



Employee Service Centre

People & Organisational Development / Employee Service Centre / Provision of HR and Payroll Services

Privacy Notice

1. Who we are:

North Lanarkshire Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its head office is at Civic Centre, Windmillhill Street, Motherwell ML1 1AB, United Kingdom. North Lanarkshire Council is the data controller and responsible for your personal information.

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

2. Commitment to Privacy

We are committed to protecting the privacy and confidentiality of any personal information that we hold. This privacy notice will tell you how we look after your personal information and tell you about your rights.

We will ensure that your personal information is kept secure, in line with the General Data Protection Regulation ("GDPR") and the Data Protection Act 2018. We will only collect the minimum information necessary to fulfil a particular purpose; when we don't have a need to keep information about you, it will be disposed of in a secure manner.

Information Commissioner's Office

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK data protection regulator who can be contacted via the contact details below, however, we would welcome the opportunity to discuss your concerns with you before you do so:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Phone: 0303 123 1113 (local rate) or 01625 545 745 or visit their: [website](#)

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.

3. Data Protection Officer

We have appointed a data protection officer (DPO) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, you can contact the DPO via the contact details below:

Data Protection Officer

Email:

DataProtection@northlan.gov.uk

Telephone: 01698 302554

North Lanarkshire Council

Civic Centre

Windmillhill Street

Motherwell

ML1 1AB

4. The personal information we hold about you

We may collect, store, and use the following kinds 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, namely:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political affiliations & 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.

Keeping your information up to date

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 relationship with us.

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.

5. Purposes for which we will use your personal data

We will only use your personal information when it is lawful to do so.

We will use your personal information to comply with our legal responsibilities and 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. This includes:

- 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/worker'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/worker 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.

Basis for processing

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](#).

Most commonly we will use your personal information on the following basis:

- When we need to perform the contract we are about to enter into or have entered into with you.
- Where we need to comply with a legal or regulatory obligation
- Where necessary to perform a task carried out in the public interest or in the exercise of official authority vested in us
- Where necessary to protect your vital interests or those of another person
- Where necessary for our legitimate interests (but not when we are performing our tasks as a public authority) or those of a third party and your interests and fundamental rights do not override those interests
- Where you have given us permission to do so

We will use 'special categories' of more sensitive information on the following basis:

- Where you have given us explicit permission to do so
- Where necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes
- Where necessary for reasons of substantial public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme
- Where necessary to establish, exercise or defend legal claims
- where necessary to protect your vital interests or those of another person where the data subject is physically or legally incapable of giving consent

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/worker and to comply with employment law obligations.

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:

- Where we have notified you of the decision and given you 21 days to request a reconsideration.
- Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.

- 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.

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.

6. Sharing your personal information

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.

We may have to share your personal with the following parties for the purposes set out above:

- Scottish Government
- Department for Work and Pensions

- Police Scotland and other law enforcement agencies
- The Care Inspectorate
- The Scottish Information Commissioner
- The UK Information Commissioner
- Professional advisers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services
- Credit reference agencies
- Fraud prevention agencies
- Debt collection and tracing agencies
- Courts, tribunals and hearings
- Disclosure Scotland
- Service providers acting as processors who provide IT and system administration support services (including Grannicus GovDelivery Communications Cloud)
- 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/workers 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/worker 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/worker. 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/worker 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.

We require all third parties to respect the security of your personal information and to treat it in accordance with the law. We do not allow our third party service providers to use your personal information for their own purposes and only permit them to process your personal information for specified purposes and in accordance with our instructions.

7. How long will we hold your information

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of  [retention schedules \[665kb\]](#) for different aspects of your personal information are available to download.

In some circumstances we may anonymise your personal information (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

8. Your Legal Rights

Under certain circumstances, you have rights under data protection laws in relation to your personal information. You have the right to

- **Request access** to your personal information (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 data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

- **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 successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal information to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing** of your personal information. This enables you to ask us to suspend the processing of your personal information in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal information to you or to a third party. We will provide to you, or a third party you have chosen, your personal information in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Not be subject to a decision based on solely automated processing** if that produces a legal effect concerning you or similarly significantly affects you. Note that this right does not apply if the decision is (i) necessary for entering into, or performance of, a contract between us and you; (ii) authorised by law; or (ii) based on your explicit consent.
- **Withdraw consent** at any time where we are relying on consent to process your personal information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us.

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 is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these 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 your personal information (or to exercise any of your other rights). This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

9. 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.

10. More information:

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

Fiona Whittaker - Head of People & Organisational Development

Jennifer Hardy – Employee Service Centre Manager