



## PRIVACY NOTICE FOR EMPLOYEES

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**Data Controller:** Erewash Borough Council, Town Hall, Wharncliffe Road, Ilkeston, Derbyshire, DE7 5RP

**Data Protection Officer:** Rachel Fernandez, Performance and Community Manager, Erewash Borough Council, Town Hall, Wharncliffe Road, Ilkeston, Derbyshire, DE7 5RP  
Email: [rachel.fernandez@erewash.gov.uk](mailto:rachel.fernandez@erewash.gov.uk) tel: 0115 907 2244.

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### Introduction

The council collects and processes personal data relating to its employees to manage the employment relationship. The council is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

### What information does the council collect?

The council collects and processes a range of information about you. This includes:

- your name, home address and contact details, including email address and telephone number, date of birth, and gender;
- the terms and conditions of your employment including contract variations and related correspondence;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the council;
- educational and training information such as educational awards, qualification certificates, vocational records, training records and attendance at training events;
- information about your remuneration, including entitlement to benefits such as pensions;
- payroll related information including details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- details of your schedule (days of work and working hours) and attendance at work (including information from electronic records and council systems, timesheets, and flexitime sheets and associated documents where applicable);

- details of periods of leave taken by you, including annual leave, sickness absence, unpaid leave, compassionate leave and other types of leave, and the reasons for the leave;
- details of any disciplinary, grievance, capability or harassment and discrimination procedures in which you have been involved, including any warnings or cautions issued to you and related correspondence;
- details of any sickness and attendance management procedures in which you have been involved, including formal cautions issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews, performance improvement plans and related correspondence;
- details of any redeployment procedures and associated correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the council needs to make reasonable adjustments;
- if applicable to your job, health surveillance information e.g. medical information relating to hearing tests, HAVs assessments, HGV driver medicals, vaccination programmes;
- details of trade union membership if your subscriptions are paid via your monthly pay
- equal opportunities monitoring information including information about your ethnic origin, sexual orientation and religion or belief;
- the make, model, colour and registration of your vehicle; driving licence and car insurance details and driver declaration form if you use your vehicle for council business (including whether casual / essential car user allowance is applicable to your post);
- details relating to any accidents and adverse events during your employment;
- information relating to your use of the council's computer and ICT systems and council vehicles, if applicable to your role.

It is your responsibility to inform third parties that you are sharing their personal details with the council, for example, job referees, emergency contacts, pension beneficiaries.

### **How does the council collect your personal data?**

The council may collect this information in a variety of ways. For example:

- data might be collected through application forms;
- from forms completed by you at the start of or during employment (e.g. driver declaration form, car details form, personal audit, skills questionnaire forms, mileage claim forms, benefit nomination forms);
- from correspondence with you, and when you contact us by telephone or e-mail;

- when we collect data through the implementation of any employee relations policy or process e.g. disciplinary, grievance, harassment and discrimination, capability, sickness absence;
- obtained from your passport or other identity documents such as your driving licence;
- when we receive your personal data from third parties, e.g. references supplied by former employers, employment agencies, GP, occupational health provider; and information from criminal records checks permitted by law;
- through interviews, meetings or other assessments held with you during the course of your employment;
- information relating to relevant occupational risk assessments e.g. DSE assessment (if relevant to your role) stress risk assessment etc. and completed adverse event and accident reporting forms;
- via CCTV footage relating to council premises and buildings and work-related photographs, and body camera information if relevant to your job;
- if applicable, vehicle tracker information fitted to specific council vehicles you may drive during the course of your employment;
- if applicable, monitoring information relating to your use of the council's ICT and computer systems including internet and website activity, e-mail and messaging facilities, telephone systems (desk top phone, mobile phone, two-way radio, and voicemail) and mobile devices such as laptops and tablets;
- information gathered during the course of internet searches including social media activity.

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

### **Why does the council process 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. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract, and to administer pension entitlements and payment of employment expenses, where appropriate.

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.

For certain positions, it is also necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

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;
- 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 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, and ensure compliance with the council's Sickness Absence Policy and Procedure;
- obtain occupational health advice, to ensure that the council complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they 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 employees are receiving the pay or other benefits to which they are entitled;
- operate and keep a record of disciplinary, capability, grievance and harassment and discrimination processes to ensure acceptable conduct within the workplace and compliance with council policies and procedures (for example, the Flexi-time Scheme, Information Security Policy, health and safety requirements);
- ensure effective general personnel and business administration;
- provide references on request for current or former employees;
- deal with any employee/employer related disputes that may arise;
- respond to and defend against legal claims;
- to help ensure the council is maintaining its health and safety obligations, including providing a safe place to work;
- maintain and promote equality in the workplace.

Where the council relies on the 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.

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 the council to operate check-off for union subscriptions.

Where the council processes other special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, this is done for the purposes of equality monitoring - compiling statistical data about the make-up of the workforce by various groups - both to assist in complying with equality legislation and to assist the council in the effective planning and provision of future services. Such statistical data or statistical analysis will not allow the identification of any specific individual. Data that the council uses for these purposes is collected with the 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 not doing so.

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

Your information may be shared internally only, including with members of the Personnel team (including Payments and Accountancy), 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.

The council shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and where necessary obtain necessary criminal records checks from the Disclosure and Barring Service. The council may also share your data with third parties in the context of a sale or transfer of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

The council also shares your data with third parties that process data on its behalf in connection with payroll, the provision of benefits, pension administration and the provision of occupational health services.

The council may share your data for any other purpose for which you give us your consent to use your personal data, for example, a mortgage provider.

The council will not transfer your data to countries outside the European Economic Area.

### **How does the council protect data?**

The council takes the security of your data seriously. The council has 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 its employees in the performance of their duties. Electronic data and manual records are stored securely and accessed by authorised personnel in accordance with the council's internal policies and procedure.

Where the council engages third parties to process personal data on its 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.

### **For how long does the council keep data?**

The council will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are set out in the council's Register of HR Related Personal Data and Retention Schedule.

### **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 council to change incorrect or incomplete data;
- require 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 stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the council's legitimate grounds for processing data.

If you would like to exercise any of these rights, you can make a subject access request by completing the council's Employee Data Subject Access Request Form (ESAR1). Please ensure your completed form is sent to Jennifer Browne, Head of Personnel and ICT, Erewash Borough Council, Town Hall, Wharncliffe Road, Ilkeston, Derbyshire, DE7 5RP, email: [jennifer.browne@erewash.gov.uk](mailto:jennifer.browne@erewash.gov.uk)

If you believe that the council has not complied with your data protection rights, you can complain to the Information Commissioner.

### **What if you do not provide personal data?**

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 under the implied duty of good faith, and in accordance with the council's internal policies and procedures, and the Employees' Code of Conduct.

You may also have to provide the council 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 the council to enter a contract of employment with you. If you do not provide other information, this will hinder the council's 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.