

# **Privacy Notice – Human Resources**

## **Our Commitment to Your Privacy**

As part of our commitment to protecting your information, we have updated our Privacy Notice to explain how we collect, store and handle your personal data.

We have always been careful to protect your information, but this is part of our ongoing commitment to be transparent about how we use your information and keep it safe. This will also give you more clarity over how your information is being managed.

Through our revised privacy notice, we have addressed the new standards introduced by the European data protection law, known as the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

## **Who we are**

North Kesteven District Council is registered with the Information Commissioner's Office (ICO) as a 'data controller' under Z5680267. This means we will process and hold your personal data, and this applies to all employees, agency staff, contractors and candidates.

## **What information do we collect**

Depending on the circumstances, we may collect the following information about you:

- Information you provide to us in your application form (both in paper and electronic form), which includes name, title, address, telephone number, personal email address, date of birth, sex, ethnicity, nationality, employment history with previous employers and your qualifications
- Recruitment information (including copies of right to work documentation, references and other information included in the application form or as part of the application process)
- Information you provide to us during your interview
- Copy of identity documents, for example, passport, driving licence, utility bills, etc
- Information about your nationality and entitlement to work in the UK
- Information about your marital status, emergency contacts, dependents and next of kin
- Information about your salary, annual leave, pension and benefits information
- Details of your bank account, national insurance number, payroll records and tax status information
- Details of your vehicle and number plate, copy of driving licence, MOT certificate and vehicle insurance
- Terms and conditions of your employment

- Employment records, including job titles, work history, working hours, remuneration, training records and professional membership
- Start and end dates, with previous employers and with the Council
- Termination of employment information, including reasons and related correspondence for your contract with the Council coming to an end
- Details of your working hours and days, including any flexible work arrangements
- Details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave
- Details of any disciplinary or grievance procedures in which you have been involved, including any investigations, warnings issued to you and related correspondence
- Assessments of your performance, including appraisals, performance reviews, training you have participated in, performance improvement plans and related correspondence
- CCTV footage and other information obtained through electronic means such as telephone recordings, email usage data, internet usage data and swipecard records
- Information about your use of our information and communications systems
- Photographs
- Details of trade union representatives and membership relating to arrangements where union subscriptions are paid direct from your salary
- Any information received from third parties in connection with your employment, for example, from the Police (if there has been a conviction and there is a potential public protection risk).

The Council also collect and process more sensitive personal information about you. This may include:

- Equal opportunities monitoring information, including information about your race or ethnic origin, sexual orientation, religion or belief
- Information about medical or health conditions, including whether or not you have a disability for which the Council needs to make reasonable adjustments
- Occupational health referrals and reports, sickness meetings and formal reviews including sickness improvement plans and related correspondence
- Where you leave the Council and the reason is related to your health, information about your condition and any information relating to ill-health retirement
- Details of absence from work, including time on maternity, paternity or parental leave and sick leave
- Information about any criminal record and Disclosure and Barring Service (DBS) checks
- Details of trade union membership.

This list is not exhaustive and we will collect and process all types of personal data for the purposes of your contract of employment with the Council.

You have some obligations under your employment contract to provide the Council with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters. You may also have to provide the Council with data in order to exercise your statutory rights, for

example, in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the Council to enter into a contract of employment with you. If you do not provide other information, this may hinder the Council's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

## **Why we collect your data**

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

In some cases, the Council 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.

In other cases, the Council has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the Council to:

- Run recruitment and promotion processes
- Determine the terms on which you work and making decisions on salary and remuneration
- Assessing qualifications, experience and skills for a particular task
- Maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of contractual and statutory rights
- Operate and keep a record of disciplinary, capability and grievance processes, to ensure acceptable conduct and performance within the workplace
- Operate and keep a record of your performance, to plan for career development, and for succession planning and workforce management purposes
- Operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that you are receiving the pay or other benefits to which you are entitled
- Obtain occupational health advice, ascertaining fitness for work, ensuring compliance with duties in relation to colleagues with disabilities, meet its obligations under health and safety law, and ensure that you are receiving the pay or other benefits to which you are entitled
- Operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the Council complies with duties in

relation to leave entitlement, and to ensure that you are receiving the pay or other benefits to which you are entitled

- Process the ending of the contract relationship
- Ensure effective general HR and business administration
- Allow you access to Council buildings
- Monitor your use of our information and communication systems to ensure compliance with our ICT and social media policies
- To ensure network and information security, including preventing unauthorised access to our computers and electronic communication systems
- For workforce monitoring and to conduct data analysis to plan for workforce changes or development
- Provide references on request for current or former employees
- Respond to and defend against legal claims and
- Maintain and promote equality in the workplace.

We rely on a number of lawful bases for processing employees' personal data, which are:

- Contract – the processing is necessary for a contract between an individual and the Council
- Legal Obligation – the processing is necessary for the Council to comply with the law
- Public task – the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law
- Consent – in some circumstances, the Council may rely on consent to process your personal data. Where the Council is relying on consent to process personal data then colleagues have the right to withdraw this consent at any time.

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.

Special categories of sensitive personal information require higher levels of protection and need justification for processing it. Our lawful basis for processing special category data is as follows:

#### Trade Union Membership

To allow any Trade Union membership fees to be deducted from your salary, as applicable, and to allow the Council to operate check-off for union subscriptions, and information processed in relation to strike days to enable the Council to correctly administer pay and benefits. For these purposes, we rely on the following legal bases for processing your personal data:

- For the purposes of our legitimate interests
- Processing is necessary for carrying out the obligations and exercising specific rights in the field of employment and
- Processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on us or you in connection with employment.

We process other special categories of personal data, such as information about ethnic origin, sexual orientation and religion or belief, for the purposes of equal opportunities monitoring and reporting. For these purposes, we rely on the following legal bases for processing your personal data:

- For the performance of a task carried out in the public interest
- Processing necessary for reasons of substantial public interest and
- Processing necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment.

However, employees are free to decide whether or not to provide such data and there are no consequences of failing to do so.

We also process special categories of personal data pertaining to occupational health. For these purposes, we rely on the following legal bases for processing your personal data:

- For the purposes of our legitimate interests
- Processing is necessary for carrying out the obligations and exercising specific rights of us or you in the field of employment and
- Processing is necessary for health reasons, including preventative or occupational medicine.

Furthermore, we also process information relating to criminal convictions. For these purposes, we rely on the following legal bases for processing your personal data:

- We may only use information relating to criminal convictions where the law allows us to do so
- Information about criminal convictions and offences will be used to ensure that individuals are permitted to undertake the role in question. We may also consider any criminal conviction or offence when determining your continued employment and your job role
- We are allowed to use your personal information in this way because it is necessary as part of your contract of employment and it is necessary for us to carry out the relevant checks in relation to your employment. In some cases, we are under a legal obligation to check for criminal convictions, such as where we are required by relevant safeguarding legislation.

Sometimes we have a legal duty to provide personal information to other organisations or if there is a good reason that is more important than protecting your privacy. This does not happen often, but we may share your information with the Police Authority for the prevention and detection of crime, for example.

We do not sell your personal information to anyone outside of North Kesteven District Council and will never share your information for marketing purposes.

## **How we collect your data**

We collect your data in a variety of ways, for example:

- Through your application form
- Information obtained from your passport or other identity documents
- From forms completed by you at the start of, or during, employment
- From correspondence with you

- Through interviews, meetings or other assessments.

We will also collect additional personal information in the course of job-related activities throughout the period of you working with us.

In some cases, the Council collects personal data about you from third parties, such as, references supplied by former employers, information from criminal records checks permitted by law and from third party benefit providers, including where you choose to opt into benefits.

We may also collect personal data which is publicly available on websites such as jobs boards, LinkedIn or similar recruitment-related websites.

### **When we'll share your data**

In some instances, we need to share information that you give us. We are legally required to disclose information about you to HMRC in relation to your taxation to ensure that you are paying the correct amount.

In addition, we may need to share health information with Occupational Health, where employees agree to be referred to our service provider.

Sometimes we will pass information about you to third parties where the law allows it. For example, we may provide personal information to a prospective employer or to your pension provider if you join a pension scheme.

Under the Regulation of Investigatory Powers Act 2000 and The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, we have the right to monitor the use of computer and telephone facilities for purposes of preventing and detecting criminal acts, investigating unauthorised use, making sure that policies are being followed and for training and quality control. In such cases, we may share personal information with Managers and certain members of the ICT Team.

Section 117 of the local Government Act 1972 states that we will share personal information to any relevant Officers and Councillors to make known details of the interest(s) held by you that may be relevant to Council business.

We may also share your personal information with your Managers.

We do not sell your personal information to anyone outside of North Kesteven District Council and will never share your information for marketing purposes.

### **Know your rights**

You have many rights regarding your personal data, which include seeing what personal information we hold about you. In addition, you can ask us to correct inaccuracies and restrict the personal information we hold. Where possible we will seek to comply with your request, but we may be required to continue to hold and

process information to comply with a legal requirement and to perform our statutory functions.

If you want to contact us with regards to your rights, please contact [dataprotection@n-kesteven.gov.uk](mailto:dataprotection@n-kesteven.gov.uk)

### **How do we protect your information**

We comply with all laws concerning the protection of personal information and have security measures in place to reduce the risk of theft, loss, destruction, misuse or inappropriate disclosure of personal information.

### **How long do we keep your information**

We will keep your information for the relevant retention periods in accordance with the HR Retention Schedule, after which time it will be securely deleted.

### **Where can I get advice and/or make a complaint**

If you have any concerns or questions, or would like to make a complaint, regarding data protection matters, please contact our Data Protection Officer at [dataprotection@n-kesteven.gov.uk](mailto:dataprotection@n-kesteven.gov.uk) or by calling 01529 414155.

For independent advice and/or to make a complaint about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO) at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF.

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Alternatively, visit [ico.org.uk](http://ico.org.uk) or email [icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)