



The following statement explains how data is managed for the purposes of managing the employment relationship between North Lanarkshire Council (NLC) and an employee.

Who we are:

North Lanarkshire Council is a local authority established under the Local Government etc. (Scotland) Act 1994 and having its chief office at Civic Centre, Windmillhill Street, Motherwell ML1 1AB, United Kingdom. You can contact our Data Protection Officer by post at this address, or by email at: AITeam@northlan.gov.uk or by telephone - 01698 302295.

What is the purpose of this document?

North Lanarkshire Council (the "Council") is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us. It applies to all employees, workers and contractors.

The Council is a "controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation.

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date and, if different, the date of your continuous employment.
- Leaving date and your reason for leaving.
- Location of employment or workplace.
- Copy of driving licence.
- 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).
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships).
- Compensation history.
- Performance information.
- Disciplinary and grievance information.
- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.
- Photographs.
- Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied.

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about your health, including any medical condition, health and sickness records, including:
 - where you leave employment, the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision details of any absences (other

than holidays) from work including time on statutory parental leave and sick leave; and

- where you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.
- Information about criminal convictions and offences.

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 North Lanarkshire Council and for us to meet our obligations to you as an employer or prospective employer.

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

- Your name, employee number, 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.
- 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 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.
- In addition, information will be gathered to check eligibility to work in the United Kingdom.
- Information in relation to employment history, qualifications, training certification and licenses (such as a driving license) or registration details 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 North Lanarkshire Council.
- Qualification for particular categories of leave; maternity, adoption, shared parental and paternity support 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 attendance management 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 North Lanarkshire 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
 - Clock in times when using time recording equipment
 - System login times
 - Door entry system recordings
 - CCTV footage

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.

How is your personal information collected?

We collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency (such as myjobscotland) or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

Legal basis for using your information:

These services are provided in terms of the council's statutory functions as a local authority, more details of which can be found on our [website](#). 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.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.

Less commonly, we may process this type of information 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.

Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

We will use automated decision-making to decide whether to enrol you in a pension arrangement in accordance with our statutory automatic enrolment duties.

You will not otherwise be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

Our obligations as an employer

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

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 SPFO/SPPA (Pension Providers) 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 www.northlanarkshire.gov.uk, 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 organisation external to North Lanarkshire 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 gathered and may be shared with the 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 North Lanarkshire Council's 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 North Lanarkshire Council but will inform any occupational health reports issued to North Lanarkshire Council by the occupational health provider.
- In the event that North Lanarkshire Council change occupational health provider, these medical records will transfer directly to the new provider and will not pass to North Lanarkshire 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>.
- North Lanarkshire 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. We will not voluntarily release non-work-related information about members of staff such as home address, nor will we voluntarily release information where this relates to the member of staff being a service user rather than in their capacity as an employee. We will seek the views of current members of staff as to any such release.
- In circumstance 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) will 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.

How secure is my information with third-party service providers?

All our third-party service providers are required to take appropriate security measures to protect your personal information. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

Transferring information outside the UK

We may transfer your personal information to third parties (see *Who do we share your information with?* and *How secure is my information with third-party service providers?*) which may involve your personal information being transferred to, stored, or processed in a country other than the one in which it was collected.

If we do so, we will comply with applicable law regarding such transfers. Where such transfers require appropriate or suitable safeguards recognised under privacy laws, we may rely on them. Typically, these which include:

- **Adequacy decision:** We may transfer your personal information to countries which the relevant regulator or government has approved as providing adequate protection to personal information (for example the decisions of adequacy attaching to the EEA for transfers from the UK).
- **Approved contracts:** We may be entitled to put in place a contract with the recipient of your information which requires them to protect that information to the same standards as if the information were being processed within the country where it originated.
- **By contract:** In respect of certain cross-border transfers, we will transfer your personal information outside your country / region if the transfer is necessary to the performance of a contract between you and us, or if the transfer is necessary to the performance of a contract between us and a third party, and the contract was entered into in your interest.
- **With your consent:** In respect of certain cross-border transfers, we will obtain your consent to transfer your personal information outside your country / region after first informing you about the possible risks of such a transfer.

Data security

We have put in place measures to protect the security of your information.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

How long do we keep your information for?

The council maintains a records retention and disposal schedule which sets out how long we hold different types of information for. This is available on the council's [website](#) or you can request a hard copy from the contact address previously stated at the beginning of this document.

Your rights under data protection law:

- **Access to your information** – You have the right to request a copy of the personal information about you that we hold.
- **Correcting your information** – We want to make sure that your personal information is accurate, complete and up to date and you may ask us to correct any personal information about you that you believe does not meet these standards.
- **Deletion of your information** – You have the right to ask us to delete personal information about you where:
 - I. You consider that we no longer require the information for the purposes for which it was obtained
 - II. You have validly objected to our use of your personal information – see *Objecting to how we may use your information* below
 - III. Our use of your personal information is contrary to law or our other legal obligations.

Objecting to how we may use your information – You have the right at any time to require us to stop using your personal information for direct marketing purposes.

Restricting how we may use your information – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information about you that we hold or assessing the validity of any objection you have made to our use of your information. The right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is validly exercised, we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us in any of the ways set out above if you wish to exercise any of these rights.

Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer in writing at the address at the beginning of this document.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Data Protection Officer

The Council has a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO.

The Council's Data Protection Officer can be contacted by email AITEam@northlan.gov.uk or by telephone on 01698 302295.

Complaints:

We seek to resolve directly all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer. However you also have the right to lodge a complaint about data protection matters with the Information Commissioner's Office, whose contact details are as follows: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Telephone - 0303 123 1113 (local rate) or 01625 545 745; Website - <https://ico.org.uk/concerns>

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

If you do not have access to the internet you can contact us on the above number to request hard copies of any of the above documents.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

More information:

There is more detail on how the council processes personal information on our [website](#).

Fiona Whittaker - Head of Business Organisational & People Solutions

Jennifer Hardy – Employee Service Centre Manager