



# **East Herts Council**

## **Staff Privacy Notice**

Version 1.1

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## 1. Introduction

As an employer, East Herts Council ('the Council') is committed to ensuring that the personal data of employees is handled in accordance with the principles set out in the UK GDPR, the Data Protection Act 2018 and any other relevant data protection legislation or guidance.

This privacy notice tells you what to expect when the Council collects personal information about you. It applies to all employees, ex- employees, agency staff, contractors and secondees. The information we will process about you will vary depending on your specific role and personal circumstances.

The Council is the controller of this information unless this notice specifically states otherwise. If you have any questions about this notice, your rights as a data subject or anything else then please contact the Council's Data Protection Officer by emailing [data.protection@eastherts.gov.uk](mailto:data.protection@eastherts.gov.uk) or by calling 0127950 2148. You have a right to complain to the Information Commissioner's Office if you are not satisfied with the way your data is being processed.

This notice should be read in conjunction with our [corporate privacy notice](#) and any other relevant service level privacy notices. The Council may review and reissue this notice to cover any additional processing activities that includes your data which we undertake.

## 2. Personal data processing

The Council processes the following categories of personal data for the specified purposes mentioned:

### Information about your employment

The Council uses the following information to carry out the contract we have with you, to provide you access to business services required for your role and to manage our human resources processes:

- Personal contact details such as your name, address, contact telephone numbers (landline and mobile) and personal email addresses.
- Your date of birth, gender and NI number.
- A copy of your passport or similar photographic identification and/or proof of address documents.
- Marital status.

- Next of kin, emergency contacts and their contact information.
- Employment and education history including your qualifications, job application, employment references, right to work information and details of any criminal convictions that you declare.
- Location of employment.
- Details of any secondary employment, political declarations, conflict of interest declarations or gift declarations.
- Security clearance details including basic checks and higher security clearance details according to your role.
- Any criminal convictions that you declare to us.
- Your responses to staff surveys if this data is not anonymised.

#### Information related to your salary, pension and other financial aspects

The Council processes the following information in relation to your salary, pension and other employment related benefits. This information is also processed for the administration of statutory and contractual leave entitlements such as holiday or maternity leave:

- Information about your job role and your employment contract including; your start and leave dates, salary (including grade and salary band), any changes to your employment contract, working pattern (including any requests for flexible working).
- Details of your time spent working and any overtime, expenses or other payments claimed, including details of any loans.
- Details of any leave including sick leave, holidays, flexi leave or TOIL etc.
- Pension details including membership of both state and occupational pension schemes (current and previous).
- Your bank account details, payroll records and tax status information.
- Trade Union membership for the purpose of the deduction of subscriptions directly from salary.
- Details relating to Maternity, Paternity, Shared Parental and adoption leave and pay. This includes forms applying for the relevant leave, copies of MATB1 forms/matching certificates and any other relevant documentation relating to the nature of the relevant leave.
- Bank details, payroll number and home address are provided as part of the NFI for payroll fraud matching purposes every 3 years as well as a monthly anti-fraud report to SAFS.
- Student loans, post graduate loans, court orders, Give as You Earn (GAYE), Cycle to Work scheme, Smart Tech, childcare vouchers.

### Information about performance and training

The Council uses this information to assess your performance, to conduct pay and grading reviews and to deal with any employer / employee related disputes. We also use it to meet the training and development needs required for your role:

- Information relating to your performance at work, for example, probation reviews, PDRs or promotions.
- Grievance and any other dispute at work matters and investigations to which you may be a party or witness.
- Disciplinary records and documentation related to any investigations, hearings and warnings issued.
- Whistleblowing concerns raised by you, or to which you may be a party or witness.
- Information related to your training history and development needs.

### Information relating to monitoring

The Council processes this information to assess compliance with corporate policies and procedures and to ensure the security of our premises, IT systems and employees. More information on monitoring can be found in the council's [ICT Acceptable Use Policy](#).

- Information about your access to data held by us for the purposes of criminal enforcement if you are involved with this work.
- Information derived from monitoring IT acceptable use standards.
- Photos and CCTV images.

### Information relating to your health and wellbeing and other special category data

The council processes the following information to comply with legal obligations and for equal opportunities monitoring. Additionally, it is processed to ensure the health, safety and wellbeing of employees:

- Health and wellbeing information either declared by you or obtained from health checks, eye examinations, occupational health referrals and reports or sick leave forms.
- Incident and Accident records if you have an accident at work.
- Details of any desk audits, access needs or reasonable adjustments.
- Information you have provided regarding Protected Characteristics as defined by the Equality Act for the purpose of equal opportunities monitoring. This

includes racial or ethnic origin, religious beliefs, disability status, and gender identification and may be extended to include other protected characteristics.

### 3. How your information is obtained

The Council gathers information about you from the following sources:

- Directly from you;
- From an employment agency;
- From your employer if you are a secondee;
- From internal or external referees;
- From security clearance providers;
- From Occupational Health and other health providers;
- From pension administrators and other government departments, for example tax details from HMRC;
- From your Trade Union;
- From the Car Parking and E-Car Scheme;
- From providers of staff benefits;
- CCTV images through our own CCTV system.

### 4. Lawful basis for processing

Depending on the processing activity, the Council may rely on the following lawful bases for processing your personal data under the UK GDPR:

- **Article 6(1)(a)** where we have your consent, which you can remove at any time by contacting the Council's Data Protection Officer.
- **Article 6(1)(b)** which relates to processing necessary for the performance of a contract.
- **Article 6(1)(c)** in order to comply with legal obligations as your employer.
- **Article 6(1)(d)** in order to protect your vital interests or those of another person.
- **Article 6(1)(e)** for the performance of a public task.
- **Article 6(1)(f)** for the purposes of a legitimate interest.

#### 4.1 Special category data

Where the information the Council processes is special category data, for example your health data, the additional bases for processing that we rely on are:

- **Article 9(2)(a)** where we have your explicit consent, which you can remove at any time by contacting the Council's Data Protection Officer.
- **Article 9(2)(b)** which relates to carrying out obligations and exercising rights in employment and the safeguarding of your fundamental rights.
- **Article 9(2)(c)** to protect your vital interests or those of another person where you are incapable of giving your consent.
- **Article 9(2)(h)** for the purposes of preventative or occupational medicine and assessing your working capacity as an employee.
- **Article 9(2)(f)** for the establishment, exercise or defense of legal claims.
- **Article 9(2)(j)** for archiving purposes in the public interest.

In addition the Council relies on processing conditions at **Schedule 1 part 1 paragraph 1** and **Schedule 1 part 1 paragraph 2(2)(a) and (b)** of the **Data Protection Act 2018**. These relate to the processing of special category data for employment purposes, preventative or occupational medicine and the assessment of your working capacity as an employee.

## 4.2 Criminal convictions and offences data

The Council processes information about staff criminal convictions and offences and we use UK CRBS to electronically process our DBS checks. The lawful basis relied on to process this data in terms of the UK GDPR are:

- **Article 6(1)(e)** for the performance of our public task. In addition we rely on the processing condition of exercising a function in law where this is in the public interest (**Schedule 1 part 2 paragraph 6(2)(a)** of the Data Protection Act 2018).
- **Article 6(1)(b)** for the performance of a contract. In addition we rely on the condition where processing is necessary to comply with the law in connection with employment, social security or social protection (**Schedule 1 part 1 paragraph 1** of the Data Protection Act 2018).

## 5. Data Sharing

In some circumstances, such as under a court order, the Council is legally obliged to share information. We may also share information about you with third parties including government agencies and external auditors. For example, we may share information about you with HMRC for the purpose of collecting tax and national insurance contributions.

Full consideration will be given to the relevant Data Protection legislation when making decisions about sharing your data and where necessary, we will make you aware.

Additionally, where we aim to share your data on a regular basis, this will be done in line with a pre-established data sharing agreement if required.

## **6. Data Processors**

The Council uses data processors to assist us in processing your data where necessary. Please see [appendix A](#) for a list of our current data processors used for the purposes mentioned in this notice.

## **7. Transfers of personal data**

The council does not routinely transfer staff personal data overseas but when this is done we ensure that we have appropriate safeguards in place.

## **8. Automated decision making**

There are restrictions on automated decisions based solely on automated means without any human involvement, including restrictions on profiling. It is not anticipated that your data will be subject to automated decision making or profiling for this purpose, however, if you have any queries about this, please contact the council's Data Protection Officer.

## **9. Retention period**

For information about how long the council holds your personal data, please see the relevant sections of our [retention schedule](#).

## **10. Your data protection rights**

As an individual you have certain rights regarding the Council's processing of your personal data, including a right to withdraw consent and lodge a complaint with the Information Commissioner as the relevant supervisory authority.

For more information on your rights, please see the Council's [corporate privacy notice](#).



If you would like to make a request in relation to any of your rights, please contact the Council's Data Protection Officer. You are not required to pay any charge for exercising your rights and we have one month to respond to your request.

## **11. Further information**

### **11.1 Personnel files**

Electronic HR file records and some hardcopy payroll records are held for each member of staff and data is held securely on the Council's IT systems. As part of the shared IT service with Stevenage, our IT system servers are located at Daneshill House, Stevenage.

You can request your personnel file by emailing the HR team or by submitting an access request to [data.protection@eastherts.gov.uk](mailto:data.protection@eastherts.gov.uk). You can also make a verbal request for your information. Your request will be handled outside the case management area with restricted access and we may consult internally with members of staff who might hold personal data about you.

### **11.2 Car park and E-car scheme**

Car park scheme records are maintained by the facilities team. In addition to your personal details, the scheme also records vehicle license plate details linked to you.

The council has invested in five electric cars currently used daily by Enforcement and Inspection Officers in Operations and Housing & Health.

The cars have been made available to all staff when they are not in use by the regular users (e.g. annual leave) and for at least one-half day per week, per vehicle.

For more information on how your personal data is processed when you book an e-car, please see the [e-vehicle page on the intranet](#).

### **11.3 Staff surveys**

The Council may use a combination of methods to carry out staff surveys. We may create staff surveys on our intranet site as an online form or we may create surveys using our external provider, Smart Survey. For more information on how your data is processed by Smart Survey, please see their privacy notice in appendix A.

The data is managed confidentially and will only be seen by the appropriate people. It will be explicitly explained at the start of the survey who will see the survey and for what purposes.

The Council will use some of your personal data (obtained from HR and Facilities), including your name, postcode, in-office work patterns based on role type and vehicle registration as part of an annual carbon assessment to calculate carbon contribution from staff commuting. This will involve matching your name, postcode and in-office work pattern against your vehicle registration. Once this matching exercise is complete, your name will be deleted and only anonymised data will be used to calculate round trip mileage for commutes using postcode, vehicle fuel type and engine size based on vehicle registration number.

## **11.4 Whistleblowing**

The Council has a policy and procedure in place to enable staff to have an avenue for raising concerns about malpractice. For more information on this please see the council's whistleblowing policy and grievance policy.

Information is processed for this purpose because it is necessary for compliance with our legal obligations under the Public Interest Disclosure Act 1998.

Although every effort will be taken to restrict the processing of your personal data and maintain confidentiality for this purpose, whether this is possible will be dependent on the nature of the concern and any resulting investigation.

## **11.5 Equal opportunities monitoring**

Equal opportunities information provided by job applicants is attached to the relevant application and the data is added to a spreadsheet for analysis when you apply for a role.

This information is not made available to any staff outside our HR team (including hiring managers) in a way which can identify you. This information is for reporting purposes only. We use this statistical information to produce an annual equalities report for our HR committee.

Your staff profile on our HR system includes this information but your profile information is only accessible to you and our HR team.

## **11.6 Workforce Development and Planning**

The Organisational Development team uses online learning platforms for the facilitation of work related courses. The Council will share some information about you with these providers both prior to you joining and during your employment to ensure you have the necessary access to training required for your role.

We may also share information about you with training providers. For example, this may include information such as your name, contact details and job role. When necessary we will also share information about any dietary or access requirements that you might have when you attend training events.

## **11.7 Occupational health**

During your employment you may be referred to occupational health following a request to HR by you or your line manager. This may result in a face-to-face consultation, a telephone appointment with an occupational healthcare professional and/or a medical report from a GP or specialist.

The Council use Harlow Occupational Health Service to provide our occupational health service. The information you provide will be held by Harlow Occupational Health Service, who will give us a fit to work certificate or a report with recommendations.

Harlow Occupational Health Service also provides health checks and screening services.

## **11.8 Trade Union Membership**

The recognised union (Unison) at the Council is a processor for the personal information connected to your union membership. The Council holds some union subscription details in order to process salary deductions for union membership.

## **11.9 Monitoring of staff**

All of the Council's IT systems and the card access system for entry and exit of our premises are auditable and can be monitored.

We are committed to respecting individual users' reasonable expectations of privacy concerning the use of our IT systems and equipment. However, we reserve the right to

log and monitor such use in line with our [ICT Acceptable Use Policy](#) and the [Code of Conduct for Employees](#).

Any targeted monitoring of staff will take place within the context of the Code of Conduct for Employees and our disciplinary procedures.

### **11.10 Security passes**

All staff are issued with a security pass that displays their name, team or service, and photograph.

Staff pass details (names, numbers and photographs) are held on a standalone machine controlled by Facilities and can only be accessed by a restricted number of people.

Your photograph may be shared by Facilities for the purposes of creating and/or updating authorisation cards, however, your consent will be sought prior to sharing.

When you leave the council your details are deleted from this system.

### **11.11 CCTV**

The Council operates CCTV at the following locations:

- Wallfields (Hertford)
- Charringtons House (Bishops Stortford)
- Buntingford Service Centre
- Hillcrest Hostel
- The Rectory Hostel
- Jackson Square MSCP
- Gascoyne Way MSCP
- The New Northgate End MSCP

This is done for security reasons and to record illegal activity on Council premises. Additionally, we use CCTV to record and monitor compliance of staff and contractors with health and safety regulations.

We retain CCTV recordings for 30 days and these recordings are kept secure and can only be accessed by:

- The Facilities Management team, including the Corporate Property Services Manager and Caretakers
- Service officers such as housing or building managers
- Service and maintenance contractors (these parties have periodic access)

- Officers at the CCTV monitoring centre

## **12. Disclosures under the Freedom of Information Act**

As a public authority, the Council may receive information requests under Access to Information legislation, for example the Freedom of Information Act 2000 or Environmental Information Regulations 2004, about our staff and we must consider whether to disclose staff information (including agency and temporary staff) in response to these requests.

We will consider withholding information if we think that it will prejudice our regulatory role or the rights and safety of our staff, irrespective of grade or position.

The type of information we disclose might include, for example:

- Name and work contact details – only for members of Leadership Team.
- Pay bands (not your exact salary).
- How long you have worked at the Council, your current role or secondments and what your role involves.
- Your position in the corporate structure.
- Business related entries in your diary/calendar
- Summaries of expense claims without details of where you stayed, where you ate or your itinerary
- Any work related training or qualifications
- Any work related opinions, for example case notes containing your opinion about an investigation or a complainant

The list above does not include every area where we might disclose information about you. The type of information provided will only concern your professional life at the Council and we will not disclose non-work related personal or special category data.

If we are asked to disclose diary or calendar information due consideration will be given to the safety of our staff. Where this information is requested outside of the above legislation you are advised to consult with your line manager before sharing information, especially when it concerns movements or whereabouts.

We will consult with you prior to deciding whether to disclose any information that we consider would not be within your reasonable expectations.

Before you begin working at the Council, we would encourage you to contact HR if you need to make us aware of a specific reason why your information cannot be provided as

part of a disclosure. At any later point, if you have any concerns about information being released please inform us of this fact.

### **13. Requests for references**

If you leave, or are thinking of leaving, the Council may be asked by your new or prospective employer to provide a reference. For example, we may be asked to confirm the dates of your employment or your job role and/or complete a questionnaire on absence and performance. References will be managed in accordance with the [Code of Conduct for Employees](#).

## 14. Appendix A – Data Processors

Data processors are third parties who provide certain parts of the Council's staff services. We have contracts in place with them and they cannot do anything with your personal information unless we have instructed them to do so. Our current data processors for staff services purposes are listed below:

<b>Data Processor</b>	<b>Purpose</b>	<b>Privacy Notice</b>
Invotra	Staff intranet	<a href="#">Invotra Privacy Notice</a>
Smart Survey	Staff surveys	<a href="#">Smart Survey Privacy Notice</a>
SkillsBuild	Staff E-learning	<a href="#">SkillsBuild Privacy Notice</a>
MyRewards	Employee benefits	<a href="#">MyRewards Privacy Notice</a>
LPP	Pension scheme	<a href="#">LLP Privacy Notice</a>
UNISON	Recognised staff Union	<a href="#">Unison Privacy Notice</a>
Give as You Earn (GAYE)	Charity donation via	<a href="#">GAYE Privacy Notice</a>
Computershare	Childcare Vouchers	<a href="#">Computershare Privacy Notice</a>
Harlow Occupational Health Service	Occupational Health service	<a href="#">Harlow Occupational Health Service Privacy Notice</a>