

FOR PUBLISHING



Human Resources
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Appendix L

Data Protection

Employee Privacy Notice

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1. Introduction

South Lanarkshire College (the “College”) collects and processes personal data relating to its employees to manage the employment relationship. The College is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

We are committed to protecting your personal information and being transparent about what information we hold. The College understands its obligations to you to help you understand how and why we process your personal data. This notice tells you about these uses and should be read in conjunction with the College’s Data Protection Policy.

This Notice explains how the College handles and uses this personal data. This notice is regularly reviewed and sometimes updated. It is important that you check back often for updates to this Notice. Updates may be made at any time and you will always find the most up to date version on the College portal. If we make significant changes we will contact you to inform you of this.

South Lanarkshire College is registered with the Information Commissioner’s Office, registered number Z825523X.

2. What is personal data/special categories of personal data?

In simple terms, personal data is information which identifies and relates to you, either on its own or in conjunction with other information held by the College.

Where we process special categories of data relating to your racial or ethnic origin, political opinions, religious and philosophical beliefs, trade union membership, biometric data or sexual orientation, we will always obtain your explicit consent to those activities unless this is not required by law or the information is required to protect your health in an emergency. For example, we may process such data when it is needed in the public interest or the substantial public interest; where we require to establish, exercise and defend legal claims; for the purposes of preventative or occupational medicine or to assess your working capacity; where we need to do so for the purposes of carrying out our obligations under employment law; where it is in the course of our legitimate activities; or if we are legally required to do so.

Where we are processing data based on your consent, you have the right to withdraw that consent at any time.

3. What information does South Lanarkshire College collect?

The College collects and processes a range of information about you. This includes, but is not limited to:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the College;
- information about your remuneration, including entitlement to benefits such as pensions or insurance cover;

- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- staff identification photographs;
- details of your days of work and working hours and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- details of your Career Reviews, including feedback, objectives and training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the College needs to make reasonable adjustments;
- details of trade union membership; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The College collects this information in a variety of ways. For example, data is collected through application forms, CVs, obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the College collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, and information from criminal records checks permitted by law. Where we process information about criminal convictions, proceedings and offences we do so under an appropriate policy and we will put appropriate safeguards in place.

4. How your information will be used

As your employer, the College needs to keep and process information about you for normal employment purposes. The information we hold, and process will be used for our management and administrative use only. We will keep and use it to enable us to run the College and manage our relationship with you effectively, lawfully and appropriately, during the recruitment process, whilst you are working for us, at the time when your employment ends and after you have left. This includes using information for the purposes of enabling us to comply with the employment contract, to comply with any legal requirements, pursue the legitimate interests of the College and protect our legal position in the event of legal proceedings. If you do not provide this data, we may be unable in some circumstances to comply with our obligations and we will tell you about the implications of that decision.

From time to time the College may also require to process some types of personal data which are classed as “special categories of personal data”. This data relates to racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health or condition, sexual life and any alleged offences and/or criminal convictions. If we are ever collecting sensitive personal data, as defined above, additional safeguards will be in place around how we can use that data.

Much of the information we hold will have been provided by you, but some may come from other internal sources, such as your manager, or in some cases, external sources, such as referees.

5. Where we store and process personal information

Data is stored in a range of different places, including but not limited to your personnel file, in the College's HR management systems and in other IT systems (including the College's email system and a secure HR drive).

6. How we secure personal information

The College takes the security of your data seriously. The College has robust Information Security policies in place to protect all the data it holds, including your personal data. You can read more about these policies and technical standards on the College website.

7. Who we share data with

The College discloses information about staff to third parties. This will always be done in accordance with the relevant legislation. You should be aware that in many cases it is not necessary to seek your consent to share your personal data. This may be for a number of reasons, for example, the College is under a legal or statutory obligation to provide the information.

Your information will be shared internally with members of the HR team (including payroll), your line manager, managers in your department or faculty in which you work and IT staff if access to the data is necessary for performance of their roles.

The College shares your data with third parties. Third parties who we share your data with include (but are not limited to):

- Former employers to obtain references;
- Disclosure Scotland to obtain necessary criminal records checks;
- Occupational health;
- Payroll provider;
- Benefits providers;
- Employers' Association;
- Local or central government/agencies in relation to benefit/tax administration;
- Professional bodies for accreditation/registration/confirmation purposes, for example the General Teaching Council Scotland;
- UK Visas and Immigration Agency;
- Electoral registration officers;
- Law enforcement agencies.

If your consent is required before we can share your information, then we will contact you to ask for this. If you do not consent, then your data will not be shared (unless we are legally required to do so). Personal data will only ever be disclosed in accordance with the data protection legislation in force at the time.

Personal data may be transferred worldwide for staff working abroad. Where this is the case, the College will ensure appropriate data protection arrangements are in place.

- Relevant authorities dealing with emergency situations at the College*
- Any other authorised third party to whom the College has a legal/contractual obligation to share personal data with.

*Please note that in emergency situations where the College deems it to be in your (or potentially a third party's) 'vital interests' the College may share your personal data, including sensitive personal data with relevant individuals/agencies, e.g. the Police.

8. CCTV

The College operates CCTV in various locations throughout the campus. This is done on the basis of our legitimate interests in relation to health and safety, security and crime prevention; and to establish, protect and defend legal claims. The images will be processed in accordance with data protection legislation and in line with best practice guidance from the Information Commissioner's Office [Website](#). The College has a CCTV Code of Practice which can be found on its website.

9. How long we keep personal information

The College will retain your personal data for the duration of your employment. Please note that after your employment has ended the College may still require to hold your personal data for a period of time to satisfy statutory/legal obligations and/or to meet administrative requirements (typically 7 years). Appropriate data will be retained permanently to ensure a record of your employment is retained.

10. Transfers outside the European Economic Area

The College does not typically send your data outside the European Economic Area ('EEA') unless you is a specific reason for doing so. Where the College does so, it will put protections in place to ensure the recipient protects the data to the same standard as in the EEA. The protections include:

- transferring to a non-EEA country with privacy laws that give the same protection as the EEA;
- putting in place a contract with the recipient that means they must protect personal data to the same standards as in the EEA;
- transfer personal data to organisations that are part of Privacy Shield. This is a framework that sets privacy standards for personal data sent between the US and EU countries which makes sure standards are similar to what is used within the EEA.

11. Your rights

As a 'Data Subject' you have a number of rights under the data protection law.

Some rights are things that you can expect the College to do, e.g. transparency and breach notification. The other rights are things that you can choose to exercise are outlined below: -

- Access – you have the right to find out what personal information we hold about you.
- Rectification – if any of your details are incorrect or incomplete you can ask us to correct them for you.
- Erasure – you can also ask us to delete your personal information in some circumstances.
- Restriction – you have the right to ask us to restrict the processing of your personal information in certain circumstances.
- Data Portability – in some circumstances, you can ask us to send an electronic copy of the personal data you have provided to us, either to you or to another organisation.

- Object – If you have concerns about how we are using your information, in some circumstances, you have the right to object.
- Automated Processing including Profiling - you have the right to object to automated processing where decisions are being made about you that have no human intervention and the decision made could potentially have a significant impact on you. The College currently does not operate any automated processes or profiling activities without human intervention, so this right should not be relevant to you in relation to your College activity.
- Breach Notification - You have a right to be notified of any breach of data protection that could affect you without undue delay in the event the security of your personal data has been compromised.

Should you wish to exercise any of the rights outlined above, you should send a written request to: dpo@slc.ac.uk or Data Protection Officer, South Lanarkshire College, College Way, East Kilbride, G75 ONE.

If you believe that the College has not complied with your data protection rights, you can complain to the Information Commissioner's Office at <http://www.ico.gov.uk>. Their website contains details of how to make a complaint. However, we request that you raise the issue with our Data Protection Officer in the first instance.

For more information on your rights please see <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

12. What if you do not provide personal data?

You have some obligations under your employment contract to provide the College with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide the College with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the College to enter a contract of employment with you. If you do not provide other information, this will hinder the College's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

13. Your responsibilities

You are required to read this privacy notice/statement. It is important that you do so, as this contains important information about how we use your personal data and your rights.

The College strives to ensure your personal data remains accurate, to assist with this please ensure you keep your record up-to-date via MyHR and the HR department. More general information on Data Protection is available on the [ICO Website](#). For information on the College's Data Protection policies and procedures please visit the College Portal.

14. Status of this Privacy Notice

We will keep this privacy notice under regular review and will place any updates on the College website.

This Privacy Notice was last reviewed on 24th May 2018.