

# Employee Data Protection Policy

## Purpose

We respect your privacy and we are committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

The Council collects, stores and processes personal data relating to its employees in order to manage the employment relationship. The Council is committed to maintaining the accuracy, confidentiality and security of personal information. This privacy notice sets down how we collect and use personal information about you during and after your working relationship with us.

For the purposes of the Privacy Policy personal information is any information about an employee or contractor that can be used to individually identify that employee or contractor, other than the employee or contractor's business title, or business contact information when used or disclosed for the purposes of business communications.

This privacy notice applies to current and former employees, workers and contractors. This notice does not form part of a contract of employment or any contract to provide services and may be updated at any time.

## Data Protection Principles

The Council will comply with data protection law. This means that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have explained to you clearly and not used in any way that is incompatible with these purposes;
- Relevant to the purposes we have told you about and limited to those purposes only;
- Accurate and kept up to date;
- Kept only for such time as is necessary for the purposes we have told you about; and
- Kept securely.

## The data we collect about you

The Council collects and processes a range of personal information (personal data) about individuals who seek to be, are or were employed by us. Personal

data means any information about an individual from which the person can be identified. This includes:

- References and interview notes;
- Photographs;
- Letters of offer and acceptance of employment;
- Mandatory staff handbook sign-off sheets;
- Personal contact details, such as your name, title, address and contact details, including email address and telephone number;
- date of birth;
- 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 Town Council;
- information about your remuneration, including entitlement to benefits such as pensions;
- details of your bank account, tax status and national insurance number;
- information about your marital status, next of kin, dependents and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- copy of driving licence;
- details of periods of leave taken by you, including holiday, sickness absence, family leave, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, training you have participated in, performance improvement plans and related correspondence;
- CCTV footage and other information obtained through electronic means e.g. swipe card records.

We may also collect, store and use the following special categories of more sensitive personal information:

- information about medical or health conditions, including whether or not you have a disability for which the Town Council needs to make reasonable adjustments;
- details of trade union membership;
- information about your criminal record; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

### **How is your personal data collected?**

The Council collects this information in a variety of ways. For example, data is collected through the application and recruitment process and during work-related activities throughout the period of working for us.

In some cases, the Council collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law. Where this is the case, we will take reasonable steps to ensure that such third parties have assured us that they have the right to disclose your personal information to us and will take measures to protect any personal information provided to them in accordance with this policy.

Data is stored in a range of different places, including in your personnel file, in the Town Council's HR systems and in other IT systems (including the Council's email system). The Council shall at all times use appropriate controls to ensure that the personal information of its employees is kept secure.

### **How we use your personal data?**

The Council needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract.

In addition, the Council needs to process data to ensure that we are complying with our legal obligations, for example, we are required to check an employee's entitlement to work in the UK, for certain positions, it may be necessary to carry out DBS checks to ensure that individuals are permitted to undertake a particular role.

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

Situations in which we will process your personal information are listed below

In order to:

- make decisions about recruitment and promotion processes;

- maintain accurate and up-to-date employment records and contact details (including details of whom to contact in the event of an emergency), and records of employee contractual and statutory rights;
- check you are legally entitled to work in the UK;
- gather evidence for, and keep a record of, disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- pay you and, in the case of employees, make deductions for tax and National Insurance and Pension
- make decisions about salary reviews and compensation;
- operate and keep a record of employee performance and related processes;
- keep records of training and development requirements;
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- ascertain your fitness to work;
- operate and keep a record of other types of leave (such as maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the Town Council complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- deal with legal disputes involving you or other employees, workers and contractors;
- facilitate equal opportunities monitoring in the workplace;
- complying with relevant UK legislation and employment law;
- Ensuring the security of Town Council held information; and
- Such other purposes as deemed reasonable by the Town Council.

### **If you fail to provide personal data**

If you do not provide certain information when requested, the Council may not be able to perform the contract we have entered into with you, such as

paying you or providing a benefit. You may also have to provide the Council with data in order to exercise statutory rights, for example in relation to statutory leave entitlements.

### **Change of Purpose**

The Council will only use your personal information for the purpose for which it was collected 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 an unrelated purpose, we will advise you of this and explain the legal basis which allows us to do so.

You should be aware that we may process your personal information without your knowledge or consent where this is required or permitted by law.

### **How We Use Sensitive Personal Information**

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (for example, in relation to employees with disabilities and for health and safety purposes).

The Council may use other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or philosophical belief, this would be done for the purposes of meaningful equal opportunities monitoring or reporting. Data used by the Town Council for these purposes is anonymized or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

### **Information About Criminal Convictions**

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.

### **Automated Decision-Making**

Our employment decisions are not based solely on automated decision-making.

### **For how long do you keep data?**

The Council will only hold your personal data for as long as is necessary to fulfil the purposes we collected it for, including any legal, accounting or reporting requirements. The period for which your data is held after the end of employment is seven years.

### **Who has access to data?**

Your information is only viewed or used by personnel authorised to do so, including payroll.

The Council shares your data with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. The Council may also share your data with other third parties. In those circumstances the data will be subject to confidentiality arrangements.

### **Data security**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have an operational need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

### **Your duty to inform Camborne Town Council of changes**

It is important that the personal information we hold about you is accurate and current. Please be sure to keep us informed if your personal information changes during your time working with us.

### **Your Rights**

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request (known as a "data subject access request");
- require the Council to change incorrect or incomplete data;
- request erasure of your personal information. This enables you to ask the Council to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the Council is relying on its legitimate interests as the legal ground for processing; and
- ask the Council to suspend the processing of your personal data for a period of time if data is inaccurate or there is a dispute about its accuracy or the reason for processing it.

Camborne Town Council is the controller and responsible for your personal data (referred to as "we", "our", or "us" in this privacy notice.). If you have any questions

about this privacy notice, including any requests to exercise your legal rights, please contact the **Town Clerk** The Passmore Edwards Building, Cross Street, Camborne, TR14 8HA 01209 612406.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

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