

# Privacy Notice for Orkney Islands Council Employees

This notice provides details of what information we (the employer) collect from you (the employee), what we do with it and who it might be shared with. This notice does not form part of your contractual terms of employment. It applies to all current and former employees regardless of length of service and may be amended at any time.

## Why do we collect your personal data?

We need to process data to enter into an employment contract with you and to meet our obligations under your employment contract. For example, we need to process your data to pay you and to administer benefit and pension entitlements.

In some cases, we need to process data to ensure we are complying with our legal obligations. For example, we are required to check your right to work in the UK, to deduct tax, to comply with health and safety laws and to enable you to take periods of leave to which you are entitled. For certain posts, it is necessary to carry out criminal records checks to ensure individuals are permitted to carry out the role in question.

Throughout the period of your employment with us, and for as long as is necessary to meet our legal obligations after that, we will process personal data about you for the purposes connected with your employment and the termination of your employment.

## The information is being collected for the following purposes:

1. Managing the employment relationship and dealing with any issues arising from it through the Council's employment related policies.
2. Payment of salaries, expenses, employee benefits and statutory payments.
3. Equalities Monitoring to maintain and promote equality in the workplace.
4. Health and Safety and ensuring a safe work environment.
5. Providing facilities such as ICT, communication systems and monitoring usage of these.

The legal basis for each purpose is set out below:

Legal basis	Purpose
Consent.	-
Performance of a contract.	1, 2, 4 and 5.
Legal obligation.	2 (where statutory), 3 and 4.
Vital interests.	-

Task carried out in the public interest.	-
Legitimate interests.	-

The Council has a duty to ensure that the information we hold about you is accurate and, where relevant, kept up to date. Consequently, if you inform one part of the Council that your details have changed, this may be shared with other Council sections.

## What information do we collect about you?

We collect:

- Your name, address and contact information including email address and telephone number, date of birth and gender.
- Details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with Orkney Islands Council.
- References obtained during recruitment.
- Professional memberships and qualifications including membership numbers.
- Registration with professional bodies including membership/registration numbers.
- A copy of your driving licence, insurance details and any driving convictions.
- Information about your marital status\*, dependants\*, next of kin and emergency contacts.
- Information about your nationality and entitlement to work in the UK.
- Information about your criminal record where this is required for your post.
- Information about your remuneration, including entitlement to benefits such as pensions.
- Details of your bank account and national insurance number.
- The terms and conditions of your employment including employment dates, details of job titles and duties.
- Details of your schedule (days and hours of work and working hours) and attendance at work.
- Details about leave applied for or taken by you, including holiday, sickness absence, family leave and career breaks, and the reasons for leave.
- Applications for flexible working, employee benefits and contractual changes.
- Details of any disciplinary, grievance, capability or dignity at work procedures in which you have been involved, including any warnings issued to you and related correspondence.
- Information about performance and performance appraisals and training you have participated in.
- Information about your medical or health conditions, including whether you have a disability for which we need to make reasonable adjustments including occupational health information.
- Details of trade union membership.

- Equality monitoring information including information about your ethnic origin, religion or belief, disability, sexual orientation and transgender status.
- Information confirming you have read and understood our policies and procedures and your compliance with these.
- Information about your use of our information and communication systems and emails passing through our systems.
- Accident and incident reporting.
- CCTV images where these are used in your workplace for security purposes.
- Your car registration number, MOT and car insurance details for mileage payments and to ensure we meet our insurance requirements.
- Your photograph for your ID badge and for other purposes the council deems necessary.
- Other photographs and videos you have consented to for e-learning/training and promotional purposes.
- Information about additional posts you may hold to identify any conflict of interest.
- Any other information about you that you have given to us.

We also keep copies of your communications with us and our responses.

Employee monitoring may be carried out for operational requirements such as providing IT facilities, lone working, using mobile devices and vehicle trackers.

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 make payroll deductions for union subscriptions.

Where you provide other special categories of personal data, such as information about ethnic origin, religious belief, disability, sexual orientation or transgender status, this is done to allow us to better perform the equality duty. Equal opportunities statistical data is anonymised. You are entirely free to decide whether to provide such data and there are no consequences of not doing so.

## **Where do we collect information from?**

We collect information from you:

- Through paper, electronic and telephone correspondence with you, through forms you have completed and interviews and meetings you have attended.
- From any representatives you have asked to act on your behalf such as but not limited to solicitors, employment tribunals, trade unions and ACAS.
- From application forms on recruitment websites such as but not limited to MyJobScotland.
- From your passport, driving licence or other identity documents.
- In some cases, we collect personal data about you from third parties such as:

- Referees who you have given us permission to contact including previous employers.
- Criminal record check providers such as Disclosure Scotland as permitted by law.
- Medical professionals including our Occupational Health provider.
- Other members of staff, clients or customers through complaints or grievances.
- Professional bodies such as but not limited to the General Teaching Council for Scotland and the Scottish Social Services Council.
- Employee benefit providers where you have provided your data on their website such as the Childcare Vouchers Scheme or Cycle to Work Scheme.
- Drivers licence check providers such as DriverCheck.

Data is stored in a range of different places, including in your HR personnel file, any personnel held in the service your work, in our HR and Payroll management systems and in other IT systems including the email system.

## **Who might we share your information with?**

We will keep your information safe and secure. We will have systems, processes and training designed to achieve this.

We will not share your information internally unless this is necessary for the performance of duties and Council business. For example, your Service may share details about any absences with Human Resources if dealing with absence management.

We may also share your data with:

- Any person to which we are legally obliged to disclose any of your personal data including HM Revenue and Customs, The Department for Work and Pensions, The Child Support Agency and The Health and Safety Executive.
- Any person we appoint to provide services to or on behalf of us. This includes those who process data on our behalf who can be involved in delivering or assisting in or advising on the provision or implementation of benefits in connection with your employment including BACS Payments Limited, Occupational Health, Employee Benefits and Training Providers.
- Law enforcement (Police) and other regulatory bodies such as Scottish Social Services Council, General Teaching Council for Scotland and Disclosure Scotland.
- Our external advisers.
- Grant funders, such as Scottish Government, where your employment is related to that funding and the sharing is required for audit purposes.
- Some officers may be required, as part of their duties, to attend or speak at council committees or subcommittees. If these meetings are audiocast then audio recordings of the meeting, including the attendance or contribution of officers attending, will be published on the Council's website and the Council's host's audiocast platform.

- NHS Orkney where your work is connected with the work of the Integration Joint Board.
- Other employer organisations where there are shared service or supervision arrangements that you work in connection with.
- Pension Providers including but not limited to Scottish Public Pensions Agency and Orkney Islands Council Pension Fund.
- Trade Unions, on the basis of collective bargaining, if you are a member of that trade union.
- Any person specified by you, where you ask us to provide a reference to that person such as financial institutions or prospective employers.
- In the context of the transfer of part our business, to a prospective new employer, for example if the Council decided to set up an arm's length organisation to deliver part of its services.
- The Council has a duty to protect public funds. We may check your information within the Council for verification purposes and/or for the prevention of fraud. We may share your information with other organisations where we are required to do so for the purposes of the prevention or detection of crime.

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 your employment contract.

Registration with the Council's ICT services means that your name, job title, work location, work email address and work telephone number will be displayed on the internal council telephone directory. You can elect to add a photo to this profile which will not be used for any other purpose.

### **Do you use any automated processes to make decisions about me?**

The Council does not use profiling or automated decision-making processes in relation to employees. Some processes are semi-automated (such as anti-fraud data matching) but a human decision maker will always be involved before any decision is reached in relation to you.

### **Will we send your information outwith the UK?**

We do not transfer your information outwith the UK. Where it becomes necessary to do so we would ensure appropriate safeguards are in place.

### **How long do we keep hold of your information?**

We keep your information for as long as necessary to fulfil the purposes we collected it for. As a guide, we anticipate your personal data will be held as follows:

- Salary information - 7 years after the financial year the payment was made in.
- Personnel Records - 7 years after termination or 50 years after termination if you are employed in a post which requires PVG Membership.
- Accident and incident reporting - 10 years after the accident/incident.

- Employment Tribunal Claims - 6 years after the case is closed.

Please contact the Data Protection Officer if you would like more detail.

## **Do I have to provide my personal data to you?**

You have some obligations under your employment contract to provide us with data.

Where the data is needed to enter into a contract with you, or carry out that contract, if you do not provide this data, we may not be able to enter into, or continue, the contract. For example, if you do not provide your bank details, we may not be able to pay you.

In some circumstances, the provision of your data is a statutory requirement. This includes:

- Documentation confirming your right to work in the UK - if you don't provide this, we may not be able to employ you, or we may need to terminate your contract.
- Statutory information you must provide to us if you wish to take maternity, paternity, adoption, shared parental leave or parental leave, or claim statutory payments in relation to such leave. If you don't provide this, we may not be able to comply with our legal obligations and / or provide relevant benefits to you.
- Gender, Date of Birth, National Insurance Number and Address details in order that we can create a valid payroll record for Income Tax and National Insurance purposes.

You do not need to provide us with equality monitoring data (ethnic origin, religion, disability, sexual orientation or transgender status). However, if you do so this will be held in the strictest confidence and used to help us comply with our Public Sector Equality Duty.

## **Identity and contact details of the Controller and the Data Protection Officer.**

Orkney Islands Council is the Data Controller. You can contact the Data Protection Officer at:

Gavin Mitchell.

School Place.

Kirkwall.

KW15 1NY.

[corporateservices@orkney.gov.uk](mailto:corporateservices@orkney.gov.uk)

Further information about my rights, how to exercise them and how the Council will use my personal information?

This information is available in the Council's general [Privacy Notice](#).

## Document control Sheet

### Review/Approval History.

Date.	Name.	Position.	Version Approved.
27 August 2019.	Gavin Mitchell.	Head of Legal Services.	V1.0.

### Change Record Table.

Date.	Author.	Version.	Status.	Reason.
7 October 2019.	George Vickers.	1.1.	Final.	Added reference to audio-casting.
2 December 2019.	George Vickers	1.2.	Final.	Corrected retention period for personnel files which need PVG checks and amendments to improve the flow.

### Status Description.

Final - The document is complete and is not expected to change significantly. All changes will be listed in the change record table.

### Links to OIC policies, procedures and iLearn:

Website links	OIC Portal links	GLOW links
<a href="#">Data Protection Policy.</a>	<a href="#">Data Protection and Information Security.</a>	<a href="#">Information Governance links.</a>
<a href="#">Records Management.</a>	<a href="#">Records Management.</a>	-
<a href="#">Freedom of Information.</a>	<a href="#">Freedom of Information.</a>	-
<a href="#">iLearn.</a>	<a href="#">iLearn.</a>	-