

Privacy Notice – Employment Records

During the course of its employment activities, Brighton & Hove City Council collects stores and processes personal information about prospective, current and former staff.

This Privacy Notice covers employees (and former employees), workers (including agency, casual and contracted staff), volunteers, trainees, apprentices and those carrying out work experience.

Brighton & Hove City Council takes data protection seriously. Please be assured that your information will be used appropriately in line with data protection legislation; will be stored securely and will not be processed unless the requirements for fair and lawful processing can be met.

What information is being processed?

In order to carry out our activities and obligations as an employer we handle data in relation to:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, professional membership, references, experience and employment history, including start and end dates, with previous employers and with the council;
- information about your remuneration, including entitlement to benefits such as pensions, childcare vouchers or cycle to work schemes;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, special discretionary leave and the reasons for the leave;
- details of any disciplinary, grievance and capability procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence
- details of your driver's licence and car insurance policy to confirm you are lawfully able to drive for work purposes
- information about medical or health conditions, including whether or not you have a disability for which the council needs to make reasonable adjustments;
- information relating to health and safety
- details of trade union membership;

- offences (including alleged offences), criminal proceedings, outcomes and sentences
- Employment Tribunal applications, complaints, accidents, and incident details
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The council collects this information in a variety of ways. For example, data is collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment; from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the council collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

Data is stored in a range of different places, including in your personnel file, in the council's HR management systems and in other IT systems (including the council's email system).

Why does the council process personal data?

Brighton & Hove City Council needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefit, pension and insurance entitlements.

In some cases, the council needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.

In other cases, the council has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the council to:

- run recruitment and promotion processes;
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- operate and keep a record of disciplinary, grievance and capability processes, to ensure acceptable performance and conduct within the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;

- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the council complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- ensure effective general HR/Pensions/Payroll and business administration including accounting and auditing
- provide references on request for current or former employees;
- statutory reporting
- crime prevention and prosecution of offenders
- share and match personal information for national fraud initiative
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

Where the council relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes). Where the council processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

We aim to maintain high standards, adopt best practice for our record keeping and regularly check and report on how we are doing. Your information is never collected or sold for direct marketing purposes.

The council will not transfer your data outside the European Economic Area.

How long your information will be stored for?

Your information will be kept for 7 years after termination of employment unless special circumstances apply, e.g. records for those working in residential care homes will be kept for longer. For a full list of retention periods applicable to personnel files see the Brighton & Hove City Council Retention Schedule.

Sharing your information

There are a number of reasons why we share information. This can be due to:

- Our obligations to comply with legislation
- Our duty to comply any Court Orders which may be imposed

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. Information is only shared with those agencies and bodies who have a "need to know" or where you have consented to the disclosure of your personal data to such persons.

We may use the information we hold about you to detect and prevent crime or fraud. We may also share this information with other bodies that inspect and manage public funds.

We will not routinely disclose any information about you without your express permission. However, there are circumstances where we must or can share information about you owing to a legal/statutory obligation.

Use of Third Party councils

To enable effective staff administration, Brighton & Hove City Council may share your information with external companies to process your data on our behalf in order to comply with our obligations as an employer. The following services are currently provided by third party organisations or councils:

- Occupational health, including health assessments
- Counselling and employee assistance
- Sickness absence recording (including an optional nurse referral service)
- Employee relations advisory work supported by trained colleagues from East Sussex County Council, and Surrey County Council.
- Training, including provision of an electronic learning management system
- Shift booking service for Care Crew pool of casuals managed by Guidant Group

In addition, in the event that your job role is transferred to a new employer under the Transfer of Undertakings (Protection of Employment) regulations, your information will be shared with the new employer. You can always expect to be informed of this in advance.

Please rest assured that Brighton & Hove City Council requires these councils to comply with all relevant data protection legislation in handling your data.

Your Rights

Under data protection legislation, you have the right:

- To be informed why, where and how we use your information.
- To ask for access to your information.
- To ask for your information to be corrected if it is inaccurate or incomplete.
- To ask for your information to be deleted or removed where there is no need for us to continue processing it.
- To ask us to restrict the use of your information.
- To ask us to copy or transfer your information from one IT system to another in a safe and secure way, without impacting the quality of the information.
- To object to how your information is used.
- To challenge any decisions made without human intervention (automated decision making)

Please visit [Information Governance](#) for further details on this. Should you have any further queries on the uses of your information, please speak to the Human Resources team or email data.protection@brighton-hove.gov.uk

Should you wish to lodge a complaint about the use of your information, please contact Human Resources.

If you are still unhappy with the outcome of your enquiry you can write to: The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF - Telephone: 01625 545700

The Council is the data controller for purposes of the Data Protection Act (1998) and EU General Data Protection Regulation as of May 2018 and is registered as a data controller with the Information Commissioner's Office (ICO) under registration number **Z5840053**.