

West Bedlington Town Council

ICO Registration No: Z2647191

GDPR Privacy Notice

(Staff, Councillors & role holders)



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Introduction

1.1. The General Data Protection Regulation 2018 requires councils to have Privacy Notices which provide individuals with extensive information about how their personal data is collected, stored and used. This information must be easily accessible, transparent and presented using clear and plain language.

1.2. This document is the West Bedlington Town Council GDPR Privacy Notice for Staff, Councillors and role holders.

- ‘Staff’ refers to employees, workers, agency staff and those retained on a temporary or permanent basis
- Role holders include volunteers, contractors, agents, and other role holders within the council including former staff and former councillors. This also includes applicants or candidates for any of these roles.

1.3. In addition to this GDPR Privacy Notice, West Bedlington Town Council also have the following relevant documents:

- GDPR Privacy Notice (General) – for residents and members of the public
- GDPR Data Protection Policy
- GDPR Data Breach Notification Policy
- GDPR Subject Access Request Procedure (SAR) and GDPR SAR form
- Data Retention and Disposal Policy

2. Background

2.1. Your Personal data – what is it? ‘

Personal data’ is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a list a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the ‘GDPR’) and other legislation relating to personal data and rights such as the Human Rights Act.

2.2. Who are we?

This Privacy Notice is provided to you by West Bedlington Town Council which is the data controller for your data.

2.3. The Council works together with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies

2.4. We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organisations referred to above will sometimes be 'joint data controllers'. This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration, then the data controllers will be independent and will be individually responsible to you.

3. Complying with data protection law

3.1. The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

4. What data do we process

- Names, titles, and aliases, photographs.
- Start date / leaving date • Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.

- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information
- 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 and referral source (e.g. agency, staff referral))
- Location of employment or workplace.
- Other staff data (not covered above) including level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.

5. What personal data can be used for

5.1. We use your personal data for some or all of the following purposes: Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.

- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records.
- To seek your views or comments.
- To process a job application.
- To administer councillors' interests
- To provide a reference.

5.2. Our processing may also include the use of CCTV systems for monitoring purposes.

5.3. Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

5.4. We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract, we have entered into with you.
- Where we need to comply with a legal obligation.

5.5. We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].

6. How we process sensitive personal data

6.1. We may process sensitive personal data relating to staff, councillors and role holders including, as appropriate:

- information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work.
- your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation.
- in order to comply with legal requirements and obligations to third parties.

6.2. These types of data are described in the GDPR as 'Special categories of data' and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.

6.3. We may process special categories of personal data in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations.
- Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

6.4. Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

7. Do we need your consent to process your sensitive personal data?

7.1. We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.

7.2. In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

7.3. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

8. Information about criminal convictions

8.1. We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided, we do so in line with our data protection policy.

8.2. Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

8.3. Where appropriate, we will collect personal data about criminal convictions as part of the recruitment process, or we may be notified of such personal data directly by you in the course of you working for us.

9. What is the legal basis for processing your personal data?

9.1. Some of our processing is necessary for compliance with a legal obligation.

9.2. We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

9.3. We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

10. Sharing your personal data

10.1. Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions, or to maintain our database software;
- Other persons or organisations operating within local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies
- Professional advisors
- Trade unions or employee representatives

11. How long do we keep your personal data?

11.1. We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

12. Your responsibilities

12.1. It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

12.2 You must at all times use the provided email confidentiality and PII Statement when using your .gov.uk email address.

13. Your rights in connection with personal data

How can you review, update, or delete the data we collect from you?

Based on the applicable laws of your country, you may have the right to request access to the personal information we collect from you, change that information, or delete it. To request to review, update, or delete your personal information, please contact us. If the data is owned by our suppliers, you will need to contact them directly.

1. The right to be informed

The right to be informed encompasses the obligation to provide clear and concise ‘fair processing information’, which we do through our privacy notice. It emphasises the need for transparency over how we use personal data. We therefore publish our Privacy Notice on our public webpage and aim to make it easily accessible.

2. The right of access

You have the right to access and request a copy of the information we hold about you, both on paper and electronically unless the information or part thereof is considered to have the potential to cause mental or physical harm to the individual or someone else.

3. The right to rectification

You have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete. Individuals can use their right to rectification to request sections of their records are amended or removed. Additionally, this right can be exercised if the individual believes information has been omitted and requires

inclusion on their record. This is not an absolute right and pertinently, it must be recognised that clinical opinion is subjective and thus we reserve the right to refute any request deemed inappropriate.

4. The right to erasure

You have the right to request that organisations erase personal data about you that they hold. This is not an absolute right however, and depending on the legal basis that applies, an organisation may have overriding legitimate grounds to continue to process the data such as if you are a patient and your request is in relation to your health record. We cannot delete health records or information within a record unless they require rectifying.

5. The right to restrict processing

You have the right to request that we restrict processing of personal data about you that we hold. You can ask us to do this for example where you contest the accuracy of the data. We will restrict processing of your personal data whilst we consider its accuracy or the legitimate grounds for processing the personal data in question.

6. The right to data portability

You have the right to obtain and reuse their personal data for their own purposes across different services. It allows them to move copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.

7. The right to object

You have the right to object to: processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling); direct marketing (including profiling); and processing for purposes of scientific/historical research and statistics.

8. Rights in relation to automated decision making and profiling.

The UK GDPR applies to all automated individual decision-making and profiling. Article 22 of the UK GDPR has additional rules to protect individuals if an organisation is carrying out solely automated decision-making that has legal or similarly significant effects on them. The processing is defined as follows:

Automated individual decision-making (deciding solely by automated means without any human involvement). Examples include an online decision to award a loan; or a recruitment aptitude test that uses pre-programmed algorithms and criteria. Automated individual decision making does not have to involve profiling, although it often will do.

Profiling (automated processing of personal data to evaluate certain things about an individual) and includes any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

There are exemptions to some of your rights. To find out more please visit the ICO website

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/what-other-exemptions-are-there/>

14. Transfer of data abroad

14.1. Any personal data transferred to countries or territories outside the European Economic Area ('EEA') will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data may be accessed from overseas.

15. Further processing

15.1. If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

16. Change to this notice

16.1. We keep this Privacy Notice under regular review, and we will place any updates on our website www.westbedlingtontowncouncil.gov.uk

17. Contact details

17.1. Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at: Post: The Data Controller, West Bedlington Town Council, Bedlington Community Centre, Front Street West, Bedlington, Northumberland NE22 5TT. Email: clerk@westbedlingtontowncouncil.gov.uk