

# **EAST RENFREWSHIRE COUNCIL**

## **PRIVACY NOTICE**

### **Human Resources**

### **Department of Corporate and Community Services**

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## **PRIVACY NOTICE –Human Resources and Payroll**

This privacy notice explains how East Renfrewshire Council's Human Resources team collects, manages, uses and protects your data. It outlines the type of data we hold, why we hold it and how we use that data in relation to your contract of employment and other services that we provide to our employees and to the Council.

### **Context**

East Renfrewshire Council is the data controller for the information you provide during a Human Resources/Payroll (HR) process unless otherwise stated. This information may be collected through your initial recruitment process and/or other HR processes during your employment or through any HR forms that you are required to complete.

This privacy notice describes the recruitment process in some detail as that is the initial route through which your personal data is collected. Other processes are also included that also may apply during your employment with the Council.

If you have any queries about the processes or how we handle your information please contact us at the address given below.

### **What is the legal basis for us to process your information?**

#### **To fulfil our contractual obligations to you**

The Council processes your information because either:

- you have asked us to consider your application for a post with the Council and we need to process your personal data in order to do so
- you have an employment contract with the Council and we need to process your personal data to comply with our obligations under the contract.

#### **To lawfully process special category data**

The law gives certain types of information special significance under article 9 (2) (b) of the General Data Protection Regulation (GDPR) because of its sensitivity e.g. health or equality information. If we process this type of information about you in relation to your application or employment we do so as processing is necessary for the purposes of carrying out the obligations and exercising specific rights of East Renfrewshire Council or you in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

### **Job applicants, current and former East Renfrewshire Council employees**

#### **What information do we ask for, and why?**

Your information is processed in order for us to fulfil the terms of your contract of employment and other associated processes connected to your employment with the Council. We do not collect more information than we need to fulfil our stated purposes and will not retain it for longer than is necessary.

The information we ask for at the recruitment stage is used to assess your suitability for employment. You do not have to provide what we ask for but it might affect your application if you do not. In other processes, the implications of not providing the information asked for will be explained to you at the time. For example, without the correct information, you may not receive the pay or benefit that you are entitled to. Deliberately providing false information in order to secure employment or to affect another aspect of your employment contract may result in your dismissal.

### **What will we do with the information you provide to us?**

Your information will be accessed by HR employees and line managers as described in this notice.

All of the information you provide during the recruitment process will only be used for the purpose of progressing your application and other aspects of your employment should you come to work with us, or to fulfil legal or regulatory requirements as necessary.

We will not share any of the information you provide during the recruitment process and during your employment with any third parties for marketing purposes or store any of your information outside of the United Kingdom (UK). The information you provide will be held securely by us and/or our data processors whether the information is in electronic or physical format.

### **Application stage**

If you use our online application system, this will be collected by a data processor on our behalf (They are called Lumesse, although the system we use is called myjobscotland.)

We ask you for your personal details including name and contact details. We will use the contact details you provide to contact you to progress your application. We will use the other information you provide to assess your suitability for the role you have applied for.

We will ask you about your previous experience, education, referees and for answers to questions relevant to the role you have applied for. Our HR recruitment team (HR Direct) will have access to all of this information.

You will also be asked to provide equal opportunities information. This is not mandatory information – if you do not provide it, it will not affect your application. This information will not be made available to any employee outside of our HR Direct and Systems teams, including recruiting managers, in a way which can identify you during the recruitment process. At the recruitment stage, any information you do provide will be used only to produce and monitor equal opportunities statistics.

For unsuccessful job applicants, information provided through our recruitment procedures will be retained within HR for 6 months and then destroyed in line with our retention schedule. For successful applicants, this information will form part of your personal file and will be stored electronically through an internally used records system called Information at Work. This system is managed within HR and data held is accessible to the HR team members and line managers as appropriate.

### **Shortlisting**

Our recruiting managers' shortlist applications for interview. They will not be provided with your full name (unless you have written your name in full on your application) or your equal opportunities information if you have provided it. They will be provided with all the other information you have included as part of your application.

## **Assessments**

We might ask you to participate in assessment days; complete tests or occupational personality profile questionnaires or psychometric testing; and/or to attend an interview – or a combination of these.

Information will be generated by you and by us. For example, you might complete a written test or we might take interview notes. This information is held by the Council within HR, Thomas International and any recruitment consultant we use as appropriate (see below).

## **How do we make decisions about recruitment?**

Final recruitment decisions are made by recruiting managers with support from a recruitment panel. Members of HR Direct and HR Business partner support teams will provide advice to the managers as appropriate. All of the information gathered during the application process is taken into account.

You are able to ask about decisions made about your application by speaking to the chair of the recruitment panel, your contact within HR Direct or by emailing [HRDirect@eastrenfrewshire.gov.uk](mailto:HRDirect@eastrenfrewshire.gov.uk)

## **Conditional offer**

If we make a conditional offer of employment we will ask you for information so that we can carry out pre-employment checks. You must successfully complete pre-employment checks to progress to a final offer. We are required to confirm the identity of our employees, their right to work in the United Kingdom and seek assurance as to their trustworthiness, integrity and reliability.

You will therefore be required to provide:

- Proof of your identity and qualifications if applicable – you will be asked to attend our office with original documents of which we will take copies. Copies may be taken by Customer First on our behalf.
- For some posts (depending on the duties involved), we will require you to complete a Disclosure Scotland application form for a Basic Criminal Record check or in connection with membership of the Protection of Vulnerable groups (PVG) scheme which will verify your declaration of unspent convictions (for the former) or spent convictions for the latter.
- We will contact your referees directly using the details you provide in your application to obtain references. Please make sure that you have told your referees that you have given their information to East Renfrewshire Council. We will only use this information to contact them in order to take up references at this stage in the recruitment process. If they want any more information on how we will use their information they can contact HR Direct; [HRD@eastrenfrewshire.gov.uk](mailto:HRD@eastrenfrewshire.gov.uk)
- We will also ask you to complete a questionnaire about your health. This is to establish your fitness to work. In some cases, it may be necessary for us to send your questionnaire to our Occupational Health Advisor for a report on your fitness to work. On some occasions, this may involve you attending for a medical. This is done through People Asset Management Systems PAMS) (see below).
- Your bank details in order to process salary payments

Once we have confirmed an offer of employment to you, we will then contact your previous employers as necessary to confirm continuous and reckonable service.

## **Criminal Conviction information**

You will be asked to bring to your interview a completed criminal records declaration to declare any unspent convictions or spent convictions depending on the duties of the post to which you are appointed. This is only opened for the successful applicant with those from the unsuccessful applicants destroyed unopened. If you are successful, your declaration will be stored in your personal file and destroyed as described below. If you are required to have membership of the PVG scheme, any correspondence received from Disclosure Scotland regarding this will be retained in your personal file.

The Council does not process criminal conviction information and only retains that information provided by the applicant or Disclosure Scotland. Disclosure Scotland only disclose this information to legitimate organisations who have a legal right to have access to this information (such as the Council) under Part V of the Police Act 1997, the Protection of Vulnerable Groups (Scotland) Act 2007, or can display a legal right to do so. However, Disclosure Scotland reserves the right to share information with the police where it believes a crime may have been committed.

## **After you start working**

You require to provide all the above information as well as a satisfactory medical questionnaire/report in order to commence work. In addition, if your post has required you to submit an application to Disclosure Scotland then you will be unable to start work until a satisfactory basic disclosure or PVG check has been received.

Should a medical questionnaire/report or a Disclosure check not be satisfactory, this will be discussed with you before we decide if we might need to review your suitability for the role or how you perform your duties.

During your employment with the Council, there will be occasions when you need to provide us with additional information in connection with your employment contract and the terms and conditions to which it applies. If the information requested is not in relation to your employment contract then an explanation of the basis of that request will be provided as well as the necessary privacy information.

Employee's personal files are held electronically in Information@Work and will contain all information relevant to your employment. This includes recruitment information as described above, any correspondence with you and any documentation held in relation to an HR procedure, i.e. discipline, grievance, maximising attendance or performance management. All documents are subject to our retention schedule.

You will have the opportunity to provide the Council with your emergency contact details. You can access and amend these at any time through my insider. (More information on this self-service facility is given below.) This is so we know who to contact in case you have an emergency at work. If you give us this information, please make sure that you have told your emergency contact that you have given their information to East Renfrewshire Council. We will only use this information to contact those people in the event of an emergency. If they want any more information on how we will use their information they can contact HR Direct on [HRD@eastrenfrewshire.gov.uk](mailto:HRD@eastrenfrewshire.gov.uk)

You will be sent a copy of the Council's Code of Conduct as part of your 'Employees Essentials' pack which is sent to you along with your contract. A section of this Code requires all employees to declare if they have any potential conflicts of interest. If you complete a declaration, the information will be held by the Deputy Chief Executive in a register that is kept for that purpose.

## **How long is your personal information retained for?**

### **Unsuccessful job applicants**

If you are unsuccessful at any stage of the recruitment process, the information you have provided until that point, including interview notes, will be retained for 6 months from the closure of the recruitment process before being confidentially destroyed.

### **Successful applicants and Council employees**

If you are successful, the information you provide during the application process will be retained by us as part of your employee file for the duration of your employment plus 6 years after you leave. This includes your criminal records declaration, fitness to work, and references. Some other documents are held for shorter periods before being confidentially destroyed. However, depending on the post you hold some documents will be kept for 25 years. These include PVG and child protection related information. More information can be found in the Council's [retention schedule](#) which also provides details of how long we retain other documents that will form part of your personal file over your period of employment.

### **Equality Information**

Equal opportunities information is retained for 6 months for unsuccessful applicants as described above. For successful applicants, the information provided is entered into Resourcelink (as described below) to become part of your personal file.

Myjobscotland will provide us with management information about our recruitment campaigns. This is anonymised information which tells us about the effectiveness of campaigns, for example, from which source did we get the most candidates, equal opportunities information for monitoring purposes. This anonymised information will be retained for the current year plus 4 years.

## **Which data processors do we use?**

Data processors are third parties who provide elements of our HR services for us. We have contracts in place with our data processors. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will not share your personal information with any organisation apart from us. They will hold it securely and retain it for the period we instruct.

### **Myjobscotland**

Myjobscotland is operated and controlled by the Confederation of Scottish Local Authorities (COSLA) on behalf of its member organisations through software from Lumesse. Myjobscotland is the national shared recruitment portal for Scotland's 32 local authorities, the Scottish Fire and Rescue Service, and Further & Higher Education institutions. It advertises their job vacancies online through a single internet portal managed by COSLA.

If you use this online application system, you will provide the requested information to 'myjobscotland' as described above. Once you click 'apply now' on their website, they will hold the information you submit in a database managed by Lumesse on COSLA's behalf. East Renfrewshire Council is given limited access to this database, in order to process your application for a vacancy.

Myjobscotland has a process available that allows us to ask initial questions of you before you complete an application for a post. It can be used to prevent an application progressing if the correct answers are not given and in this format, is called automated decision making. However, we currently do not fully apply this automated process. If you are required to complete these initial questions then if you do not provide the necessary answer, you will be advised that you will not meet the essential criteria for the post. The appointing manager will also be made aware of this when your application progresses to them. Should we change this setting and the full automated process is used then we will amend this privacy notice accordingly.

#### Personality profiling

Thomas International provide online testing for us which can involve personality, aptitude and ability testing. If we ask you to complete one of these tests, we will send you a link to the test. Your answers will be provided by and held by Thomas International. Copies of the report will be given to the recruitment panel and a member of the HR team will also have access in order to be able to advise them. You will also receive a copy of the personality profile.

#### Brightwave

Brightwave provides the elearning facility for the Council's workforce. Elearning is accessed through the Intranet but personal data will be held by Brightwave. Each employee will be automatically pre-registered on Insider eLearning with their name and pay reference number supplied securely and encrypted from the Council's HR and Payroll System. This is to ensure every employee has a unique record and when you complete an elearning training course, this will automatically update your corporate training record. Brightwave therefore collect course tracking information such as your complete/incomplete status and automatically collect statistics about visits to their web site. This information is used to follow browsing preferences on their site for service improvement.

#### Recruitment Consultants

For some senior vacancies, we sometimes advertise through a recruitment agency and/or have them support some stage of the recruitment process. GDPR requirements will be managed through the procurement process on each occasion. Information processed by the recruitment consultants will be retained by the Council at the end of each interview process and not the Consultants so our retention policy will apply.

### **Who is your information shared with?**

#### Pension Schemes

Your details will be provided to either Strathclyde Pension Fund (Local Government Employees) who are the administrators of the Scottish Local Government Pension Scheme or Scottish Public Pension Agency (teaching employees) who administer the Scottish Teachers Pension Scheme. You will be auto-enrolled into the pension scheme and the details provided to the appropriate pension fund will be your name, date of birth, national insurance number and salary. Your bank details will not be passed to them at this time.

#### General Teaching Council of Scotland

General Teaching Council of Scotland (GTCS) carries out a wide range of statutory functions and initiatives to promote, support and develop the professional learning of teachers. The Council and the GTCS will share information with each other in connection with the recruitment of probationary teachers. The Council will also provide the GTCS with personal information under its statutory functions including under the 'fitness to teach' process which may include disciplinary information and sensitive health data.

### Scottish Social Services Council

The Scottish Social Services Council (SSSC) is the regulator for the social service workforce in Scotland. They register social service workers, set standards for their practice, conduct, training and education and support their professional development. The Council will share personal information with regard to the registration of social service workers including under the 'fitness to practice' process which may include disciplinary information and sensitive health data.

### Time for Talking

Time for Talking provides support to employees of the Council, often referred to as Employee Assistance Programmes (EAP's). If you contact them directly, then no information is shared with the Council. However, if you request an appointment through the Council, then only the necessary personal information will be shared with them in order to provide the appropriate support for you.

### Training providers

In order to provide certain corporate training courses, in particular those that lead to an accredited qualification, it will be necessary to share certain personal data with the training provider. GDPR requirements will be managed through the procurement process on each occasion.

### Gauge

Gauge by Pilat is a job evaluation/grading software that helps assess jobs but not the person assigned to it so no personal data is involved. However, in the past when job evaluation was undertaken of existing posts it was necessary to identify the current post holder. This data is currently held by Pilat but not processed.

## **Who do we jointly share your data with?**

### Occupational Health

People Asset Management Solutions (PAMS) provide our Occupational Health service. If we make you a conditional offer, we will ask that you complete a questionnaire which will help to determine if you are fit to undertake the work that you have been offered, or advise us if any adjustments are needed to the work environment or systems so that you may work effectively. If deemed necessary, this questionnaire will be sent to PAMS for an Occupational Health Advisor to review. The information you provide will be held by PAMS who will provide us with either confirmation that you are fit to work or a report with recommendations. You are able to request to see the report before it is sent to us. If you decline for us to see it, then this could affect your job offer.

During your employment, if an occupational health assessment is required under the terms of your contract, this will also be carried out by our Occupational Health Service. A request for a report will be sent to PAMS using their online system OHIO which will then generate a reply. This reply will be seen by your line manager and an HR Officer as necessary.

Occupational Health Records contain personal data and special category data. These clinical records are processed and created by PAM's healthcare professionals. The Council owns this data which they cannot process unless they employ healthcare professionals, as the consent obtained in processing the original data was given to a healthcare professional. This means that the Council shares your data with PAMS who then provide the Council with a report.

### Trade Unions

"Check-off" (also known as DOCAS) is a system under which the Council will deduct employees' trade union subscriptions from their salary through Payroll and transfer the money to the appropriate Trade Unions. The instruction to make a deduction and the appropriate amount is shared with the Council by your Trade Union from the information that you have provided them with. Payroll will then transfer your subscription to your Trade Union until instructed otherwise.

### **Other HR procedures not requiring a sharing agreement**

#### **Resourcelink**

If you accept a final offer from us, most of your HR records will be held on Resourcelink which is an internally used HR and payroll management system owned by Northgate Arinso (NGA). This will include your name, bank details, address, date of birth, national insurance number, work permits (if applicable), PVG information, salary and job history. This will also include any equality related information you have provided.

Resourcelink has a self-service module which allows you to view your personal details held on the system and amend non-restricted information. Your manager will also have access to such personal details including contact details, emergency contact, date of birth, training records, attendance history, online overtime and expenses and PRD history.

The payroll information can only be accessed by our Payroll team and certain HR employees. HR information is accessible to all HR employees. NGA Resourcelink employees have limited access to the system in order to deal with support calls. (Facilities Management administration also has limited access to their employee records only for personal details, pay and attendance.)

#### **Secondments**

Secondments into East Renfrewshire Council from external organisations will be managed with the assistance of the employing organisation. Predominately, your personal information will be held by your employing organisation. If you are seconded to the Council, we will ask that you provide any necessary information to allow the secondment to be managed as per the secondment arrangement with your employing organisation.

We might also ask you to complete our pre-employment checks or to go through the appropriate disclosure checks – both of which are described in this Notice above. Whether you need to do this will depend on the type of work you will be doing for us. We ask for this information for the same reasons as we do with our own employees, namely to ensure that you are fit to undertake the duties required and that you can pass the vetting process appropriate for the job. This information will be retained for the duration of your secondment plus 6 years following the end of your secondment.

#### **Where the Council acts as the third party**

There are circumstances where our payroll team will pass on your personal data to another organisation but only with your permission. For example, Prudential in respect of additional voluntary contributions, Health Shield when you have joined (or a Credit Union) or where an Order has been issued by a Sheriff Court in respect of recovery of debt. In such circumstances, you will have been in contact with this other body directly and to allow them to acquire your data, have given permission for us to pass it on to them. In the case of a Court Order, the Council is legally required to do this.

## **Who your information is shared with and how we protect it**

The information contained in this privacy notice about the different processes we undertake shows when your personal data is shared and with whom. In summary:

- Your information will be accessed by HR employees who need to do so in order to fulfil the contractual obligations between you and East Renfrewshire Council as well as any benefits that you are entitled to as a Council employee.
- Your line manager and those managers directly senior to them (through post to post reporting) will also have access to your personal data.
- If any service is provided on the Council's behalf by an external body (this can be both public and private sector), that agency will also have access to your information, for example the Council's Occupational Health provider as described above.

Workforce information is analysed internally in order to provide management information and inform future service delivery. In the majority of cases, this information will be used anonymously. Where there is a need to identify individuals within these reports, access outside HR will be limited to your line manager and those directly senior to them (as above). The Council also needs to ensure proper administration of its funds so details will be checked internally for fraud prevention and verification purposes.

Your information may also be shared with other Councils (for example to check continuous service or detect Council Tax fraud), public sector agencies, government departments (such as HMRC) and other private companies or entities (such as credit reference agencies or training providers). Where such requests have been generated by you, such as an application for a new mortgage or a loan, we will require confirmation of your consent before releasing the information. The Council is required under law to share information with bodies responsible for auditing or administering public funds.

The Council also generally complies with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate. Further information is available in our Data Protection policy about the factors we shall consider when deciding whether information should be disclosed.

## **Your rights**

Under the Data Protection Act 2018, you have rights as an individual which you can exercise in relation to the information we hold about you. You have the right to:

- Be informed as to how we use your data-via this privacy notice
- Access personal data held about you-see below
- Request rectification of your personal data-help us to make sure that all your personal information is accurate, complete and up to date. Contact HR Direct; [HRDirect@eastrenfrewshire.gov.uk](mailto:HRDirect@eastrenfrewshire.gov.uk)
- Request that the Council restricts processing of your personal data-this is not an absolute right but might apply while we are dealing with a request for correction of your data or while we are assessing an objection you have made to our use of your information. If you request this we will advise you if it will affect our ability to pay you correctly and/or comply with any other aspect of your contract of employment.
- Object to the processing of your personal data-you have an absolute right to object to the use of your personal data and the Council will have to demonstrate why it is appropriate to continue to use your personal data. In the majority of cases, this will be to allow us to fulfil our contractual obligations to you

- Ask us to delete your personal data-where we process your personal data in order to fulfil our contractual obligations to you, it is unlikely that this right will apply. However there are other reasons where, for example, you believe that we no longer need to hold the information for the purposes for which it was originally obtained or that our use of your personal information is contrary to law or our other legal obligations

### **Access to personal information**

Our Human Resources and Payroll teams try to be as open as they can be in terms of giving employees access to their personal information. If you agree, we will try to deal with your request informally, for example by providing you with the specific information you need over the telephone, by email or by arranging for you to meet with one of our HR team.

Former, as well as current employees, can find out what personal information we hold about them by making a 'subject access request' under the Data Protection Act 2018. To make a request to the Council for any personal information we may hold, you need to put the request in writing, addressing it to the Records Manager or [subjectaccess@eastrenfrewshire.gov.uk](mailto:subjectaccess@eastrenfrewshire.gov.uk).

### **Changes to this privacy notice**

We keep our privacy notice under regular review. This privacy notice was last updated on 24 May 2018.

### **How to make a complaint**

If you have an issue with the way the Council handles your information or wish to exercise any of the above rights in respect of your information, you can contact the Council's Data Protection Officer, whose contact information can be found at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk)

You have the right to complain directly to the Information Commissioner's office (ICO). The address of their Head Office is:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5EF. Telephone: 0303 123 1113. Alternatively, you can report a concern via their website at [www.ico.org.uk](http://www.ico.org.uk).

The ICO also have a regional office at 45 Melville Street, Edinburgh EH3 7HI. Telephone: 0303 123 1115 or e-mail: [scotland@ico.org.uk](mailto:scotland@ico.org.uk)

While you can go directly to the ICO, the Council would welcome an opportunity to address any issues you have in the first instance.