.

This privacy notice sets out how we look after your personal information describes how we collect, use and share your personal information and tells you about your privacy rights and how the law protects you.

This notice applies to current and former employees, including employees on flexible contracts and casual workers. This notice does not form part of your contract of employment or contract to provide services.

Other workers including agency workers, office holders, interims or contractors are also covered by this notice where specified.

How the law protects you and the legal basis for processing your information

We must have a lawful basis for processing personal information. Our lawful basis for doing so will include:

where the processing is necessary for the performance of a contract of employment or other contractual arrangement we have with you

where the processing is necessary for the performance of a legal duty or to perform of a task of function carried out in the public interest.

where the processing is necessary for the purposes of our legitimate interest

where the processing is necessary for the compliance of a legal obligation to which Rother District Council is subject

when you consent to it.

Our public task and legal duties and obligations include:

Employment Rights Act 2002

Income Tax (PAYE) Regulations 2003

National Insurance Contributions and Statutory Payments Act 2004

Statutory Shared Parental Pay (General) Regulations 2014

Statutory Maternity Pay (General) Regulations 1986

Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002

Transfer of Undertakings Regulations 2006

Local Government Act 1972

Asylum and Immigration Act 2006

Safeguarding Vulnerable Groups Act 2006

Equalities Act 2010

Gender Recognition Act 2004
Gender Pay Gap Reporting Regulations
Local Government, Planning and Land Act 1980
Children Act 1989
Trade Union Act
Health and safety legislation
Local Audit and Accountability Act 2014
National Health Services Act 2006
Health Service Control of Patient Information Regulations 2002
Fire and Rescue Services Act 2004
Education and Inspections Act 2006
Care Standards Act 2000
Health and Social Care Act 2008
The Care Act 2014
The Climate Change Act 2008 (2050 Target Amendment) Order 2019

Special category data

Under the GDPR particularly sensitive personal information, known as special category data, require higher levels of protection. For example, information about an individual's:

- race
- ethnic origin
- politics
- religion
- trade union membership
- genetics
- biometrics (where used for ID purposes)
- health
- sex life
- sexual orientation

We may use your special category personal information in the following ways:

Information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.

Information about your physical or mental health, or disability status, to ensure your health and safety in the workplace, to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer the occupational sick pay scheme.

Information about your race or national or ethnic origin, religious beliefs, or your sexual orientation, to ensure meaningful equal opportunity monitoring and reporting, or to provide support and guidance to you e.g. right to work status.

Trade union membership information to pay trade union premiums.

Our lawful basis for processing this type of personal information includes:

Where it is necessary to carry out our legal obligations or exercise rights in relation to your employment with us.

Where it is necessary for the purposes of preventative or occupational medicine and assessing your working capacity as an employer

Where it is necessary for the establishment, exercise or defence of legal claims.

Where it is necessary for reasons of substantial public interest including:

For the exercise of a function by enactment or rule of law. The functions are the public tasks and legal duties set out above.

For the prevention or detection of unlawful acts or protecting the public against dishonesty

For making a determination in connection with our occupational pension scheme. This will only be where we cannot reasonably be expected to obtain your consent and we are not aware of you deciding to withhold your consent.

For the administration of justice or a statutory function of the Council

For equal opportunities monitoring. This is subject to several safeguards, including your right to give notice that you do not want your data to be used in this way. We will explain this right further to you at the time this information is collected.

For the safeguarding of children and individuals at risk

In limited circumstances, your explicit written consent. If we seek your consent, we will provide you with full details of the information we wish to process and the reasons for processing. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

The GDPR includes safeguards to protect the use of your special category data and criminal conviction data. Further details can be found on our website in the document named Special category data and criminal offences data policy which sets out our procedures for compliance with the principles of the GDPR and the retention and erasure of this information.

Criminal convictions data

Information about any criminal convictions is also given a similarly higher level of protection under the GDPR.

The lawful basis for processing staff criminal convictions are:

For the performance of our public task and it is in the substantial public interest

For the performance of a contract and it is in the substantial public interest

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you or by the police while you are working for us. We will use information about criminal convictions and offences to assess your suitability for continuing employment in your post or with Rother District Council.

The GDPR includes safeguards to protect the use of criminal conviction data.

What we use your personal information for

The use of your information is set out below. This applies to all staff except agency workers, contractors, interims etc. In the case of these workers, we use your information for the purposes marked: *

We will use your personal information for:

Deciding to appoint you to a job*

Determining the terms on which you are employed*

Checking you are legally entitled to work in the UK*

Checking you are legally entitled to work with children or vulnerable adults*

Checking whether you are entitled to work in 3rd party confidential environments

Paying you, and making tax and NI deductions as required by HMRC (also workers paid by NCC under IR35)

Process timesheets or invoices to enable payment for work undertaken to be made (Non-employees only) *

Statutory reporting to HMRC*

Statutory payments and deductions - e.g. Statutory Sick Pay, Statutory Maternity Pay etc

Liaising with the relevant pension's provider

Updating your employment record to reflect changes to your contract

Employee benefit scheme that you have signed up for - e.g. Rewards, Childcare Vouchers, Car lease Salary Sacrifice Scheme, Cycle to Work, Shared Cost Additional Voluntary Contributions Scheme

The promotion of our employee benefit schemes

Awarding incremental progression

Employee liability information in advance of a TUPE transfer

Reviewing performance, managing performance and objective setting

Gathering evidence about grievance, disciplinary or other capability investigation

Making decisions about your continued employment or engagement

Making arrangements for the termination of your employment or engagement

Dealing with legal disputes involving you or other employees, workers and contractors including accidents at work

Ascertaining your fitness to work

Managing sickness absence

Identifying and implementing adjustments

Complying with health and safety obligations

Workforce planning*

Conducting testing of new payroll functionality or enhancements

Carrying out data analytics to review workforce trends, application of terms and conditions

Equal opportunities monitoring

Workforce reporting requirements e.g. workforce census, Gender Pay gap reporting*, Trade union facilities time, Local Government Transparency Code 2015

Ensuring buildings, network and information security, including preventing unauthorised access to our buildings, computer and electronic communications systems and preventing malicious software distribution*

Health surveillance

Lone working tracking and vehicle tracking
Recording meetings/events (e.g. audio or video recordings)
Producing photographic identification material, e.g. ID badges
Preventing, detecting and investigating fraud
Responding to statutory inspections by HM Inspectorate of Constabulary and Fire and Rescue Services.
Completing audit assurance work to provide the Audit Committee with an annual opinion on the overall adequacy and effectiveness of Rother District Council's framework of risk management, governance and control.
Communicating with you and seeking your views about employment and workplace related issues e.g. employee engagement survey; processes and procedures; use of software; Smarter Working
Supporting organisational information e.g. phone book, structure charts, first aider.
Identifying you for occupational testing eligibility
Produce ID Badges* and Swipe Cards
Creating and maintaining the Council's business continuity plans for incidents.
Reviewing travel use to support employees to adopt greener transport choices and reduce the council's carbon footprint

What information do we hold about you?

The information we hold about you applies to all staff except agency workers, contractors, interims etc. In the case of these workers, we use your information for the purposes marked: *

The information we hold about you may include:

Personal details

Name*

Date of birth*

Sex

Marital/civil partnership status

Contact details

Address*

Home phone number*

Personal mobile number*

Work mobile number*

Personal email address*

Work email address*

Other kinds of national identifier

National Insurance Number (NINo)*

NHS number

Police National Computer Number (PNC No.)

Biometric residence card number

Driving licence

Special category data

Racial or ethnic origin

Nationality
Diversity declaration form
Religious beliefs
Union membership deductions
Sexual orientation
Health data including disabilities
Sickness absence
Occupational health and MIRS referrals, reports and letters
Pre-employment health check outcome
Access to work assessments and adjustments recommended and implemented
Criminal convictions and offences*
Pre-employment declarations
Education
Schools and further / higher education establishments attended
Qualifications*
Employment history*
Job(s)
Former employers/work history
Breaks in employment and reasons for these
Professional qualification(s)
Professional membership(s)
Referees
DBS status
Vetting records
Current employment
Start date in post
Start date with Rother District Council
Continuous local government service
Employee number/payroll number
Name of Department/Service
Holiday entitlement
Recruitment information including application form
Right to work documentation*
References*
Information included in an application form or CV including supporting statement as part of the recruitment process*
Psychometric or other skills tests as part of a recruitment or assessment process
Employment records e.g. posts held, change of hours/location/length of contract
Working hours (full time or part time) and flexitime records
Training or other learning certification and/or records
Incident report forms
Sickness or other paid absences e.g. maternity, disability leave
Parental leave or other unpaid absence
Flexible working requests
Health and safety information e.g. incident forms, Display Screen equipment assessment

Performance development discussion records
Disciplinary and grievance records
Formal performance management/ capability records
Preferences
Preferred contact method
Paper payslips
Name "known as"
Financial
Bank details*
Salary and payroll information
Overpayments
Insurance claims
Compensation payments
Tax code and status
P60
PAYE
Pension deductions
Salary sacrifice deductions
Statutory deductions e.g. child support, student loans
Give As You Earn
Contractual information
Employment contracts including written statement of particulars and offer letter
Social Relationships
Marital or civil partnership status
Next of Kin
Emergency contact
Documentary Data
Passport
Immigration status
Leave to remain
Right to work documentation
Certificate of sponsorship and work Visas
Birth certificate
Evidence of name change e.g. Marriage certificate, deed poll etc
Recordings (video or audio)
Photographic images*
Vehicle Registration Number (VRN)
Consent
Any permissions or consents relating to collecting and processing individuals' data
Consent for who we might share individual employees' data with
Locational
Contractual location/work base
Mobile phone location data
Staff remote logging data*
Staff lone working data*
Corporate credit card use in shops

Trackers in vehicles
CCTV*
Swipe cards and entry/exit records*
Use of internet data*

Who provides this information?

We collect personal information through the application, recruitment and onboarding process, either directly from you as an applicant or from an employment agency representing you or from our DBS checkers on our behalf. We also collect information from your previous employer and nominated referees about your suitability for the position you have applied for.

We will collect additional personal information during your employment or engagement with Rother District Council.

Who we share this information with

We may also share your information, subject to contractual and other legal safeguards, with organisations contracted by Rother District Council to provide a service to the council or directly to you. These service providers are known as data processors and have a legal obligation under GDPR and to Rother District Council to look after your personal information and only use it for providing that service.

We may have to share your data with third parties where required by law in accordance with the grounds set out above.

We may also be required to share your personal information with other third parties, for example, in the context of a TUPE transfer or public-sector re-organisation.

We may also need to share your personal information with a regulator or government agency to otherwise comply with the law.

If you choose not to give personal information

We may need to collect personal information by law, or under the terms of a contract we have with you.

If you choose not to give us this personal information, it may delay or prevent us from meeting our obligations. It may also mean that we cannot perform the contract we have entered with you. Any data collection that is optional will be made clear at the point of collection.

Change of purpose

We will only use your personal information for the purpose we told you about, 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 a reason that is not compatible, we will notify you and explain the legal basis allowing us to use the information in this way, unless we are required or permitted by law to do so.

How we use your information to make automated decisions

We only make automated decisions about you where we are required to by law, to fulfil our employer obligations.

Transferring your personal information to other countries

Your personal information may be transferred outside of the UK and the European Economic Area. While some countries have adequate legal protections for personal data, in other countries steps will be necessary to ensure appropriate safeguards apply to the information. These include imposing contractual obligations to ensure that these safeguards apply.

How long will you use my 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. Details of retention periods for different aspects of your personal information are available in our retention schedule.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

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. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy.

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.

Your rights

The General Data Protection Regulation gives you a number of rights in relation to your personal data:

- Right to access a copy of your personal data.
- Right to have your personal data corrected.
- Right to have your personal data deleted (“right to be forgotten”).
- Right to restrict how we use your personal data.
- Right to ask us to transfer your personal data to another service provider.

You can get more information about these rights in the Council's Privacy Policy.

If you wish to exercise any of these rights please contact our Information Governance team on informationgovernance@rother.gov.uk in writing or by completing our online form.

If you are dissatisfied with how we have used your personal data you have a right to complain to the Information Commissioner's Office at casework@ico.org.uk.

Identity of Data Protection Officer

If you have any questions or concerns about how your personal data is handled, you can contact our Data Protection Officer (DPO), Graham McCallum, at dataprotection@rother.gov.uk

Last updated – January 2021