# PRIVACY NOTICE
# RECRUITMENT AND EMPLOYMENT RECORDS

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# Recruitment and Employment Records Privacy Notice

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# 1. Recruitment and employment privacy notice

1.1 Our core data protection obligations and commitments are set out in the Council's primary privacy notice. Details can be found via the link below:

https://www.bury.gov.uk/index.aspx?articleid=10637

1.2 This notice provides additional privacy information for:

- applicants;
- employees (and former employees);
- workers (including agency, casual and contracted staff);
- volunteers;
- trainees and those carrying out work experience.

It describes how we collect, use and share personal information about you

- before, during and after your working relationship with us, and the types of personal information we need to process, including information the law describes as 'special' because of its sensitivity.

1.3 It is important that you read this notice, together with any other privacy information we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

# 2. What is the purpose of processing data?

2.1. The Council collects and processes personal and sensitive personal data relating to its employees to manage the employment relationship.

2.2 The main reasons for processing your personal information are:

- Undertaking pre-employment and verification checks during the recruitment process; including qualifications and legal entitlement to work in the UK
- Checking, where relevant to the role and in compliance with the
- Rehabilitation of Offenders Act 1974, criminal records to determine
- suitability for employment
- Making a decision about your recruitment or appointment
- Determining the terms on which you work for us
- To ensure effective general HR and business administration (including payroll and pensions administration and performance management)
- Paying you and, if you are an employee, deducting tax and National Insurance contributions
- Liaising with your pension provider
- Making decisions about salary reviews and compensation
- Assessing qualifications for a particular job or task, including decisions about promotions
- Business management and planning, including accounting and auditing

- To maintain accurate and up to date employment records and contact details
- To gather evidence for possible grievance or disciplinary hearings
- To operate and keep records of:
  - disciplinary and grievance processes
  - employee performance and related processes
  - education, training and development requirements
  - absence and absence management procedures
  - all types of leave
- To obtain occupational health advice
- Making decisions about your continued employment or engagement
- Making arrangements for the termination of our working relationship
- To deal with legal disputes involving you, or other employees, workers and contractors, including accidents at work
- To ascertain your fitness to work
- To manage sickness absence
- To comply with health and safety obligations and public access legislation
- To prevent fraud, including sharing and matching of personal information for the national fraud initiative
- To conduct data analytics studies to review and better understand employee retention and turnover rates
- For equality monitoring purposes. Data used for this purpose is anonymised.
- To administer the Live Better Feel Better service
- To set up training courses with training providers, including apprenticeships using the online Digital Apprenticeship System

## 3. What types of personal data do we handle?

3.1 In order to carry out our activities and obligations as an employer we process personal information in relation to:

- Personal demographics including birth, gender, gender identity, marriage and civil partnership and caring responsibilities
- Photographs, CCTV footage and other information obtained through electronic means
- Contact details such as names, addresses, personal email address, and telephone numbers and emergency contacts
- Recruitment records (including CV, application form, qualifications, references, pre-employment and verification checks)
- Employment records (including your workplace, job title, national insurance number, training records, professional memberships, proof of eligibility to work in the UK and security checks)
- Bank account details, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Information relating to health and safety (including accident and incident details)
- Information about your use of our information and communications systems
- Disciplinary and Grievance information (including Employment Tribunal applications, complaints)

- Third Party information including contact details of Emergency Contacts and Next of Kin.

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

- Information about your race, religion or belief, sexual orientation (including ensuring meaningful equality monitoring and reporting)
- Trade union membership (ensuring compliance with employment law and paying subscriptions).
- Medical information, including physical and mental health conditions,
- disability, fit notes, sickness records and occupational health records (to ensure compliance with employment and other laws, assess fitness to work and monitor and manage absence)
- Offences (including alleged offences), criminal proceedings, outcomes and sentences
- Genetic information and biometric data
- Care leaver or looked after child status, or information in respect of an EHCP (generally relating to work experience, internships, traineeships or apprenticeships)

3.3 We recognise the need to treat staff personal data in a fair and lawful manner and aim to maintain high standards and adopt best practice for our record keeping. Your information is never collected or sold for direct marketing purposes.

3.4 We will only collect information about criminal convictions if it is appropriate for the employment role and where we are legally permitted or required to do so. We collect information about criminal convictions as part of the recruitment process or may be notified of information directly by you or a 3rd party in the course of your recruitment or employment.

3.5 We do not need your consent to use personal or special categories of your personal information to carry out our legal obligations or exercise specific rights in the field of employment law, social security and social protection. In limited circumstances, we may approach you for your written consent to allow us to process your personal information. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us and that where consent is given, you have the right to withdraw it at any time (without affecting the lawfulness of our processing prior to the withdrawal of your consent).

3.6 Your data is held on information assets which can either be electronic or paper-based. Information Assets are listed on the Council's Asset Register.

## 4. Legal basis for processing your data

4.1 The legal basis we rely on for processing your personal information are:

- entering into or performing obligations under your contract of employment
- performing or exercising obligations or rights under employment law, social security law or social protection
- general legal obligations we must meet
- where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards
- where it is needed in relation to exercising or defending legal rights (e.g. in relation to legal proceedings and claims)
- your consent (in situations where you have a genuine choice and control over whether your information is processed, including the right to withdraw your consent at any time without detriment)
- our legitimate interests (or those of a third party) provided your interests and fundamental rights do not override those interests
- fraud prevention and protection of public funds
- compliance with any Court Orders
- where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent

4.2 Examples of our legitimate interests are:

- to monitor your use of our information and communication systems to ensure compliance with our IT policies
- to ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
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## 5. Consequences if statutory or contractual information is not provided

5.1 If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

This could damage employment relationship /result in breach of contract.

## 6. Information sharing

6.1 Your information will be shared internally within HR teams, the Recruitment and Contracts Team, Pay Services, your line manager, managers in the business area in which you work, business

administration and support and ICT staff if access to the data is necessary for the performance of their roles.

6.2 In addition to the general reasons for information sharing described in the Council's primary privacy notice

- we may share information about you with third parties where required by law, where necessary to fulfil your contract of employment or where we or a third party has a legitimate interest
- for the purposes of the National Fraud Initiative conducted by central government under Section 33 and Schedule 9 of the Local Audit and Accountability Act 2014
- in connection with school workforce census as provided for in Section 114 of the Education Act 2005 and the associated Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007/2260, which affects some directly employed council staff working in education
- to obtain pre-employment references from other employers
- to obtain necessary criminal record checks from the Disclosure and Barring Service
- under our duties to comply with any court orders that may be imposed.

6.3 Any disclosures of personal data are always made on case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances and with the appropriate security controls in place.

## 7. Where we get our information

7.1 As well as information directly collected from candidates in the recruitment process and from employees during the course of employment, we also collect or receive information from:

- former employers
- referees
- employment agencies
- Disclosure and Barring Service
- complainants (e.g. service users/employees)
- next of kin
- health professionals
- public sources, if relevant to employment and job role

## 8. Automated decisions

8.1 All the decisions we make about you involve human intervention.

## 9. Data transfers beyond the EEA

9.1 Your information is not processed overseas.

## 10. Data retention criteria

10.1 We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any future legal, accounting, or reporting requirements.

10.2 Once your employment ends we must continue to retain necessary information for a maximum of 6 years and for pensionable employees, certain employment records must be kept until after pension benefits become payable.

10.3 Our Retention Schedule outlines how long we retain certain types of information.

## 11. Rights of individuals

11.1 You have a number of legal rights in relation to your personal information. These apply regardless of your employment status with the Council.

11.2 You have a right to be informed about how and why your personal information is being processed. This notice fulfils that obligation. You also have a number of other rights; these include:

- Accessing and obtaining a copy of your data on request
- Requiring the Council to change incorrect and incomplete data
- Asking for your information to be deleted or removed where there is no need for us to continue processing it
- Restricting processing
- Data portability

11.3 For more information please contact David Hipkiss, Risk and Information Governance Manager on 0161 253 6677.

Or refer to guidance on the ICO webpage

https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/

## 12. Review

12.1 We may update or revise this Privacy Notice from time to time and provide supplementary privacy information as is necessary to the Council's current workforce.