

Employee privacy notice – Human Resources

This notice reflects the requirements of the General Data Protection Regulation (2016/679 EU) (GDPR), which comes into effect in the UK on 25 May 2018. This notice also states our responsibilities contained within the Data Protection Act 2018.

- Data controller: Harrow Council, Civic Centre, Station Road, Harrow, HA1 2XF
- Data protection officer: Darren Davies, Darren.davies@harrow.gov.uk

This notice applies to current employees, workers, agency staff, contractors and former employees whose personal information we collect and process to manage the employment relationship and to provide HR services. We are committed to being transparent about how we collect and use that data and to meeting our statutory and data protection obligations.

What information do we collect?

We collect and process a range of information about you.

This includes:

- your name, address and contact details, including email address and telephone number, date of birth and 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 Harrow Council and continuous service dates from employers under the Local Government Modification Order;
- information about your remuneration, including entitlement to benefits such as pensions, cycle schemes, loans
- details of your bank account 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;
- information about your criminal record;
- information about registration/membership and qualification/disqualification of professional bodies such as HCPC (Health & Care Professions Council);
- details of your working pattern (days of work and working hours) and attendance at work;
- details about pay, tax, NI deductions, P45, P60 and third party deductions
- details of periods of leave taken by you, including holiday, sickness absence, dependency leave, career breaks, maternity, paternity and shared parental 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, professional reviews and ratings, apprenticeships, training you have participated in, performance development plans and related correspondence;
- interview notes and assessments;
- information about medical or health conditions, including whether or not you have a disability for which the Council needs to make reasonable adjustments;
- details of trade union membership; and where you consent to give information for the payment of trade union subscriptions via payroll.
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief, marital status and gender;
- Details about health and safety and risk assessments
- Photo ID and digital footprint
- information linking you to a post(s) within the Council
- personal data about you from third parties, such as references supplied by former employers

How do we collect this information?

We collect information in a variety of ways. For example, data is collected through application forms, or CVs; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as pension benefit nomination forms, bank details forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, we collect information from employment background check providers, information from financial declaration forms and information from criminal records checks permitted by law.

Data is stored in a range of different places, including in your personnel file, in the organisation's HR management systems and in other IT systems (including the organisation's email system).

Why do we need this information?

You are employed by the council under a contract of employment and we have legal obligations to meet under your employment contract.

We need to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefits, pension and entitlements.

In some cases, we need to process data to ensure that we are complying with our 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. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

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

- to meet statutory obligations to HMRC, the Home Office and the Department for Work and Pensions
- run recruitment and promotion processes;
- 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 employee contractual and statutory rights;
- operate and keep a record of disciplinary and grievance processes within appropriate retention timescales, to ensure acceptable conduct within the workplace;
- operate and keep a record of employee performance and related processes, 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 employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law;
- ensure that employees are receiving the pay or other benefits to which they are entitled;
- operate and keep a record of all types of leave (including annual, maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation 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;

- respond to statutory reports and surveys and provide statistical data
- protect public money and prevent fraud
- undertake organisational change and transfer of undertakings (TUPE)
- maintain training and apprenticeship records
- maintain records of employment
- provide references on request for current or former employees;
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

Where we rely on contract as a reason for processing data, we have considered whether or not those interests are overridden by the rights and freedoms of employees or workers and have concluded that they are not. The reasons for processing are recorded on our Asset Register.

Some special categories of personal data, such as information about health or medical conditions, are processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes). Information about trade union membership is processed to allow us to facilitate union subscriptions.

Where we process other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring.

Who has access to data?

Your information will be shared internally, including with members of the HR and recruitment team, Payroll, your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

We share your data with third parties in order to obtain pre-employment references or checks from other employers or organisations, and obtain necessary criminal records checks from the Disclosure and Barring Service. We may also share your data with third parties in the context of a transfer of some or all of its services. In those circumstances the data will be subject to confidentiality arrangements.

We also share your data with third parties that process data on our behalf, in connection with the provision of recruitment, staff benefits, training providers and the provision of occupational health services.

We will not transfer your data to countries outside the European Economic Area. Your data may be transferred to countries outside the European Economic Area (EEA) for pre-employment checks where this is relevant in processing an application or offer of employment.

How do we protect your data?

We take the security of your data seriously. We have internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the performance of their duties.

Where we engage third parties to process personal data on our behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

How long is your data retained?

We will hold your personal data during your employment and after the end of employment. You can review the HR Retention of Information and Data document. We will only hold your

personal information for as long as necessary for the relevant purpose or service and as required to fulfil our statutory and legal obligations.

Your rights

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

- access and obtain a copy of your data on request;
- require the organisation to change incorrect or incomplete data;
- require the organisation 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 organisation is relying on its contract or public task as the legal basis for processing; and
- ask the organisation to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

You can make a subject access request by [following this link](#)

If you believe that we have not complied with your data protection rights, you can complain to Council's Data Protection Officer or the Information Commissioner.

What would happen if you did not provide your personal data?

You have some obligations under your employment contract to provide the organisation with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith.

You may also have to provide us with data in order to exercise your statutory rights, such as 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 us to enter a contract of employment with you. If you do not provide other information, this will hinder our ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

Automated decision-making

Employment decisions are not based solely on automated decision-making.

Further Information

For further information about this Employment Privacy Notice please contact AskHR@harrow.gov.uk