

Privacy Policy Staff and Councillors

Staff and Councillors Privacy Notice

Policy and Finance Committee Approved: July 2023

Due for next Review: July 2026

Fleet Town Council is the Data Controller for the use of personal data in this privacy notice. Fleet Town Council collect and process personal data relating to its employees to manage the employment relationship. The Council is committed to being transparent about how data is collected and used to meet the data protection obligations.

1. What information does the Council collect?

1.1 The Council collect any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the Data Protection Act 2018, the General Data Protection Regulation (the "GDPR") and other legislation relating to personal data and rights such as the Human Rights Act.

2. Information about criminal convictions

- The Council may only use personal data relating to criminal convictions where the law allows to do so. This will usually be where such processing is necessary to carry out obligations in line with the data protection policy.
- Less commonly, personal data relating to criminal convictions may be used where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- Personal data about criminal convictions will only be collected if it is appropriate given the nature of the role and where legally able to do so. Where appropriate, the Council will collect personal data about criminal convictions as part of the recruitment process or the Council may be notified of such personal data directly by you during your employment with the Council.

3. The Council works together with:

3.1 Other data controllers, such as local authorities, public authorities, central government, and agencies such as:

- HMRC.
- Staff pension providers.
- Former and prospective employers.

- DBS services suppliers.
- Payroll services providers.
- Recruitment agencies.
- Runnymede Borough Council (CCTV)

3.2 The Council may need to share personal data held with other data controllers so that they can carry out their responsibilities. The organisations referred to above will sometimes be “joint data controllers”. This means all data controllers are responsible to you for how your data is processed where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration, then the data controllers will be independent and will be individually responsible to you.

4. The Council will comply with data protection law.

4.1 This says that the personal data held about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that is clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes that have been informed to you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes that have been informed to you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access, and disclosure.

5. What data does the Council process?

- Names, titles, and aliases, photographs.
- Start date / leaving date.
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to legal obligations, or where you provide them to the Council, the Council may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, taxpayer identification numbers, staff identification numbers, tax reference codes and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed while carrying out activities, including but not limited to, CCTV footage, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries, and insurance claims.
- Next of kin and emergency contact information.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g., agency, staff referral)).
- Location of employment or workplace.

- Other staff data (not covered above) including level, performance management information, languages and proficiency, licences/certificates, immigration status, employment status, information for disciplinary and grievance proceedings, and personal biographies.
- CCTV footage.
- Information about your use of Council information and communications systems.
- Health data, including hearing assessments, which may be shared for the purposes of obtaining professional advice or to comply with legal obligations.

6. The Council use your personal data for some or all the following purposes:

6.1 Please note: The Council needs all the categories of personal data in the list above primarily to allow the Council to perform the contract with you and to enable to comply with legal obligations.

- Deciding about your recruitment or appointment.
- Determining the terms on which you work for the Council.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you.
- Liaising with your pension provider.
- Administering the contract, that the Council have entered with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance, and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Deciding for the termination of the working relationship with the Council.
- Education, training, and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of Council information and communication systems to ensure compliance with the Council's IT policies.
- To ensure network and information security, including preventing unauthorised access to the Council's computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with Council statutory functions and powers including any delegated functions.
- To maintain Council's own accounts and records.
- To seek your views or comments.
- To process a job application.
- To administer Councillors' interests.

- To provide a reference.

6.2 Processing may also include the use of CCTV systems for monitoring and security purposes.

6.3 Some of the above grounds for processing will overlap and there may be several grounds which justify the Council's use of your personal data.

6.4 The Council will only use your personal data when the law allows to do so. Most commonly, your personal data will be used in the following circumstances:

- To perform the contract. the Council have entered with you.
- To comply with a legal obligation.
- The Council may also use your personal data in the following situations, which are likely to be rare:
 - To protect your interests (or someone else's interests).
 - Where it is needed in the public interest (or for official purposes).

7. How the Council use sensitive personal data

7.1 The Council may process sensitive personal data relating to staff, Councillors and role holders including, as appropriate:

Information about your physical or mental health or condition to monitor sick leave and take decisions on your fitness for work.

Your racial or ethnic origin or religious or similar information to monitor compliance with equal opportunities legislation,

To comply with legal requirements and obligations to third parties.

7.2 These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. The Council need to have further justification for collecting, storing, and using this type of personal data.

7.3 The Council may process special categories of personal data in the following circumstances:

- In limited circumstances, with your explicit written consent.
 - Where it is needed to carry out legal obligations.
 - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
 - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

7.4 Less commonly, the Council may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

8. Does the Council need your consent to process your sensitive personal data?

- The Council does not need your consent if your sensitive personal data is used in accordance with the rights and obligations in the field of employment and social security law.
- In limited circumstances, the Council may approach you for your written consent to allow process of certain sensitive personal data. If the Council do so, the Council will provide you with full details of the personal data that is requested and the reason it is needed, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract that you agree to any request for consent from the Council.

9. What is the legal basis for processing your personal data?

9.1 Some processing is necessary for compliance with a legal obligation. The Council may also process data if it is necessary for the performance of a contract with you, or to take steps to enter a contract.

9.2 The Council will also process your data to assist you in fulfilling your role in the Council including administrative support or if processing is necessary for compliance with a legal obligation.

10. Sharing your personal data

10.1 Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give the Council your prior consent. It is likely that your data will need to be shared with:

- Agents, suppliers, and contractors of the Council. For example, a commercial provider may be asked to manage the HR/ payroll functions, IT support or to maintain our database software.
- Other persons or organisations operating within local community.
- Other data controllers, such as local authorities, public authorities, central government, and agencies such as HMRC.
- Staff pension providers.
- Former and prospective employers.
- DBS services suppliers.
- Payroll services providers.
- Recruitment agencies.
- Credit reference agencies.
- Professional advisors.

11. How long do the Council keep your personal data?

11.1 The Council will keep some records permanently if legally required to do so and some other records for an extended period. For example, it is currently best practice to keep financial records for a minimum period of 6 years to support HMRC audits or provide tax information.

11.2 The Council may have legal obligations to retain some data in connection with statutory obligations as a public authority. The Council is permitted to retain data to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3

years for personal injury claims or 6 years for contract claims) and will retain some personal data for this purpose if it is believed necessary to be able to defend or pursue a claim. In general, the Council will endeavour to keep data only for as long as needed. This means data will be deleted when it is no longer needed.

12. Your responsibilities

12.1 It is important that the personal data held about you is accurate and current. Please keep the Council informed if your personal data changes during your employment.

13. Your rights in connection with personal data

13.1 As a data subject, you have several rights. You can:

- access and obtain a copy of your data on request.
- require the Council to change incorrect or incomplete data.
- require the Council to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing.
- object to the processing of your data where the Council is relying on its legitimate interests as the legal ground for processing; and
- ask the Council to stop processing the data for a period if the data is inaccurate or there is a dispute about whether your interests override the Council's legitimate grounds for processing data.

When exercising any of the rights listed above, to process your request the Council may to verify your identity for your security. In such cases the Council will need you to respond with proof of your identity before you can exercise these rights.

The right to lodge a complaint with the Information Commissioner's Office.

- You can contact the Information Commissioner's Office on 0303 123 1113 or via their online web form at <https://ico.org.uk/global/contact-us/> or by letter to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

14. Transfer of Data Abroad

14.1 All the information you provide is held within the UK and European Economic Area

15. Further processing

15.1 If the Council wish to use your personal data for a new purpose, not covered by this Privacy Notice, then the Council will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, the Council will seek your prior consent to the new processing, if the Council start to use your personal data for a purpose not mentioned in this notice.

16. Changes to this notice

16.1 This Privacy Notice is kept under regular review, and any updates will be placed on www.fleet-tc.gov.uk.

17. Contact Details

17.1 Please contact us if you have any questions about this Privacy Notice or the personal data, the Council hold about you or to exercise all relevant rights, queries, or complaints at:

Executive Officer, Fleet Town Council, The Harlington, 236 Fleet Road, Fleet, Hampshire, GU51 4BY

Tel: 01252 625246

Email: info@fleet-tc.gov.uk