# PRIVACY NOTICE
# RECRUITMENT AND EMPLOYMENT RECORDS FOR SCHOOLS

**Children, Young People and Culture Human Resources**

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# Recruitment and Employment Records Privacy Notice

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Bury Council (the Council) provides Human Resources and payroll services to the school under a service level agreement. In Community and Voluntary Controlled schools Bury Council is the employer. In Voluntary Aided and Foundation schools and Academies that purchase the above services from the Council, the Governing Body or the Board of Trustees is the employer.

This Privacy Notice sets out how Bury Council, as the provider of the above services to the school, will use and protect an individual's data and the purposes for which it will be used.

## 1. Recruitment and employment privacy notice

1.1 The Council's core data protection obligations and commitments are set out in the Council's primary privacy notice 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 the Council collect, use and share personal information about you before, during and after your working relationship with your employer, and the types of personal information the Council 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 provided on specific occasions when the Council are collecting or processing personal information about you, so that you are aware of how and why the Council is using such information.

## 2. What is the purpose of processing data?

2.1. The Council collects and processes personal and sensitive personal data on behalf of the school to assist with managing the employment relationship.

2.2 The main reasons for the processing of your personal information by the Council are:

- Assist with the undertaking of 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;
- Assisting in the decision making process about your recruitment or appointment;
- Determining the terms and conditions of employment on which you work;
- 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;
- Assisting in 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;
- To assist with making decisions about your continued employment or engagement
- To assist with making arrangements for the termination of the working relationship
- To assist in dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work
- To ascertain your fitness to work on behalf of the school
- To assist with the management of 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.

## 3. What types of personal data does the Council handle?

3.1 In order to carry out the activities and obligations as a service provider, the Council will 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 the Council's 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 The Council 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 The council, on behalf of the school, recognises the need to treat staff personal data in a fair and lawful manner and aim to maintain high standards and adopt best practice for all record keeping. Your information is never collected or sold for direct marketing purposes.

3.4 The Council will only collect information about criminal convictions if it is appropriate for the employment role and where legally permitted or required to do so. The Council collects 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 The Council, as the service provider, does not need your consent to use personal or special categories of your personal information to carry out its legal obligations or exercise specific rights in the field of employment law, social security and social protection. In limited circumstances, the Council may approach you for your written consent to allow for the processing of your personal information. If needed, the Council will provide you with full details of the information required and the reason it is needed, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract that you agree to any request for consent from the Council and that where consent is given, you have the right to withdraw it at any time (without affecting the lawfulness of 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 the Council relies on, as a service provider, for processing your personal information is:

- 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 that must be met
- where it is needed, to assist with an assessment of 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)
- the legitimate interests of the school or the council (or those of another 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 the Council's legitimate interests are:

- to monitor your use of information and communication systems to ensure compliance with IT policies
- to ensure network and information security, including preventing unauthorised access to computer and electronic communications systems and preventing malicious software distribution.

## 5. Consequences if statutory or contractual information is not provided

5.1 If you fail to provide certain information when requested, the Council may not be able to perform the contract entered into with the school (such as paying you or providing a benefit), or the Council may be prevented from complying with any legal obligations (such as to ensure the health and safety of 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, Governors, Trustees (as appropriate) your line manager, managers in the school 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

- The Council may share information about you with third parties where required by law, where necessary to fulfil your contract of employment or where the Council 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 any 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 does the Council get the information from?

7.1 As well as information directly collected from candidates in the recruitment process and from employees during the course of employment, the Council also collects or receives 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 the Council makes 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 The Council will only retain your personal information for as long as necessary to fulfil the purposes it was collected for, including for the purposes of satisfying any future legal, accounting, or reporting requirements.

10.2 Once your employment ends the Council 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 The Council's Retention Schedule outlines how long certain types of information are retained and this is viewable from this link http://intranet/index.aspx?articleid=14226

## 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 continued need for the processing of it
- Restricting processing
- Data portability

11.3 For more information please contact your Data Protection Officer or your Information Governance Provider.

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 The Council 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.