

## **Employment relationship between Inverclyde Council and employee – Privacy Notice**

### **How to contact us**

Inverclyde Council will act as the 'Data Controller' in regard to the personal data you provide to us. The 'Data Controller' is based at Inverclyde Council, Information Governance, Municipal Buildings, Clyde Square, GREENOCK, PA15 1LY.

The Council's Data Protection Officer is Vicky Pollock. The Data Protection team can be contacted at [dataprotection@inverclyde.gov.uk](mailto:dataprotection@inverclyde.gov.uk) and by telephone on 01475 712498.

### **Why we need this information?**

You are giving us your personal information to allow the Council to effectively manage your employment or prospective employment relationship with Inverclyde Council and for us to meet our obligations to you as an employer or prospective employer.

The Council need to know this personal data in order to provide you with the services the Council provide and to establish our rights in relation to those services, as detailed in the employment contract the Council will have with you. If you do not provide this information then the Council will be unable to provide those services to you. The Council will not collect any personal data from you that isn't needed for delivery of those services.

Throughout the lifetime of your employment relationship with Inverclyde Council the information you provide will be used for the following purposes:

- Your name, national insurance number and contact details, including your home address, telephone numbers and email addresses will be used to identify you and communicate with you as necessary.
- During the recruitment process or at times during your employment information may be gathered to assess your suitability to perform specific roles such as PVG and disclosure checks. In addition, information will be gathered to check eligibility to work in the United Kingdom.
- In some circumstances an employee may engage in "case management" processes, such as attendance management, performance management, redeployment, discipline and appeals, grievance or dignity and respect complaints (for dignity and respect complaints the HR Manager or nominee will be in attendance and an appropriate independent Trade Union representative will be consulted when necessary and given the opportunity to add to the list of questions to be asked by the manager/HR throughout the main stages). In such circumstances, personal information is often disclosed by individuals and recorded in case notes. Such information will be considered as evidence in the case management decision making process. The outcome of such processes will be communicated to you and recorded on file.
- Information in relation to employment history, qualifications, training certification and licenses (such as a driving license) may be required in order to validate that you are appropriately qualified to undertake the activities of your role (or prospective role) and to ensure calculation of payments for which you are entitled.
- Personal banking details are required in order to process all payments due to you in respect of your employment with Inverclyde Council.

- Qualification for particular categories of family leave; maternity, adoption, shared parental and paternity support leave may require you to provide additional information such as dates of confinement, to ensure that you meet the appropriate qualifying criteria and receive appropriate leave and payments.
- Information in respect of your health may be gathered at different times via statutory health surveillance programmes, statutory health assessments or as a result of our recruitment or attendance management arrangements. This information is captured to ensure that the Council comply with our statutory responsibilities, support employee's health and wellbeing and manage attendance across the organisation.
- We may also collect personal data about you from third parties, such as references supplied by former employers. We will seek information from third parties if a job offer has been made to you.
- During your employment, you may be invited to disclose personal characteristic information as defined in the Equality Act 2010 and other equalities related information. This information is used for statistical monitoring of the composition of Inverclyde Council's workforce.
- In some circumstances an employee may engage in "case management" processes, such as attendance management, performance management, redeployment, discipline and appeals, grievance or dignity and respect complaints. In such circumstances, personal information is often disclosed by individuals and recorded in case notes. Such information will be considered as evidence in the case management decision making process. The outcome of such processes will be communicated to you and recorded on file.
- During the course of your employment, use of council equipment and premises may result in the collection of other data. This includes;
  - Dialed telephone numbers and the date, time and duration of incoming and outgoing calls.
  - Websites visited, including date, times of visit.
  - Emails sent and received, including dates, times, subject, recipient and sender.
  - Details of any media files stored on our network
  - The use of encrypted USB devices
  - Clock in times when using time recording equipment
  - System login times
  - Door entry system recordings
  - CCTV footage
  - Test scores from training courses
  - Tracking data i.e. Vehicle tracking

This information may be used for surveillance purposes, investigating and managing conduct and for data matching exercises.

- Some posts require members of staff to have Disclosure checks or PVG checks. In these cases the Council will process information regarding criminal convictions (and any police intelligence regarding suspected criminality included in a PVG check) to assess your suitability for the post in question.

- Supply staff will receive email/text messages when applying for supply staff vacancies. Data will be processed on our behalf by the booking system supplier.
- Providing employee liability information under TUPE (if applicable).
- Secure access to the HR21 self service module.
- Health & Safety Accidents and Reactec (hand arm vibration through measurement tool) see separate Privacy Notices.
- Employee monitoring may be carried out for operational requirements such as providing IT facilities, lone working, using mobile devices and vehicle trackers.
- Performance appraisals and professional updates for Teacher.

Some members of staff may also be service users. The Council will process information on service users (including service users who are members of staff) in accordance with the Privacy Notices published by the various services. Staff should consult those service delivery Privacy Notices for details of this processing.

These services are provided in terms of the Council's statutory functions as a local authority, more details of which can be found on our website at [www.inverclyde.gov.uk/privacy](http://www.inverclyde.gov.uk/privacy).

### **The Legal Basis for collecting the information is:**

- Processing your personal information is necessary for the performance of a contract with you (or in the case of recruitment, to take steps to enter into a contract with you). If you do not provide the Council with the information we have asked for then the Council will not be able to manage our employment relationship with you. Some information needs to be shared with external bodies because the Council is under a legal obligation to do so.

Processing is also necessary under the terms of the GDPR for:

- Legitimate interests;
- Vital Interests.

### **What we will do with your information?**

All of the information we collect from you will be processed by staff in the United Kingdom.

Your data will be stored on the recruitment portal when you apply for a vacancy for a time limited period in compliance with our retention policy. You can ask MyJobScotland to remove your data / account from the recruitment portal at any time.

In general the Council does not transfer personal data outside either the UK or the European Union and on the rare occasions when it does so the Council will inform you. The Council will only transfer data outside the UK and the EU when it is satisfied that the party which will handle the data and the country it is processing it in will provide adequate safeguards for personal privacy.

Processes such as job sizing and job evaluation are done without personal or sensitive data unless the appeal process is triggered by an existing employee who has met the policy criteria for a review.

Statistical information is also produced for the Mainstreaming Report required under equality legislation or the Workforce Information and Activity Reports (to review and better understand employee retention and attrition rates) for internal use but all data is anonymised and no personal or sensitive information is produced / collated for statistical information. Data collected by Corporate Policy is for Public Performance reporting and regular performance reporting to committees. No personal data is held on any individual. The Council undertakes Employee Surveys to gain feedback on our performance as an employer. This enables us to measure employee satisfaction, the effects of change within the organisation, and to compare employee responses over time, with a view to continuously improving. The personal data is collected by a third party organisation with your consent and shared with the Council on an anonymised basis.

Access to data in personnel files is restricted to staff working in Human Resources. Managers will review contracts before issuing to new starts or movers.

We are legally obliged to safeguard public funds so details will be checked internally for fraud prevention and verification purposes and may be shared with other public bodies for the same purpose. We are legally obliged to share certain data with other public bodies such as HMRC and DWP and will do so where the law requires this; For further information, see <http://www.inverclyde.gov.uk/council-and-government/national-fraud-initiative>; we will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and proportionate. Information is also analysed internally in order to provide management information, inform service delivery reform and similar purposes. This data sharing is in our full privacy notice on the Council website. It also forms part of the Council's requirements in line with our Records Management Plan approved in terms of the Public Records (Scotland) Act 2012.

The Council considers that, being an organisation partly funded by Council Tax, it has a legitimate interest to data match employee records with Council Tax records. This is covered in Section 22 of the Employee Code of Conduct

In some circumstances there will be a requirement to share some information with organisation external to Inverclyde Council:

- Depending upon the nature of your role, relevant information may be shared with relevant registered employment bodies such as the Scottish Social Services Council (SSSC) or General Teaching Council for Scotland (GTCS) or Health Care Professionals Council (HCPC).
- Where we are recruiting with another organisation for a joint or shared post, your application data will also be shared with the other recruiting organisation as part of the recruitment process.
- Information gathered in respect of accidents at work may be gathered and may be shared with the HSE as required.
- Where workplace assessment for qualifications is undertaken personal data may be shared with the appropriate qualifications authority such as the Scottish Qualifications Authority or appropriate organisation for the processing of results and issuing of qualifications.

- Your personal details may be shared with the council's insurance provider for the purposes of insurance policies held by the council in respect of Employers Liability Insurance, Indemnification of employees and other insurance purposes as necessary.
- If at any time during or subsequent to your employment you exercise your rights to enter into a dispute via the courts system, including employment tribunal, the Council may be required to share information in relation to your employment relationship with the courts or legal representatives as required.
- Where an employee is a member of the local government pension scheme, there is a requirement to share information to ensure appropriate contributions are made and benefit calculations can be made.
- In circumstances relevant personal data may be shared with third parties in respect of processing payroll deduction made in respect of salary sacrifice contributions, charitable giving arrangements, payments made to satisfy court orders, AVC scheme contributions, and trade union subscriptions.
- If you have ever had an appointment with Inverclyde Council's current or previous occupational health provider, you may have an occupational health record. Such records are retained by the current occupational health provider. The contents of your medical records are confidential and are not disclosed to Inverclyde Council but will inform any occupational health reports issued to Inverclyde Council by the occupational health provider.
- In the event that Inverclyde Council change occupational health provider, these medical records will under normal circumstances transfer directly to the new provider and will not pass to Inverclyde Council. However in event of a situation where this cannot happen, Inverclyde Council will take receipt of these records in sealed or locked containers for secure storage until such times as they can be transferred to a new Occupational Health provider.
- The Council is obliged to participate in the National Fraud Initiative in Scotland and in terms of this passes information on staff (primarily payroll data) to Audit Scotland for data matching to detect fraud or possible fraud. Details of this exercise can be found on Audit Scotland's website at <http://www.audit-scotland.gov.uk/our-work/national-fraud-initiative>. Inverclyde Council details at: <https://www.inverclyde.gov.uk/council-and-government/national-fraud-initiative>.
- Inverclyde Council is subject to freedom of information ("FOI") legislation. If the Council received requests which seek disclosure of information about members of staff. Such requests are assessed carefully and the Council will only release staff information in response to FOI requests if doing so is compatible with our obligations under data protection law. As a general rule the Council will withhold the identities of staff apart from Senior Officers as this information is already available. The Council will not voluntarily release non-work-related information about members of staff such as home address, nor will the Council voluntarily release information where this relates to the member of staff being a service user rather than in their capacity as an employee. The Council would seek the views of current members of staff as to any such release.

- In circumstances where you agree to engage with our occupational health provider as a result of a management initiated referral, relevant personal information will be shared with the provider to allow the appropriate service to be delivered. This may include a referral to the Occupational Health Nurse, an Occupational Health Technician, Doctor, Physiotherapy or Counselling.
- Where medical reports contain information regarding a work related occupational disease which requires to be reported to the relevant enforcement bodies under the requirements of statutory legislation this may necessitate certain medical information being supplied to the Council by our Occupational Health provider in order to allow us to comply with our statutory responsibilities in regard to Health and Safety.
- If you are the author of a committee report or named as the contact point in that report, your name, service and work telephone number will be published on the committee report on the Council website.

### **How long will we keep your information?**

Your information will be retained for the lifetime you are employed with the Council and in most cases the current year and five years thereafter. There are also longer timescales for occupational health and safety and social work data as per the Council's Retention Schedule. Additional information on retention periods is also available in the separate Accident and Incident Reporting and Reactec Privacy Notices. See the Council's retention policy at: <https://www.inverclyde.gov.uk/jobs-and-careers/working-for-the-council/policies-and-procedures>.

### **Your Rights**

When you provide information to the Council, you will have the following rights:

- To withdraw consent at any time, where the legal basis specified above is consent
- To request access to your personal data
- To object, where the Legal Basis specified above is: i) public task or ii) legitimate interests
- To data portability, where the Legal basis specified above is i) consent or ii) performance of a contract
- To request rectification or erasure of your personal data, as so far as the legislation permits
- To restrict processing in certain circumstances, for example if the information is not accurate.

In addition, if you are unhappy with the way the Council have processed your personal data you have the right to complain to the UK Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, 08456 30 60 60, Email: [www.ico.gov.uk](http://www.ico.gov.uk) but you should raise the issue with the Council's Data Protection Officer first.

### **Automated Decision Making**

No systems are used to make automated decisions with the data listed above.

### **More information:**

For more details on how the Council processes your personal information visit <https://www.inverclyde.gov.uk/site-basics/privacy>

If you do not have access to the internet you can contact the Council via telephone to request hard copies of our documents.