

## **How your personal Information is used by Human Resources and Employment and Reward.**

Here at Midlothian Council, we take your privacy seriously. Under the Data Protection Act 2018, you have a right to know how we collect, use and share your personal data.

This privacy notice explains how data is used for the purposes of managing the employment relationship between Midlothian Council and an employee. This activity is part of Finance and integrated Service Support provided by Midlothian Council.

### **Our Privacy Promise**

**We promise to collect, process, store and share your data safely and securely.**

### **Why do we need your personal information and what do we do with it?**

You are giving us your personal information to allow us to effectively manage your employment or prospective employment relationship with Midlothian Council and for us to meet our obligations to you as an employer or prospective employer.

Throughout the lifetime of your employment relationship with Midlothian Council the information you provide will be used for the following purposes:

- Your name, national insurance number and contact details, including your home address, telephone numbers and email addresses will be used to identify you and communicate with you as necessary.
- The contact details you provide for your emergency contact will only be accessed and used in an emergency situation.
- During the recruitment process or at times during your employment, information may be gathered to assess your suitability to perform specific roles such as PVG and disclosure checks. In addition, information will be gathered to check eligibility to work in the United Kingdom. Some posts require members of staff to have Disclosure checks or PVG checks made against them. In these cases the council will process information regarding criminal convictions (and any police intelligence regarding suspected criminality included in a PVG check) to assess your suitability for the post in question.
- Information in relation to employment history including information received from your nominated referees, qualifications, training certification, registration with professional bodies, and licenses (such as a driving licence) may be required in order to validate that you are appropriately qualified to undertake the activities of your role (or prospective role) and to ensure calculation of allowances or statutory payments for which you are entitled.
- Personal banking details are required in order to process all payments due to you in respect of your employment with Midlothian Council.

- Qualification for particular categories of leave; maternity, adoption, foster carer, kinship carer, shared parental and paternity leave may require you to provide additional information such as dates of confinement, to ensure that you meet the appropriate qualifying criteria and receive appropriate leave and payments.
- Information in respect of your health may be gathered at different times via statutory health surveillance programmes, statutory health assessments or as a result of our recruitment or Maximising Attendance at Work arrangements. This information is captured to ensure that we comply with our statutory responsibilities, support employee's health and wellbeing and manage attendance across the organisation.
- During your employment, you 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 Midlothian Council's workforce.
- In some circumstances an employee may engage in "case management" processes, such as attendance management, discipline and appeals, grievance or bullying and harassment complaints. In such circumstances, personal information is often disclosed by individuals and recorded in case notes. Such information will be considered as evidence in the case management decision making process. The outcome of such processes will be communicated to you and recorded on file.
- During the course of your employment, use of council equipment and premises may result in the collection of other data. This includes;
  - Dialed telephone numbers and the date, time and duration of incoming and outgoing calls.
  - Websites visited, including date, times of visit.
  - Emails sent and received, including dates, times, subject, recipient and sender.
  - Details of any media files stored on our network
  - The use of unencrypted usb devices
  - Clock in times when using time recording equipment
  - System login times
  - Door entry system recordings
  - CCTV footage
  - File and application access
  - Vehicle tracking
  - Voicemail

This information may be used for surveillance purposes, investigating and managing conduct and for data matching exercises.

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

## **Legal basis for using your information**

Processing your personal information is necessary for the performance of a contract with you (or in the case of recruitment, to take steps to enter into a contract with you). If you do not provide us with the information we have asked for then we will not be able to manage our employment relationship with you. Some information needs to be shared with external bodies because the council is under a legal obligation to do so.

## **Who do we share your information with?**

We are legally obliged to safeguard public funds so details will be checked internally for fraud prevention and verification purposes and may be shared with other public bodies for the same purpose. We are legally obliged to share certain data with other public bodies such as HMRC and will do so where the law requires this; we will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and proportionate. Information is also analysed internally in order to provide management information, inform service delivery reform and similar purposes. This is in accordance with the council's Information Use and Privacy Policy, the privacy statement set out in full on our website, and the provisions of our Records Management Plan approved in terms of the Public Records (Scotland) Act 2012.

In some circumstances there will be a requirement to share some information with organisations external to Midlothian Council:

- Depending upon the nature of your role, relevant information may be shared with relevant registered employment bodies such as the Scottish Social Services Council (SSSC) or General Teaching Council for Scotland (GTCS)
- Information gathered in respect of accidents at work may be shared with the Health and Safety Executive (HSE) as required.
- Where workplace assessment for qualifications is undertaken personal data may be shared with the appropriate qualifications authority such as the Scottish Qualifications Authority and City and Guilds, for the processing of results and issuing of qualifications.
- Your personal details may be shared with 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.
- If at any time during or subsequent to your employment you exercise your rights to enter into a dispute via the courts system, including employment tribunal, we may be required to share information in relation to your employment relationship with the courts or legal representatives as required.
- Where an employee is a member of the local government pension scheme, there is a requirement to share information to ensure appropriate contributions are made and benefit calculations can be made.

- In circumstances relevant personal data may be shared with third parties in respect of processing payroll deduction made in respect of salary sacrifice contributions, charitable giving arrangements, payments made to satisfy court orders, AVC scheme contributions, trade union subscriptions, credit union contributions
- If you have ever had an appointment with Midlothian Councils current or previous occupational health provider, you may have an occupational health record. Such records are retained by the current occupational health provider. The contents of your medical records are confidential and are not disclosed to Midlothian Council but will inform any occupational health reports issued to Midlothian Council by the occupational health provider. The legal bases for processing this special category of personal data is that it is necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of an employee, medical diagnosis, the provision of health or social care or treatment.
- In the event that Midlothian Council change occupational health provider, these medical records will transfer directly to the new provider and will not pass to Midlothian Council.
- The council is obliged to participate in the National Fraud Initiative in Scotland and in terms of this passes information on staff (primarily payroll data) to Audit Scotland for data matching to detect fraud or possible fraud. Details of this exercise can be found on Audit Scotland's website at <http://www.audit-scotland.gov.uk/our-work/national-fraud-initiative>.
- Midlothian Council is subject to freedom of information ("FOI") legislation. Often we receive requests which seek disclosure of information about members of staff. Such requests are assessed carefully and we will only release staff information in response to FOI requests if doing so is compatible with our obligations under data protection law.
- In circumstances where you agree to engage with our employee assistance provider as a result of a management initiated referral, relevant personal information will be shared with the provider to allow the counselling service to be delivered.
- Some officers may be required, as part of their duties, to attend or speak at council committees or subcommittees. If these meetings are webcast then images of the meeting (including the attendance or contribution of officers attending) may be published on the council's website.
- If you are the author of a committee report or named as the contact point in that report, your name, service and work telephone number will be published on the committee report on the council website.
- If as a Midlothian Council employee you apply for a job and cite Midlothian Council employee(s) as referee(s) we may have to provide the following information including employment history, salary details, absence levels and disciplinary history.

## International transfers

Information published on the council's website (including video footage of webcast meetings and committee reports) can be accessed from anywhere in the world.

In the event that you are referred for counselling by management via the Employee Assistance Programme and with your consent to our employee assistance provider, Workplace Options, in certain circumstances your personal data may transfer out with the United Kingdom and the Europe.

Calls are routed to the UK office in the first instance. Should all counsellors be unavailable in the UK, calls will be routed to another service centre where there is an available counsellor.

There is one case management system which is accessible in all service centres. The data for organisations in the UK is encrypted and stored in London.

This system is operated to ensure that employees seeking support at any time of day or night get to speak to a counsellor without going through a switchboard/operator system.

## How long do we keep your personal data?

Your personal data is kept in line with Midlothian Council's Retention Schedule. The retention schedule sets out the kinds of information the Council creates and uses, how long it should be kept, and what should be done with it at the end of its 'life'.

[Our Retention Schedule](#)

## Further Information

You can also find out more about how we use information to detect and prevent fraud or crime, information collected through our website, recorded telephone calls, CCTV, the rights you have under the Data Protection Act, and how to contact us by referring to the overarching Midlothian Privacy Statement.