

Privacy Notice

This privacy notice sets out how West Berkshire District Council (the “**Council**”) will use your personal data, and your rights in relation to that personal data. This document describes how and why we collect, store, protect, process and share the data you give to us. It is written in accordance with the UK data protection legislation.

This notice relates what personal data we hold about you, how we collect it, and how we use and may share data about you before, during and after your employment ends.

This notice applies to potential, current and former customers of the service and those we have contacted but have opted not to partake in the service. It is important that you read this notice so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information so that the information which we hold is accurate and current.

Date of Issue: 23 May 2018

Update History:

Version 1	First issue of a new Privacy Notice
Version 1.1 13 April 2022	Minor amendment to contact details of the Data Protection Officer
Version 2 5.10.23	Amendments to include apprenticeship data sharing, clarification of legal basis, further detail on data collected by the Council.
Version 3 09.02.24	Amendments to reflect HR and Payroll systems,

Directorate: Resources
Service: Strategy and Governance
Team: Human Resources

About the Organisation

The Council is the Data Controller. This means it is ultimately responsible for the data it holds about you.

Contact Address:

West Berkshire District Council
Market Street
Newbury
Berkshire
RG14 5LD

ICO Registration Number: **Z6825178**
<https://ico.org.uk/ESDWebPages/Entry/Z6825178>

The Data Protection Officer

Contact details for the Data Protection Officer at the Council can be found at:
<http://info.westberks.gov.uk/dpofficer>

THE PERSONAL DATA WE HOLD ABOUT YOU

The Council collects and processes personal data relating to its prospective, current and former employees to manage the employment relationship. In the case of contractors paid under IR35 and agency workers the Council collects and processes personal data in order to manage the contract for the services you provide.

The data the Council collects includes:

- Your name, date of birth, address and contact details, including email address and telephone numbers,
 - employment contract information and unique payroll ID number,
 - your employment history with West Berkshire Council including job titles of positions held, start and end dates and the terms and conditions of your employment,
 - information about your remuneration, including entitlement to benefits such as pensions and car allowances,
 - details of your education, qualifications, skills, experience and employment history, including start and end dates, with previous employers,
 - details of any gaps in employment and details of any local government continuous service,
 - details of whether you are a relative or a partner of, or have any close personal relationship with any employee or elected Councillor of the Council,
 - details of your registration with or membership of any professional bodies required for you to be able to practice in your profession or meet the requirements of the role,
 - photographs of you,
 - personal financial details including details of your bank or building society account and national insurance number,
 - details of any expense claims you make,
 - details of deductions from pay such as tax, national insurance contributions, student loan repayments, court orders, trade union subscriptions,
 - information about your marital status, next of kin, dependants and emergency contacts,
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- information about your identity, nationality and entitlement to work in the UK including related documents such as passport or other identification and/or immigration information,
- details of your schedule (days of work and working hours) and time/attendance records at work,
- details of periods of leave taken by you, for example holiday, sickness absence, dependents leave, and the reasons for the leave,
- details of any conduct and/or disciplinary issues, capability or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence (depending on the nature of the procedures this may include special category data),
- assessments of your performance, including appraisals, one to one supervision notes, performance improvement plans and related correspondence,
- details of the training and assessments that you undertake,
- information in applications you make for other positions within the Council,
- where you drive on Council business/ have a lease car we will collect details of your driving licence and any driving offences that you incur,
- information about your use of our ICT, communication and other systems and other monitoring information,
- information obtained by electronic means such as your use of electronic pass card and use of e-learning,

The personal data we process, may also include **sensitive special category data** including:

- data concerning health information - information about medical or health conditions, fitness to work and information in your sickness and absence records including whether or not you have a disability for which the Council needs to make reasonable adjustments,
 - equal opportunities monitoring information, including information about your gender, whether you are married or in a civil partnership, ethnic origin, sexual orientation, religion or belief, health and disability,
 - trade union membership,
 - details of pension arrangements,
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- information about your criminal record including results from DBS checks where applicable to your role.

These details are collected and held on securely and will be protected using up-to-date technical and organisational security measures. The Council has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees for legitimate purposes in the performance of their duties.

Where the Council engages third parties to process personal data on its behalf, they do so on the basis of written instructions or contracts, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

SOURCE OF YOUR PERSONAL DATA

The Council will collect this information in a variety of ways. For example, we may collect this data from you, your manager, your personnel records, pension administrators, apprentice training providers, your documents from medical and occupation health professionals we engage and from our insurance benefit administrator, the DBS, your trade union, other employees.

In some cases, the Council may collect personal data about you from third parties, such as references supplied by former employers and information from criminal records checks permitted by law.

PURPOSE AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

In accordance with the data protection laws, we need a "legal basis" for collecting and using information about you. There are a variety of different legal bases for using personal data which are set out in the data protection laws.

We have set out below the different purposes for which we collect and use your personal data, along with the legal basis we rely on to do so.

Why we use your information	Our legal basis for using your information
<p>We will use your data to:</p> <ul style="list-style-type: none"> • run recruitment and promotion processes; • for the performance of a contract with you, or to take steps to enter into a contract; • maintain accurate and up-to-date 	<p>Performance of a contract: Article 6(1)(b) of the General Data Protection Regulations ("GDPR") - the council needs to process data for the performance of a contract with you and to meets its obligations under your employment contract. For example, it needs to process your</p>

Why we use your information	Our legal basis for using your information
<p>employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;</p> <ul style="list-style-type: none"> • operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace; • operate and keep a record of employee performance and appraisals; • operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled; • obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled; • to defend any legal claims that may be brought against the Council in connection with your employment; • operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the Council complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled; • ensure effective general HR and business administration; • provide references on request for current or former employees; 	<p>data to provide you with an employment contract, to pay you and to facilitate administration of your pension.</p> <p>Legal Obligation: Article 6(1)(c) of the GDPR - processing is necessary for compliance with a legal obligation to which the controller is subject. For example, processing is necessary for carrying out obligations or exercising rights in employment law, checking your entitlement to work in the UK, to deduct tax, to comply with health and safety laws, to enable you to take periods of leave to which you are entitled and to make statutory returns and make referrals to professional bodies or Government Departments where there is a legal requirement to do so.</p> <p>Legitimate Interest – Article 6(1)(f) of GDPR processing is necessary for the legitimate interests purpose by the controller. The Council has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Where the Council relies on legitimate interest as a reason for processing data it has considered whether or not those interests are overridden by the rights and freedoms of applicants and have decided that they do not.</p> <p>Processing is also necessary to defend any legal claims that may be brought against the Council in connection with your employment, or to establish, bring or pursue a claim against you.</p>

Why we use your information	Our legal basis for using your information
<ul style="list-style-type: none"> • respond to and defend against legal claims • maintain and promote equality in the workplace <p>Where a service or information request requires you to submit further personal information, a separate privacy notice will describe how we will use that data.</p>	<p>Special Category Data</p> <p>Where the Council processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done under Article 9(2)(b) GDPR - employment safeguards and fundamental rights, Schedule 1, Part 1 (1) DPA 2018 – processing for employment purposes.</p> <p>You are under no obligation to provide any of the data listed, but a refusal to do so will clearly affect the ability of the Council to provide you with employment, manage your pay or perform any of the other usual functions and duties of an employer.</p>

SHARING YOUR PERSONAL DATA

Your information may be shared internally with authorised West Berkshire Council employees, including with members of HR and payroll, and members of recruitment panels where you apply for a new role or seek redeployment within the Council, your line manager, managers in the service area in which you work and IT staff if access to the data is necessary for performance of their roles.

The Council shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service and our Occupational Health provider to seek pre-employment medical checks.

The Council shared personal data in order to process your employment, including uploading and storing onto the cloud-based HR & Payroll system iTrent, delivered by Midland HR, who act as the software provider and are responsible for maintaining the system. Employee data may at times be accessed by MHR necessary to address specific issues. Contracts are in place to ensure that the data is protected and that they only act on appropriate instructions.

The organisation may also share your data with third parties in the context of a transfer of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

The Council also shares your data with third parties that process data on its behalf in connection with the provision of benefits, e-learning and the provision of occupational

health services.

The Council shares your data with third parties where it is legally required to do so, such as to comply with requirements for statutory reporting or where it is required to report a dismissal to the Disclosure and Barring Service or to a professional body. We will not share your information with family members or friends unless you have given us permission to do so.

Where applicable the Council will share your data with an authorised apprenticeship provider adhering to Government data guidelines [Privacy and cookies - Manage apprentices \(manage-apprenticeships.service.gov.uk\)](#), [Privacy \(education.gov.uk\)](#)

We may also share your data if we are required to do so by law, for example by court order or to prevent fraud or other crime.

RETAINING YOUR PERSONAL DATA

Your personal data will not be kept longer than necessary.

You can check how long the Council will keep each type of data against our retention schedule (www.westberks.gov.uk/retention).

YOUR RIGHTS

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.
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HOW TO MAKE A REQUEST

If you wish to make a request associated with any of the rights listed above, contact the Council using the contact details at the top of this notice.

INTERNATIONAL TRANSFERS

Your personal data will not be processed outside the UK or by an international organisation.

COMPLAINTS

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. Further information can be found at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113

Email: casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

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.
