

## Shetland Islands Council

### Employee Data Protection Privacy Statement

#### **Who we are?**

Shetland Islands Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its office headquarters is located at 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ, United Kingdom and you can contact our Data Protection Officer by post at this address, by e-mail at: [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk) and by telephone on (01595) 744 550.

The Data Protection Officer for Shetland Islands Council is the Executive Manager – Governance and Law.

#### **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 manage your employment relationship with Shetland Islands Council and for us to meet our obligations to you as an employer.

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

- Your name, 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.
- Information in relation to employment history, qualifications, training certification and licences (such as a driving licence) will be required in order to ensure that you are appropriately qualified and skilled to undertake the activities of your role (or prospective role), to help identify learning and development needs and to ensure calculation of your pay.
- Personal banking details are required in order to process all payments due to you in respect of your employment with Shetland Islands Council.
- Eligibility 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 health surveillance programmes, statutory health assessments, support offered through the Employee Assistance Programme or Substance Misuse Policy or during recruitment or maximising attendance arrangements. This information is captured to ensure that we comply with our statutory responsibilities, support the health and wellbeing of employees 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 in an anonymised form for monitoring and to assist Shetland Islands Council to meet its statutory duties and to achieve its policy objectives in respect of promoting equality of opportunity in employment.

In some circumstances an employee may take part in formal or informal Human Resources (HR) processes, such as maximising attendance, discipline, grievance, bullying and harassment complaints or appeals. 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 where appropriate to you and recorded on file, in line with Shetland Islands Council data retention schedule. <http://www.shetland.gov.uk/information-rights/InformationManagement.asp>

- During the course of your employment, use of council equipment, vehicles 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
  - The use of unencrypted usb devices
  - Clock in times when using time recording equipment
  - System login times
  - Door entry system recordings
  - CCTV footage
  - Vehicle telematics
  - Any posts to Social Media sites, blogs or other forums, and any instant messaging, from a Council device
  - Your photograph for your ID badge and for other purposes the council deems necessary
  - Other photographs and videos you have consented to for e-learning /training and promotional purposes.

This information may be used for health and safety purposes, investigating and managing conduct, employee monitoring for operational requirements such as providing IT facilities, lone working, using mobile devices and vehicle trackers and for data matching exercises.

- Some posts, identified by Protection of Vulnerable Groups (Scotland) and the Police Act 1997 require us to check that individuals are suitable for, and not barred from working in these restricted roles. Shetland Islands Council will process information regarding criminal convictions (and any police intelligence regarding suspected criminality included in a PVG check) to assess suitability for the post in question.

- Workforce data will be used to inform workforce planning and business improvement decisions. This data may be gathered or supplemented through the use of electronic employee surveys.

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.

### **Where do we collect information from?**

We collect information from you:

- Through paper, electronic and telephone correspondence with you, through forms you have completed and interviews and meetings you have attended
- From any representatives you have asked to act on your behalf such as but not limited to solicitors, employment tribunals, trades unions and ACAS
- From application forms on recruitment websites such as but not limited to MyJobScotland
- From your passport, driving licence or other identity documents

In some cases we collect personal data about you from third parties such as

- Referees who you have given us permission to contact including previous employers
- Criminal record check providers such as Disclosure Scotland as permitted by law
- Medical professionals including our Occupational Health provider
- Other members of staff, clients or customers through complaints or grievances
- Professional bodies such as but not limited to the General Teaching Council for Scotland and the Scottish Social Services Council
- Employee benefit providers where you have provided your data on their website such as the Childcare Vouchers Scheme or Cycle to work Scheme

### **Legal basis for using your information:**

Processing your personal information is necessary for the performance of 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.

### **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 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.

Your information is also analysed internally and externally to help us improve our services and to comply with legislations. We provide an internal audit service because the law states we must do so. The law also states we must be audited externally. The external auditors are appointed by Audit Scotland. Our internal audit team and the external auditors may process any personal information held within the Council for its contractors and partners) in order to assess and provide assurances on the arrangements for governance, risk management and internal control within the service area. External audit will also ensure that the financial position stated in the annual accounts give a true and fair view in accordance with the law and codes of practice.

In some circumstances there will be a requirement to share some information with organisations external to Shetland Islands 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 in respect of accidents at work will be gathered and may be shared with the Health & Safety Executive (HSE) as required.
- Where workplace assessment for qualifications or training 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 and certificates.
- Your personal details may be shared with the Council's Insurers, Insurance Brokers and other appropriate organisations and authorities as necessary for insurance purposes and fraud prevention.
- 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 deducted and accurate benefit calculations are made. There is also a requirement to share information where a member transfers in or transfers out pension benefits to another pension provider. If at any time being a scheme member you enter into a dispute via the Internal Disputes Resolution Procedure, we may be required to share information in relation to your membership of the scheme with the Scottish Public Pensions Agency, the Pensions Ombudsman and with your legal representatives as required. The Council is also obliged to share personal data with the Scottish Public Pensions Agency in respect of employees who are a member of the Scottish Teachers' Superannuation Scheme.
- In some circumstances relevant personal data requires to be shared with third parties in respect of processing payroll deductions made in respect of salary sacrifice contributions e.g Child Care Vouchers and Cycle to Work Scheme,

charitable giving arrangements, payments made to satisfy court orders, AVC scheme contributions, trade union subscriptions and credit union contributions. Other circumstances where personal data requires to be shared is where employees require to attend Jury Service, or where they request the Council provide information relating to Mortgage requests, Guarantor requests and requests by independent financial advisers.

- If you have ever had an appointment with Shetland Islands Council's current or previous occupational health provider(s), you may have an occupational health record. Such records are retained by the current occupational health provider(s). The contents of your medical records are confidential and are not disclosed to Shetland Islands Council but will inform any occupational health reports issued to Shetland Islands Council by the occupational health provider(s).
- In the event that Shetland Islands Council change occupational health provider, these medical records will transfer directly to the new provider and will not pass to Shetland Islands 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 and pension 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>.
- Shetland Islands 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 any therapeutic support, workplace coaching or similar service provided for our employees as a result of a management initiated referral or a self-referral to the Council's Staff Welfare Officer, relevant personal information will be shared with the provider to allow such therapeutic support or similar service to be delivered.
- If you have ever had an appointment with a therapeutic support or similar service provided for employees available through the Council's Staff Welfare Officer, or by self referral or management referral to the Council's external Employee Assistance Programme provider they may keep records. Such records are retained by the therapeutic service provider. The contents of your records are confidential and are not disclosed to Shetland Islands Council. The external Employee Assistance Programme provider will provide anonymised activity reports showing usage figures for example, quarterly.

- 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.

### **International transfers:**

Information published on the council's website (including video footage of webcast meetings and committee reports) can be accessed from anywhere in the world.

In the event of your participation in a promotion or development opportunity where psychometrics are used in your personal Development data may transfer outwith the UK and the European Economic Area (EEA).

### **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 at :-

<http://www.shetland.gov.uk/information-rights/InformationManagement.asp>

or you can request a hard copy from the contact address previously stated above.

### **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.

### **Information you have given us about other people**

If you have provided anyone else's details to the Council, please make sure that you have told them that you have given their information to Shetland Islands Council. We will only use this information for a specific purpose, e.g. to contact those people in the event of an emergency, to assess your own entitlement to a service or to contact them in order to take up references in the event that you are successful in your job application.

If they want any more information on how we will use their information they can visit our web site at <http://www.shetland.gov.uk/information-rights/PrivacyStatements.asp> or email [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk).

### **Profiling or automated decision-making processes**

We do not use any profiling or automated decision making processes

### **Complaints:**

We aim to directly resolve 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 by E-mail at [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk) or by Phone on (01595) 744 550.

However, you also have the right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at:

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

Phone: 0303 123 1113 (local rate) or 01625 545 745.

Visit their website for more information at- <https://ico.org.uk/concerns>

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