

HR Privacy Notice

Employee personal data

This notice is provided for clarification on what information the council needs in order to process information regarding employees. It is necessary for the council to gather, collect, store and process personal information relating to employees. We do this for employment purposes, to assist in the running of the council and/or to enable individuals to be paid.

The council puts measures in place to protect the privacy of individuals throughout this process.

Who is responsible for your information?

All personal information is held and processed by East Ayrshire Council in accordance with the Data Protection law. For information on the role of Data Controller, Data Protection Officer and Contact Details for the council, please refer to the 'Privacy Statement' of the council's [website](#)

What employee information do we need and why?

Employee personal data is required to be collected by the council in order to carry out its duties as an employer under the employee/employer contract. Information may also be used to offer employee benefit schemes or salary sacrifice schemes and in the provision of learning and development activities for employees to support them to deliver their duties.

Personal data includes identifiers such as Name, Address, Date of Birth, National Insurance Number, Tax code, Personal characteristics such as gender and ethnic group, qualifications/ training, and health, disciplinary or absence information.

Personal banking details are required in order to process all payments due in respect of employment with the council.

Information in respect of an employee's health may be gathered at different times via statutory health surveillance programs, statutory health assessments or as a result of our recruitment or attendance management arrangements. This information is captured to ensure that the council complies with statutory responsibilities, supports employee's health and wellbeing and manages attendance across the organisation. Information on employees preferred workstyles, strengths and learning preferences is also gathered to support effective performance delivery and team working through learning and development activities.

During employment or recruitment, an individual may be invited to disclose personal characteristic information as defined in the Equality Act 2010 and other equalities related information. This information is used for statistical monitoring of the composition of East Ayrshire Council's workforce.

Some posts require employees to have Disclosure checks or PVG checks made against them. In these cases the council may process information regarding criminal convictions (and any police intelligence regarding suspected criminality included in a PVG check) to

assess an employee's suitability for the post in question.

Some employees may also be service users. The council processes information on service users (including service users who are members of staff) in accordance with the privacy notices published for the various services we provide, and employees should consult those service delivery privacy notices for details of this processing.

What is the lawful basis for processing the data ?

The lawful basis for processing personal data are set out in Data Protection legislation. In this case the lawful basis for processing employees' data are:

- (1) Contract - The processing is necessary for a contract [between an individual and their employer]
- (2) Legal Obligation - The processing is necessary for the council to comply with the law
- (3) Public task - the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law
- (4) Consent - in limited circumstances, for instance relating to employee benefit schemes, the council may rely on employee consent to process their personal data. Where the council is relying on employee consent to process personal data then employees have the right to withdraw this consent at any time.

Special Category Data

Data Protection legislation defines Special Category Data as data relating to the processing of personal data regarding racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership and the processing of genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

The council will have a requirement to process some types of Special Category Data and in particular :

- racial or ethnic origin information for monitoring purposes
- health information for employee assistance and absence monitoring
- Trade Union information

The lawful basis for processing Special Category Data are :

- (1) The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or the employee in the field of employment law
- (2) The processing is necessary for the purposes of occupational medicine, for the assessment of the working capacity of the employee

Who will we share your information with?

The council may receive employee personal data from or share employee personal data with the following organisations:

- The Department for Work and Pensions and other Government departments;
- Police Scotland and other criminal investigation agencies;

- Scottish Public Services Ombudsman;
- The (UK) Information Commissioner;
- The Care Inspectorate;
- Scottish Social Services Council
- Disclosure Scotland
- Strathclyde Pension Fund
- Health & Safety Executive
- Trade Unions
- MyJobScotland
- The council's occupational health provider
- The council's external training providers
- The council's insurance provider, for the purposes of insurance policies held by the council in respect of Employers Liability Insurance, indemnification of employees and other insurance purposes as necessary
- Where workplace assessment for qualifications is undertaken, personal data may be shared with appropriate qualifications authorities such as the Scottish Qualifications Authority and City and Guilds for the processing of results and issuing of qualifications. Similarly such data may be shared with providers of external training courses to enable certificates of accreditation to be issued.

The council will also make any disclosures required by law and may also share this information with other bodies responsible for detecting/preventing fraud or auditing/administering public funds.

How long do we keep your information?

The council will only keep your personal data for as long as necessary. Full details of how long the council retains employee personal data can be found in the council's [Retention Schedule](#). After this time personal data will be securely destroyed.

Providing accurate information

It is important that we hold accurate and up to date information about employees. If any details have changed, or change in the future, then employees should ensure that they inform HR as soon as possible so that they can update their records.

Employee data processing rights

Under data protection legislation, employees have the right to request access to information about them that the council holds. Further details can be found in the council's [Privacy Statement](#)

Employees also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means; and
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed
- in certain circumstances, transfer their data to another organisation (data portability)
 - Employees can contact the council regarding their data protection rights and the

processing of their data. Details of how to do this can be found on the council's [Privacy statement](#).

If employees have a concern about the way the council is collecting or using their personal data, they should raise their concern in the first instance with their line manager and/or the council's Data Protection Officer; contact details can be found on the council's Privacy Statement.

Please note if your concern is not about a data protection matter and instead concerns employment matters, this should be raised initially with your line manager and if necessary through our individual grievance procedures.