



ECCLESFIELD PARISH COUNCIL

Serving your Community Since 1894

PRIVACY NOTICE FOR EMPLOYEES

In accordance with the General Data Protection Regulation (GDPR), Ecclesfield Parish Council ('the Council') has implemented this privacy notice to inform you, its employees, of the types of data the Council processes about you. The Council also includes within this notice the reasons for processing your data, the lawful basis that permits the Council to process it, how long it keeps your data for and your rights regarding your data.

This notice applies to current and former employees, workers and contractors.

Data protection principles

Under GDPR, all personal data obtained and held by the Council must be processed according to a set of core principles. In accordance with these principles, the Council will ensure that:

- a) Processing is fair, lawful and transparent.
- b) Data is collected for specific, explicit, and legitimate purposes.
- c) Data collected is adequate, relevant and limited to what is necessary for the purposes of processing.
- d) Data is kept accurate and up to date. Data that is found to be inaccurate will be rectified or erased without delay.
- e) Data is not kept for longer than is necessary for its given purpose
- f) Data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures.
- g) It complies with the relevant GDPR procedures for the international transferring of personal data.

Types of data held

The Council keeps several categories of personal data on its employees to carry out effective and efficient processes. The Council keep this data in a personnel file relating to each employee and it also holds the data within its computer systems, for example, payroll details.

Specifically, the Council holds the following types of data:

- a) Personal details such as name, address, phone numbers.
- b) Name and contact details of your next of kin.
- c) Your photograph.
- d) Your gender, marital status, information of any disability you have or other medical information.
- e) Right to work documentation.
- f) Information on your race and religion for equality monitoring purposes.
- g) Information gathered via the recruitment process such as that entered into a CV or included in a CV cover letter.
- h) References from former employers.
- i) Details on your education and employment history etc.
- j) National Insurance numbers.
- k) Bank account details.
- l) Tax codes.
- m) Driving licence.
- n) Criminal convictions.
- o) Information relating to your employment with the Council, including: job title and job descriptions, your salary, your wider terms and conditions of employment, details of formal and informal proceedings involving you such as letters of concern, disciplinary and grievance proceedings, your annual leave records, appraisal and performance information, internal and external training modules undertaken and information on time off from work including sickness absence, family related leave etc.
- p) CCTV footage.
- q) Building access card records.
- r) IT equipment use including telephones and internet access.

Collecting your data

You provide several pieces of data to the Council directly during the recruitment period and subsequently upon the start of your employment.

In some cases, the Council will collect data about you from third parties, such as employment agencies, former employers when gathering references or credit reference agencies.

Personal data is kept in files or within the Council's HR and IT systems.

Lawful basis for processing

The law on data protection allows the Council to process your data for certain reasons only. In the main, the Council processes your data to comply with a legal requirement or to effectively manage the employment contract the Council has with you, including ensuring you are paid correctly.

The information below categorises the types of data processing the Council undertakes and the lawful basis it relies on.

Activity requiring your data	Lawful basis
Carry out the employment contract that we have entered with you e.g. using your name, contact details, education history, information on any disciplinary, grievance procedures involving you	Performance of the contract
Ensuring you are paid	Performance of the contract
Ensuring tax and National Insurance is paid	Legal obligation
Carrying out checks in relation to your right to work in the UK	Legal obligation
Making reasonable adjustments for disabled employees	Legal obligation
Making recruitment decisions in relation to both initial and subsequent employment e.g. promotion	Our legitimate interests
Making decisions about salary and other benefits	Our legitimate interests
Ensuring efficient administration of contractual benefits to you	Our legitimate interests
Effectively monitoring both your conduct, including timekeeping and attendance, and your performance and to undertake procedures where necessary	Our legitimate interests
Maintaining comprehensive up to date personnel records about you to ensure, amongst other things, effective correspondence can be achieved and appropriate contact points in the event of an emergency are maintained.	Our legitimate interests
Implementing grievance procedures	Our legitimate interests
Assessing training needs	Our legitimate interests
Implementing an effective sickness absence management system including monitoring the amount of leave and subsequent actions to be taken including the making of reasonable adjustments	Our legitimate interests
Gaining expert medical opinion when making decisions about your fitness for work	Our legitimate interests
Managing statutory leave and pay systems such as maternity leave and pay etc	Our legitimate interests
Business planning and restructuring exercises	Our legitimate interests
Dealing with legal claims made against us	Our legitimate interests
Preventing fraud	Our legitimate interests
Ensuring our administrative and IT systems are secure and robust against unauthorised access	Our legitimate interests

Special Categories of Data

Special categories of data are data relating to your:

- a) Health.
- b) Sex life.
- c) Sexual orientation.
- d) Race.
- e) Ethnic origin.
- f) Political opinion.
- g) Religion.
- h) Trade union membership.
- i) Genetic and biometric data.

The Council carries out processing activities using special category data:

- a) For the purposes of equal opportunities monitoring.
- b) Its sickness absence management procedures.
- c) To determine reasonable adjustments
- d) Most commonly, the Council will process special categories of data when the following applies:
 - I. You have given explicit consent to the processing.
 - II. The Council must process the data to carry out its legal obligations.
 - III. The Council must process data for reasons of substantial public interest.
 - IV. You have already made the data public.

Failure to provide data

Your failure to provide the Council with data may mean that it is unable to fulfil its requirements for entering into a contract of employment with you. This could include being unable to offer you employment or administer contractual benefits.

Criminal conviction data

The Council will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits it. This data will usually be collected at the recruitment stage, however, may also be collected during your employment. The Council uses criminal conviction data to determine your suitability or your continued suitability for the role. It relies on the lawful basis of the Council's legitimate interests to process this data.

Who the council shares its data with

Employees within the Council who have responsibility for recruitment, administration of payment and contractual benefits and the carrying out of performance related procedures will have access to your data which is relevant to their function. All employees with such responsibility have been trained in ensuring data is processed in line with GDPR.

Data is shared with third parties for the following reasons:

- Administration of payroll/pensions.
- Training purposes.
- Organisations the Council has a working partnership with.

The Council may also share your data with third parties, such as for reasons to comply with a legal obligation upon it. The Council has a data processing agreement in place with such third parties to ensure data is not compromised. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

The Council does not share your data with bodies outside of the European Economic Area.

Protecting your data

The Council are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. The Council has implemented processes to guard against such.

Retention periods

The Council only keeps your data for as long as it needs it for, which will be at least for the duration of your employment with the Council though in some cases it will keep your data for a period after your employment has ended. Some data retention periods are set by the law. Retention periods can vary depending on why the Council needs your data, as set out below:

Record	Statutory Retention Period
Children/young adults	Until the child reaches 21
Retirement Benefits Schemes	6 years from the end of the scheme year
Statutory Maternity Pay (calculations, certificates, medical evidence)	3 years after the end on the tax year in which the period ends
Wage/salary (overtime, bonuses, expenses)	6 years
National Minimum Wage	3 years after the end of the consequent pay reference period
Working hours	2 years after they are made

Record	Recommended Retention Period
Application forms and interview notes	6 months to a year
Assessments under health and safety regulations and records of consultations with safety representatives and committees	Permanently
HMRC approvals	Permanently
Money purchase details	6 years after transfer or value taken
Parental leave	Until child is 18 (birth/adoption)

Pension scheme investment policies	12 years from the ending of any benefit payable under the policy
Pensioners' records	12 years after end of benefit
Personnel files, training records (disciplinary records, working time records)	6 years after end of employment
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after date of redundancy
Statutory Sick Pay records, calculations, certificates, self-certificates	at least 3 months after the end of the period of sick leave, but 6 years after the employment ceases advisable
Time cards	2 years after audit
Trade Union agreements	10 years after end
Works Council minutes	Permanently

Automated decision making

Automated decision-making means making a decision about you using no human involvement e.g. using computerised filtering equipment. No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

Employee rights

You have the following rights in relation to the personal data the Council holds on you:

- a) The right to be informed about the data the Council holds on you and what it does with it.
- b) The right of access to the data it holds on you. The Council operates a separate Subject Access Request policy and all such requests will be dealt with accordingly.
- c) The right for any inaccuracies in the data it holds on you, however they come to light, to be corrected. This is also known as 'rectification'.
- d) The right to have data deleted in certain circumstances. This is also known as 'erasure'.
- e) The right to restrict the processing of the data.
- f) The right to transfer the data it holds on you to another party. This is also known as 'portability'.
- g) The right to object to the inclusion of any information.
- h) the right to regulate any automated decision-making and profiling of personal data.

More information can be found on each of these rights in a separate Council policy on employee rights under GDPR.

Consent

Where you have provided consent to the Council's use of your data, you also have the right to withdraw that consent at any time. This means that the Council will stop processing your data.

Making a complaint

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner (ICO). You can contact the ICO at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone on 0303123 1113 (local rate) or 01625 545 745.

Contact Details

The Council's appointed compliance officer in respect of the Council's data protection activities is the Parish Clerk. He can be contacted by phone on 0114 284 5095 or by email at admin@ecclesfield-pc.gov.uk if you have any questions about this Privacy Notice.

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