

## **North East Scotland College – Privacy Notice for Staff**

### **What is the purpose of this document?**

The College is committed to protecting the privacy and security of your personal information.

This privacy notice provides you with information regarding how and why we collect and use personal information about you, who we share your information with and your rights under the General Data Protection Regulation (GDPR) in relation to that information.

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

### **Data Protection Principles**

We will comply with the six data protection principles under the GDPR, which say that personal data must be:

1. Processed fairly and lawfully and in a transparent manner;
2. Collected for specified, explicit and legitimate purposes and processed in accordance with such purposes
3. Adequate, relevant and not excessive for the purpose
4. Accurate
5. Not kept longer than necessary; and
6. Processed in a way that protects the integrity and confidentiality of the personal data

### **What information does the College collect?**

The College collects and processes 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 the organisation;
- information about your remuneration, including entitlement to benefits such as pensions;
- 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;
- PVG information, via Disclosure Scotland;
- details of your working pattern (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, 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, training you have participated in, performance development plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The College collects this information in a variety of ways, eg, through application forms, CVs or resumes; 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; from correspondence with you; or through interviews, meetings or other assessments.

The College also collects personal data about you from third parties, such as references supplied by former employers 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.

### **Why does the College process personal data?**

The College needs to collect and process personal data about you in order to manage the employment relationship, for example to pay your salary and make other benefits available to you. We will process your personal data where the processing is necessary to comply with a legal obligation. 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.

We may also process your personal data where we need to protect your interests (or someone else's interests), or where it is needed in the public interest or for official purposes.

The College will also process personal data where it has a legitimate interest, before, during and after the end of the employment relationship, for example to:

- 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 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;
- ensure effective general HR and business administration; and
- provide references on request for current or former employees

We may process special categories of personal data in order to exercise our rights and obligations as your employer and having regard to equality legislation:

- relating to your health and to monitor sick leave and take decisions as to your fitness to work
- relating to a protected characteristic to monitor our compliance with equal opportunity and diversity legislation
- in order to comply with legal requirements

Information about trade union membership may be processed to allow the organisation for union subscriptions.

### **Sharing your data**

The College may share your data with organisations in the following categories:

- Authorised agencies or departments of the Scottish or UK Governments, for example: Disclosure Scotland; Scottish Further & Higher Education Funding Council (SFC); HMRC; Health & Safety Executive
- Pension Scheme providers, where you are enrolled in one
- Staff benefits providers
- Teaching and non-teaching unions and representative bodies (eg EIS, Unison, ACAS, General Teaching Council for Scotland)
- Auditors
- Occupational health services, where appropriate
- Service providers to the College, eg, lawyers, systems providers
- Other employers where you have permitted them to request a reference from us
- Your bank, in order that you can be paid

Any sharing of data is subject to appropriate safeguards to protect your data. The College will not transfer your data to countries outside the European Economic Area.

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

The College takes the security of your data seriously. The College has measures 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.

Where the organisation 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 College keep data?**

Your data will be kept in line with the College's Data Retention Schedule.

### **Your data rights**

You may have the following rights over your data, which are set out under the GDPR. These rights are not automatic and are dependent on the provisions of the GDPR. Under certain circumstances, you have the right to:

- Request access to and obtain a copy of your data on request;
- Request that we change incorrect or incomplete data;
- Request the College to delete or stop processing your data
- Object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing; and
- Ask the College 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.

If you are unsure of your rights or wish to exercise any of your rights, please contact the Data Protection Officer, Linda Taylor.

If you believe that the College 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 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 the organisation 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 organisation to enter a contract of employment with you. If you do not provide other information, this will hinder the organisation'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.

**Changes to this privacy notice**

We reserve the right to update this privacy notice at any time. This notice does not form part of the contract of employment.

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