

## Shetland Islands Council

### Employability Services - 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.

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 deliver person-centred, tailored services to those further from the labour market through a combination of locally designed services.

We need to collect and use information about you (data) to support you to move towards, into and progress in work. We also need to share that information with partners to make informed, evidence based decision making.

We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

Shetland Islands Council and the Scottish Government, under a formalised employability partnership agreement, work together to design and fund employability activity, working through Local Employability Partnerships. For the purposes of the UK GDPR, Scottish and Local Government, and those in the Partnership, are joint Data Controllers of your personal information. The Scottish Government's Privacy Information Notice can be accessed at:-

[No One Left Behind Data Sharing Agreement and Privacy Information Notice published | Employability in Scotland](#)

Your data will be used:-

- To agree with you what types of support services will help you to find and keep work;
- monitor and report on our performance in supporting you, including producing statistics and equalities monitoring reports;
- better understand how services work, what difference they make to the people involved and how to improve future services for people like yourself.

#### Legal basis for using your information

We provide these services to you as part of our statutory function as your local authority. You can find more details of our role on our website. Processing your personal information is necessary for compliance with a legal obligation to which the council is subject.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

We also need to process more sensitive personal information about you and that processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) of the UK GDPR based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Where we are relying on task carried out in the public interest or legal obligation as the lawful basis for processing, we rely on various pieces of legislation. Some of the key legislation and standards we use are detailed below:-

- Scotland Act 2016
- Employment & Training Act 1973
- Educational Development, Research & Services (Scotland) Grant Regulations 1999

### **What personal data we hold, and how we obtain it?**

The types of personal data we hold and process about you can include:

- your contact details;
- other personal data (for example, your age, gender, National Insurance Number), and;
- sensitive personal data (for example, about your health, ethnicity, religion).
- We will also ask about your employment history and will hold information on the support you receive, including your achievements.

All personal data is held by the Council within a secure information management system.

### **Who do we share your information with?**

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes.

We are also 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 request for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

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.

To deliver and improve this service, we may need to share the minimum necessary of your personal and sensitive details with:

- Delivery partners. These are organisations who work with the Scottish Government and local authorities to deliver support.
- specialist training providers.
- potential employers.
- other organisations necessary for your full participation in the support offered e.g. the organisers of a training session which you attend.
- Third party contractors acting on behalf of Scottish Government to evaluate the effectiveness of and services operating under the No One Left Behind approach. Your experience with this service, or any other government agencies, including participation in services operating under the No One Left Behind approach will not be affected in any way, whether or not you take part in any research activities.
- Other parties, as is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings).
- We will never share your contact information for any marketing purposes.

### **Will we send your information outwith the UK?**

We do not transfer your information outwith the UK. If it becomes necessary to do so, we would ensure that the appropriate safeguards are in place.

### **How long do we keep your information for?**

We only keep your personal information for the minimum amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at <http://www.shetland.gov.uk/information-rights/InformationManagement.asp> or you can request a hard copy from the address above.

### **Your rights under data protection law**

#### **Access to your information**

You have the right to request a copy of the personal information that we hold about you.

#### **Correcting your information**

We want to make sure that your personal information is accurate, complete and up to date. Therefore 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:

- you think that we no longer need to hold the information for the purposes for which it was originally obtained
- you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below

- 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 tell 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 that we hold about you or we are assessing the objection you have made to our use of your information.

This 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 realistically applied will mean that 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 as stated 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/DataProtection.asp> or email [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk).

### **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 or does not concern the handling of personal information, please contact us using the Council's Complaints Handling Procedure.