



Date Created: 25th May 2018
Date Published: 25th May 2018
Version Number: 2.0

Service Area:	Human Resources
Work Area:	Human Resources
Contact Details:	Email hadmin@caerphilly.gov.uk Tel 01443 864337
Privacy Notice Name:	Employee Records
Description of Privacy Notice:	This privacy notice will explain the type of personal data we collect and process for employees who are employed by the Council, why we require it and who we share this data with.

How we will use your information

Purpose and legal basis for using your information

Purpose of processing

In order for the Council to effectively manage the employment relationship with its employees we require personal data to be collected and processed.

Please see Appendix 1 for further information on these purposes.

Legal basis for processing

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

1a. the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

Examples of this would include where you have asked us to provide information about you to another organisation e.g. Mortgage Companies.

1b. processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

Examples of this include us processing your bank details and the hours you have worked in order to pay you.

1c. processing is necessary for compliance with a legal obligation to which the controller is subject;

Examples of this include where we have a legal duty to share information about you with organisations such as the Department of Works and Pensions, National Fraud Initiative etc.

1f. processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Examples of this include the processing of your training records, sharing your details with the providers of Employee Benefits Schemes and the use of your photograph for ID Cards.

Data Protection legislation provides extra protection for certain classes of information called 'special personal data'. If any information falls within the definition of special personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

1(1) (a) the processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection.

6 (1) This condition is met if the processing—

(a) is necessary for a purpose listed in sub-paragraph (2), and
(b) is necessary for reasons of substantial public interest.

(2) Those purposes are—

(a) the exercise of a function conferred on a person by an enactment or rule of law;
(b) the exercise of a function of the Crown, a Minister of the Crown or a government department

8 (1) This condition is met if the processing—

(a) is of a specified category of personal data, and
(b) is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained,

Data Protection legislation also provides extra protection for personal data in relation to criminal convictions and offences. If any personal data falls within this category then an additional condition from Article 10 of the Regulations must be identified, as outlined below:

36 This condition is met if the processing would meet a condition in Part 2 of this Schedule but for an express requirement for the processing to be necessary for reasons of substantial public interest.

Conditions in Part 2 of the Schedule referred to above are those conditions for processing detailed above under Article 9 conditions for processing special personal data.

The right to withdraw consent

You have the right to withdraw your consent where the legal basis for processing is consent. To withdraw your consent, please contact the Service Area whose details are contained on the top of this document.

Who will have access to your information

Identity of Data Controller and Data Protection Officer

The Data Controller for your information is Caerphilly County Borough Council. The Data Protection Officer is:

Ms Joanne Jones
Corporate Information Governance Manager / Data Protection Officer
Email: dataprotection@caerphilly.gov.uk
Tel: 01443 864322

Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

Details of main users of your information

HR Department staff inc. Payroll, Health & Safety and Occupational Health.
Manager / supervisors relevant to position

Special personal information which is collected for equalities monitoring will only be seen by HR Department staff. Any reports containing equalities data will not identify individual applicants or employees.

Special personal information relating to a disability will only be seen by HR Department staff unless there is a requirement to make reasonable adjustments within the workplace in which case the Department Manager will need to be notified.

Details of any sharing of your information

Internal

Internal Audit has the right of access to all Caerphilly County Borough Council records for audit purposes under the Accounts and Audit Regulations.

If you make a compensation claim against Caerphilly County Borough Council these are dealt with by the Insurance Section who may need access to information about you for the purposes of administering or defending the claim.

External

In order to process the Councils long service award, relevant employee details will be provided to our supplier of this service. Employees will be advised when they qualify for the award and what personal details will be provided.

We will share employee details with the providers of Employee Benefits including Salary Sacrifice Schemes to the Council in order that employees can access the benefits of the schemes. These currently include: employee discounts; childcare vouchers; green car; cycle to work; eye care voucher scheme.

We have a legal duty to share information with HMRC and others in relation to Income Tax and National Insurance.

We will share your information with law enforcement agencies e.g. Police for the purpose of the detection or prevention of crime purposes, if in compliance with data protection requirements.

We may share information about you with professional standards associations such as Care Inspectorate Wales, Education Workforce Council, etc if in compliance with data protection requirements. This is not an exclusive or exhaustive list.

We will not share any criminal conviction and/or offence data about you with any external organisation unless we have a legal obligation to do so.

The Council participates in the National Fraud initiative which aims to prevent and detect fraud. The Council has a legal duty to share your personal data with other public sector organisations to assist in identifying potential fraud. A separate Privacy notice relating to the National Fraud Initiative can be found here:

<https://www.caerphilly.gov.uk/CaerphillyDocs/FOI/PrivacyNotices/PrivacyNoticeNFISept2018.aspx>

Requests for information

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection legislation.

If the information you provide is subject to such a request, where possible Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

How long will we retain your information

Details of retention period

How long Caerphilly County Borough Council retains information is determined through statutory requirements or best practice.

Employee's employment records will be retained in line with Caerphilly County Borough Council's Record and Retention Policy and Schedules.

Copies of these are available from the Corporate Information Governance Intranet. If you do not have access to the staff intranet please ask your manager / supervisor/HR.

Your Rights (Inc Complaints Procedure)

Your rights under the Data Protection

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: www.ico.org.uk.

To enact your rights please contact the service area detailed on the top of this form.

Complaints Procedure

If you are unhappy with the way that Caerphilly County Borough Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints

Appendix 1

Type of information	Examples	Data used for
Personal Data	Name Address Date of birth Marital status Nationality Race Gender Religion Disabilities Emergency contact details	Correspondence Recruitment Equality monitoring reports Emergency contact
Identification data	Photographs Passport Driving Licence Utility bills	ID Cards Recruitment
Employment data	Application Form References Pre employment checks Qualifications Training Employment contract Absence records Employment history PDR/Supervision records Disciplinary records Grievance records DBS* Salary Sacrifice Agreements	Recruitment Employee administration Manage employment relationship Safeguarding
Data required for payroll processing	Bank account details NI number Tax details Vehicle details Pension details	Salary payments Tax and NI records Expense payments Pension records
Security	IT system access details Photographs CCTV video images	Access to IT systems Access to buildings Security Prevention of crime

The above table provides an outline of the information held and is not an exhaustive list.

* A copy of the privacy notice relating to DBS applications can be found here:
https://www.caerphilly.gov.uk/CaerphillyDocs/FOI/PrivacyNotices/DBS_and_ID_external_verification.aspx