

# Privacy Notice (How we use your information)

## Privacy Notice for People Service – for Employees

This privacy notice tells you what to expect when Kirklees Council collects personal information from those seeking to be employed, are employed or otherwise engaged to work within Kirklees Council.

During the course of its employment activities, Kirklees Council collects, stores and processes personal information about job applicants, current employees, former employees, workers (including agency, casual and contracted staff), volunteers, trainees and those carrying out work experience.

**This privacy notice is intended to provide clarity around what types of information we process, collect and share and for what purposes we do this.** It is not an exhaustive list of all aspects of employment information, so if you would like additional explanation, please speak to your manager in the first instance or HR.

### The categories of information that we collect, process, hold and share include:

- Personal information (such as name, date of birth, address, National Insurance Number)
- Contact details (such as family details, partner, contact telephone numbers, email)
- Personal demographics, special category data, including:
  - Gender
  - Race or ethnic origin
  - Trade union membership
  - Sexual orientation
  - Religious beliefs
  - Offences (including alleged offences)
  - Genetic and biometric data
  - Medical information including physical or mental health conditions
  - Covid-19 vaccination status where this is a requirement of a job dictated by regulations

- Employment and education details (professional membership, qualifications, references, and proof of eligibility to work in the UK and security checks)
- Financial details (bank details, salary, payments and deductions)
- Case file information

## Why we collect and hold this information

For purposes which include:

- Recruitment administration (including shortlisting and assessment stages and undertaking checks required to be able to make offers of employment)
- Staff employment administration and staff management (including payroll administration and for performance management purposes)
- Pensions administration
- Health administration, occupational health management and support services
- Statutory payments
- Enabling ethnicity, diversity, gender pay and equality monitoring
- Business management and planning
- Accounting and auditing
- Accounts and records
- For allocated corporate purchasing cards if required for service delivery
- Process employment, work related or insurance related claims (grievances, personal injury and compensation)
- Prevent and Detect crime prevention and prosecution of offenders
- Education and training purposes
- To comply with court orders
- Health and Safety requirements and management
- Information and databank administration
- Sharing and matching of personal information for national fraud initiative
- Sharing of personal information statutorily required by Professional bodies, and for Disclosure and Barring Services
- Demonstrate to regulatory bodies e.g. CQC, Ofsted that regulations are being met
- Financial modelling

- Workforce planning
- Supporting statutory consultation process
- Assess the quality of our services
- Evaluate and improve our performance
- Informing the development of policies are responsible
- Derive statistics which inform decisions about future delivery of services
- Managing archived records, constitutional and statutory retention requirements
- Management of information technology systems and reports
- For conducting investigations to make sure our policies and procedures are being followed and compliance with legislative obligations
- Complaints, accidents or incident details
- Any duty or responsibility of the local authority arising from common law or statute

## The lawful basis on which we use this information

Under Article 6 of the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing this information are:

**6(1)(a) Your consent.** Where an individual has given clear consent for the Council to process their personal data for a specific purpose.

**6(1)(b) We have a contractual obligation.** The processing is necessary for a contract with individuals, (either permanent or temporary) or because of the need to take specific steps before entering into a contract.

**6(1)(c) We have a legal obligation.** The processing is necessary for us to comply with the law

**6(1)(e) We need it to perform a public task.** The processing is necessary for us to perform a task in the public interest or for our official functions, and the task of function has a clear basis in law.

**6(1)(f) We have a legitimate interest.** The processing is necessary for a public authority to perform our official tasks or for our legitimate interests of a third party

Some of these legal bases are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities. This includes, but may not be limited to:

- Care Act 2014
- Health and Social Care Act 2015
- Statutory reporting requirements placed on a public organisation (Gender Pay Gap reporting etc.)

In order to do this work, we also need to collect some special category data. This is personal data that needs more protection because it is sensitive. Under Article 9 of the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing special category information are:

**9(2)(b) Necessary for the carrying out of obligations under employment, social security or social protection law**

- Para 1 – The processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection. Namely:
  - a. To monitor the diversity of applicants to ensure we comply with the Equality Act 2010
  - b. Meet safeguarding legal requirements where this is relevant to the vacancy
  - c. Confirm Right to Work, identity and eligibility for the vacancy
  - d. Meet the legal requirement for the provision of relevant information on payslips

**9(2)(g) Reasons of substantial public interest (with a basis in law)**

- Para 6 – Statutory and Government purposes
- Para 8 – Equality of opportunity or treatment
- Para 9 – Racial and ethnic diversity reporting at senior levels

## **How we store your personal information**

We will hold the information about you securely, and for no longer than reasonably necessary. We do not collect more information than what is needed to fulfil our stated purposes and have arrangements in place to regularly check and to take steps so that we do not retain information for longer than is necessary. If there is a reason why we may be unable to fulfil our retention arrangements, we will make it clear within our Retention Schedule and take action to work on solutions so that fair and lawful processing can be met. People Services Retention and Destruction Schedule sets out our arrangements for staff records. Details can be found under the HR retention schedule.

## **Who we may share your information with**

We may sometimes share the information we have collected about you where it is necessary, lawful and fair to do so. In each case we will only share the minimum amount of information, only when required, for the following reasons:

- To safeguard vulnerable children and young people;

- To develop national policies;
- To manage local authority performance;
- To identify and encourage good practice.

We routinely share information with:

- Other services within Kirklees Council;
- National government departments e.g. Department for Education to enable us to carry out specific functions for which we are responsible
- Other partners such as health and the police.

Where allowed by law or required by law we may share information with:

- Local and Central Government
- Pension fund administrators
- Regulatory authorities/bodies
- Family, associates or representatives of the person whose personal data we are processing
- Current, past and prospective employers
- Financial organisations
- Professional advisors and consultants
- Courts and tribunals
- Trade unions
- Professional bodies
- Police forces
- Partner agencies/approved organisations, such as The Local Government Association and The Office for National Statistics etc.
- Disclosure and barring service
- Healthcare professionals

There are other types of information we may share with others about you, where you provide consent for us to do so, which can include the following:

- Financial Organisations
- Salary Sacrifice scheme administrators

- Additional Voluntary Contribution administrators
- Solicitors
- Specific identified Trade Union stewards (related to employment cases)
- Nominated representatives
- External consultants (such as recruitment, coaching and mediation services)
- Care First or other medical professionals

We do not share personal information about you with anyone else without consent unless the law and our policies allow us to do so.

## Your data protection rights

Under data protection law, you have a number of rights, including the right to have your records rectified and the right to ask for access to all the information the Council holds about you. These rights are listed in more detail on [Kirklees Council's data protection rights page](#).

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at [Data.protection@kirklees.gov.uk](mailto:Data.protection@kirklees.gov.uk) if you wish to make a request.

## Further information

If you would like further information about how we manage your data, please see the [Kirklees Council privacy notice](#).

If you would like further information about this privacy notice, please contact: [HR@kirklees.gov.uk](mailto:HR@kirklees.gov.uk)

If you have any worries or questions about how your personal data is handled, please contact the Data Protection Officer at [DPO@kirklees.gov.uk](mailto:DPO@kirklees.gov.uk) or by ringing 01484 221000.

You can also complain to the ICO if you are unhappy with how we have used your data. You can contact the ICO via the ['Contact us' page on their website](#), or by ringing 0303 123 1113.