

Privacy Notice - Human Resources

Who are we:

HR
Town Hall
St Ives Road
Maidenhead
SL6 1RF

The lawful basis for processing the information:

General Data Protection Regulation Article 6(1)(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Where Special Category Personal Data is processed the lawful basis is the General Data Protection Regulation Article 9 (2) (b) processing is necessary for the purpose of carrying out the obligations and exercising specific rights of the data controller or the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

UK Data Protection Act 2018, Schedule 1 Part 1. Schedule 1(1)(a) 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

All HR services operate within the following legislation:

Human Resources

ACAS Arbitration Scheme (England and Wales) Order 2001.
ACAS Arbitration Scheme (Great Britain) Order 2004.
Access to Medical Reports Act 1988.
Acquired Rights Directive (2001/23/EC).
Agency Workers Regulations 2010.
Apprenticeships, Skills, Children and Learning Act 2009.
Asylum and Immigration Act 1996 and 1999.
Bribery Act 2010.
Care Standards Act 2000.
Childcare (Disqualification) Regulations 2009

Childcare (Amendment) Regulations 2018.
Collective Redundancies Directive (75/129/EC).
Collective Redundancies (Amendment) Regulations 2006.
Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995, 1999 and 2014.
Conduct of Employment Agencies and Employment Businesses Regulations 2003.
Criminal Justice and Court Services Act 2000.
Disability Discrimination Act 1995, 2005.
Education Act 2006.
Education and Skills Act 2008.
Employee Study and Training (Eligibility, Complaints and Remedies) Regulations 2010.
Employee Study and Training (Procedural Requirements) Regulations 2010.
Employment Act 2002 and 2008.
Employment Equality (Age) Regulations 2006.
Employment Equality (Age) (Amendment No.2) Regulations 2006.
Employment Equality (Religion or Belief) Regulations 2003.
Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011.
Employment Equality (Sex Discrimination) Regulations 2005.
Employment Equality (Sexual Orientation) Regulations 2003.
Employment Relations Act 1999 and 2004.
Employment Relations Act 1999 (Blacklists) Regulations 2010
Employment Rights Act 1996.
Employment Rights Act 1996 (Application of Section 80B to Adoptions from Overseas) Regulations 2003.
Employment Tribunals Act 1996.
Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014.
Equality Act 2010.
Equality Act (Age Exceptions for Pension Schemes) Order 2010.
Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.
Equality Act 2010 (Obtaining Information) Order 2010.
Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
Equality Act 2010 (Sex Equality Rule) (Exceptions) Regulations 2010.
Equal Opportunities and Equal Treatment Directive (2006/54/EC).
Equal Pay Act 1970.
Equal Treatment Framework Directive (2000/78/EC).
Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015.
Finance Act 2009, 2011, 2013, 2016 and 2017.
Fixed-term Workers Directive (99/70/EC).
Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
Flexible Working Regulations 2014.
Gender Recognition Act 2004.
Human Rights Act 1998.

Immigration Act 2014.
Immigration, Asylum and Nationality Act 2006.
Immigration (Restrictions on Employment) Order 2004 and 2007.
Information and Consultation Directive (2002/14/EC).
Information and Consultation of Employees Regulations 2004.
Local Government Transparency Code 2015
Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014.
Maternity and Parental Leave etc. Regulations 1999.
Maternity and Parental Leave (Amendment) Regulations 2001.
Maternity and Parental Leave etc. and the Paternity and Adoption Leave. (Amendment) Regulations 2006 and 2008.
The Maternity and Parental Leave etc. (Amendment) Regulations 2014.
National Minimum Wage Act 1998.
National Minimum Wage (Amendment) Regulations 2016 and 2017.
National Minimum Wage (Enforcement Notices) Act 2003.
National Minimum Wage Regulations 2015.
Part-time Workers Directive (97/81/EC).
Part time workers (Prevention of Less Favourable Treatment) Regulations 2000.
Parental Leave Directive (2010/18/EC).
Paternity and Adoption Leave Regulations 2002.
Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003.
Paternity and Adoption Leave (Amendment) Regulations 2004 and 2014.
Social Security (Paternity and Adoption) Amendment Regulations 2002
Pensions Act 1995, 2004, 2007, 2011, 2014.
Pension Schemes Act 2015.
Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006.
Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.
Police Act 1997 (Criminal Records) Regulations 2002.
Pregnant Workers Directive (92/85/EEC).
Protection of Children Act 1999.
Protection of Freedoms Act 2012.
Protection from Harassment Act 1997.
Public Interest Disclosure Act 1998.
Public Interest Disclosure (Compensation) Regulations 1999 (SI 1999/1548).
Public Interest Disclosure (Prescribed Persons) Order 2014 (SI 2014/2418).
Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.
Race Relations Act 1976.
Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999.
Regulation of Investigatory Powers Act 2000.
Rehabilitation of Offenders Act 1974.
Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.
Reserve Forces (Safeguard of Employment) Act 1985.

Right to Time Off for Study or Training Regulations 2001.
Safeguarding Vulnerable Groups Act 2006.
Sex Discrimination Act 1975.
Sex Discrimination Act 1975 (Amendment) Regulations 2008.
Sex Discrimination (Gender Reassignment) Regulations 1999.
Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations 2001.
Shared Parental Leave Regulations 2014.
Statutory Shared Parental Pay (Administration) Regulations 2014.
Statutory Shared Parental Pay (General) Regulations 2014.
Shared Parental Leave and Paternity and Adoption Leave (Adoption from Overseas) Regulations 2014.
Statutory Shared Parental Pay (Parental Order Cases) Regulations 2014.
Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.
Temporary Agency Work Directive 2008.
Trade Union Act 2016.
Trade Union and Labour Relations (Consolidation) Act 1992.
Transfer of Employment (Pension Protection) Regulations 2005.
Transfer of Undertaking (Protection of Employment) Regulations 1981.
Unfair Contract Terms Act 1997.
Work and Families Act 2006.
Working Time Regulations 1998 and 1999.
Working Time (Amendment) Regulations 2002 and 2003.
Directive on Written Information 91/533/EC.
Employment of Women, Young Persons and Children Act 1920.
Young Workers' Directive (Council Directive 94/33/EC).

Payroll

Approved Mileage Allowance Payments (Rates) Regulations 2011.
Attachment of Earnings Act 1971.
Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2014 and 2017.
Child Maintenance and Other Payments Act 2008.
Child Support Act 1991.
Child Support (Collection and Enforcement) Regulations 1992.
Civil Procedure Rules.
Commissioners for Revenue and Customs Act 2005.
Council Tax (Administration and Enforcement) Regulations 1992.
Courts Act 2003.
Education (Student Loans) (Repayment) Regulations 2000.
Employers' Duties (Implementation) Regulations 2010 (Auto enrolment).
Employers' Duties (Registration and Compliance) Regulations 2010.
Employment and Support Allowance Regulations 2008.
Income Tax (Earnings and Pensions) Act 2003.
Income Tax (Pay As You Earn) Regulations 2003.

Income Tax (Pay as you Earn) (Amendment) Regulations 2007.
Income Tax (Qualifying Child Care) Regulations 2007 and 2008.
National Insurance Contributions Act 2008, 2011 and 2014.
Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010.
Pensions Act 2008, 2011.
Social Security Act 1989.
Social Security Administration Act 1992.
Social Security Contributions & Benefits Act 1992.
Social Security Contributions Regulations 2001.
Social Security (Incapacity for Work) Act 1994.
Social Security (Overpayments and Recovery) Regulations 2013.
Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014.
Maternity Allowance (Curtailment) Regulations 2014.
Statutory Maternity Pay (General) Regulations 1986.
Statutory Maternity Pay (Medical Evidence) Regulations 1987.
Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002.
Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002.
Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002.
Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No.2) Regulations 2003.
Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) Regulations 2014.
Statutory Sick Pay (General) Regulations 1982.

For the Local Government Pension Scheme:

The Local Government (Discretionary Payments) Regulations 1996.
The Local Government (Early termination) (Discretionary Compensation) (England and Wales) Regulations 2006.
The Local Government Pension Scheme (Amendment) Regulations 2015.
The Local Government Pension Scheme (Miscellaneous Amendments) Regulations 2014.
The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.
The Local Government Pension Scheme Regulations 2013 (as amended).
The Local Government and other Officers' Superannuation Act 1922.
The Local Government Superannuation Act 1937.
The Local Government Superannuation Act 1953.
The Local Government Superannuation Regulations 1974.
The Local Government Superannuation Regulations 1986.
The Local Government Pension Scheme Regulations 1995.
The Local Government Pension Scheme Regulations 1997.

The Local Government Pension Scheme Transitional Provisions Regulations 1997 (as amended).

The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.

The Local Government Pension Scheme (Administration) Regulations 2008.

The Local Government Pension Scheme (Transitional Provisions) Regulations 2008.

For the NHS Pension Scheme:

NHS Pension Scheme Regulations 1995 and 2015.

NHS Pension Scheme Amendment Regulations, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

For the Teachers' Pension Scheme:

Teachers' Pension Regulations 2010 and 2014.

Teachers' Pension Regulations (Miscellaneous Amendments) 2011.

Teachers' Pension Regulations (Amendments) 2012, 2013, 2014.

Teachers' Pension Regulations (Amendments) (no 2) 2012.

Health and Safety

Health & Safety at Work Act 1974.

Management of Health and Safety at Work Regulations 1999.

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

Safety Representatives and Safety Committees Regulations 1977.

Workplace (Health, Safety and Welfare) Regulations 1992.

Control of Substances Hazardous to Health Regulations 1999.

Health and Safety Information for Employees Regulations 1989.

Health and Safety (First Aid at Work) Regulations 1981.

How we collect information:

Human Resources

Job application forms submitted online, by email, post.

HR forms submitted by new and current employees and managers – online, email and hard copy.

HR forms submitted by schools – online, email and hard copy.

Agency – pro-forma containing worker information via 3rd party online system or email form for off-framework agencies.

Data gained during the processing of DBS applications – online and hard copy.

Information gained during the management of employment processes – emails, letters, notes of interviews and meetings, reports - hard copy and electronic.

Occupational health referrals – online form.

Personal data is supplied by the employees via an online system supplied by third parties delivering various employee benefits.
Verbally from employees to confirm identity when calling HR with personal queries.

Payroll

Personal data is supplied by the individual employee via on line forms, emails, paper documents including bank account details, P45's, pensions history, union membership.

Personal data is supplied via third parties electronically and/or hard copy – pension providers, AVC provider, HMRC, HM Courts and Tribunal Service, Contributions Agency, the council's employee benefits providers including Sodexo and NHS Fleet Solutions, trade unions - GMB and Unison.

iTrent HR system- absences, overtime, expenses/mileage claims.
HMRC notifications are uploaded directly into the HR system.

Health and Safety

Online accident / incident report forms.
Paper forms sent by schools and internal council services.

Learning and Development

Learning and development software system.

Email – learninganddevelopment@rbwm.gov.uk.

Quality Matters <https://www.learningpool.com/>

iHasco <https://app.ihasco.co.uk/client/login>

Skillsoft <https://is023.skillport.com/skillportfe/login.action>

Categories of information collected:

Human Resources

Personal details including names, addresses, date of birth, qualifications, examinations, career history, skills, experience etc.

Emergency contacts

Equalities data – the nine protected characteristics - age, sex, race, disability, gender reassignment, pregnancy/maternity, marriage/civil partnership, religion/belief and sexual orientation.

Criminal convictions and cautions.

Information regarding employment processes and procedures such as discipline, grievance, capability, ill health.

Sickness absence dates and reasons.

Health and absence information.

Payroll

Date of marriage, NI number, personal bank account number, tax code, AVC payment value, salary sacrifice benefit value, value of official deductions including union subscriptions, court order payments, jury service payments etc.

Monthly variable data including overtime hours, standby claims, mileage and other expenses.

Maternity and other family related absence dates.

Health and Safety

Full name, personal address, telephone number, date of birth, gender.

Details of accident / incident and resulting injuries.

Details of First aid treatment given.

Learning and Development

Full name.

Email address.

How we use the information provided:

Human Resources

Application forms – to assess applicants for shortlisting and appointment and to determine suitability for employment at the outset and ongoing.

Contact details - to communicate with employees.

Employment records – respond to queries, record employment history.

Pay data – to enable processing of salary and other payments.

Pensions – for enrolment.

To manage employees through the employee lifecycle – joining, probation, employment history, job transfers, processes such as capability, disciplinary, absence management, restructuring, salary changes, retirement, termination, transfer to other organisations.

Equalities data – used to create a profile of the organisation.

To assess the employees' application for specific benefits e.g. childcare vouchers.

To confirm identity.

Workforce monitoring and statistical analysis, including statutory workforce returns.

Performance management.

Publication of information on the council's website to comply with the Local Government Transparency Code 2015.

Payroll

All associated payroll processing including payments for various absences.
Pension scheme contribution and entitlements administration.
Managing all calculations and processing of statutory and voluntary deductions from pay.

Health and Safety

Accident Investigation and reports.

Learning and Development

For the individual's record of learning.
To analyse attendance and future course planning.

iTrent

For administering the HR information system, validating data, reporting, development of functionality and testing new releases.

Who has access to the information:

Human Resources

HR Business Partner team, HR Strategic team for all HR processes before and during and after employment and for data validation, issue resolution and statistical purposes.

HR Strategic team, HR Business Partner team and Payroll team for assessment, administration and overall management of pay and benefit schemes.

Payroll

Payroll team in order to legally and accurately process payroll.

Health and Safety

Health and Safety Advisors to allow for investigation of accidents, complete reports and benchmarking against other councils.

Learning and Development

Learning and Development team to retain record of learning and manage learning events.

iTrent Systems team

iTrent Systems team has access to all systems and data,

All Human Resources teams

Agency workers/consultants appointed to work within HR in order to undertake relevant HR service related activities.

Managers

Access to the HR system for information about their employees.

Who we may share your information with:

Human Resources

3rd party occupational health services provider <http://www.ohworks.co.uk/>

Organisations providing services for pre-employment checks:

Disclosure & Barring Service

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Atlantic Data <http://www.atlanticdata.co.uk/>

Thames Valley Police – safeguarding issues/criminal activity

<https://www.thamesvalley.police.uk/>

National College of Teaching & Leadership - part of statutory pre-employment checks before and during employment. And during inspections to demonstrate compliance with employment practices and referrals where there is concern about professional conduct.

performance. <https://www.gov.uk/government/organisations/national-college-for-teaching-and-leadership>

3rd party organisations in any TUPE transfer process - personal data will need to transfer to new employer.

Pension providers - Berkshire Pension Fund (BPF) for the Local Government

Pension Scheme (LGPS) <http://www.berkshirerpensions.org.uk/>

Teachers Pensions Scheme <https://www.teacherspensions.co.uk/>

NHS pension <https://www.nhsbsa.nhs.uk/>

i-Connect – software for transferring LGPS data to the BPF

<https://www.icconnectdata.co.uk/>

Regulatory bodies –

Ofsted <https://www.gov.uk/government/organisations/ofsted>

Care Quality Commission <http://www.cqc.org.uk/>

Health and Care Professionals Council <http://hpc-uk.org/>

All internal service areas including schools/relevant managers - where information relates to their employees.

3rd party employee benefits service provider <https://uk.sodexo.com/home.html>

3rd party lease car scheme provider - <https://nhsfleetsolutions.co.uk/>

Recognised Trade Unions - to meet statutory consultation requirements related to organisational change/TUPE processes

<https://www.unison.org.uk/>

<https://www.gmb.org.uk/>

<http://www.naht.org.uk/>

<https://neu.org.uk/>

<https://www.ascl.org.uk/>

3rd party provider of on line job application system, JGP

<https://www.jobsgopublic.com/>

3rd party provider – supplier of temporary agency workers, de Poel

<https://www.depoel.co.uk/>

3rd party eye test voucher provider – Specsavers <https://www.specsavers.co.uk/>

Various 3rd parties requesting references or continuous service date confirmation etc

RBWM's internal and external audit service - to ensure compliance with internal controls and external regulations.

RBWM's external Legal Services provider – Shared Legal Services (SLS - legal services at Wokingham Borough Council)

For Employment Tribunal cases – Counsel will be commissioned via SLS.

Payroll

Pension providers – LGPS administered by Berkshire Pension Fund, TPS, NHS- see above, Prudential – AVC provider - 3rd party for administration of contributions and payment of pension benefits. I-Connect – third party software provider for data transfer to the Berkshire Pension Fund.

<https://www.pru.co.uk/rz/localgov/>

For processing of payroll deductions -

HMRC <https://www.gov.uk/government/organisations/hm-revenue-customs>

DWP <https://www.gov.uk/government/organisations/department-for-work-pensions>

HM Courts and Tribunal Service- for processing deductions <https://www.justice-ni.gov.uk/topics/courts-and-tribunals>

Various 3rd parties requesting earnings confirmation for mortgages, loans etc

RBWM's internal and external audit service - to ensure compliance with internal controls and external regulations.

National Fraud Initiative (NFI) – sharing of data between public bodies in order to detect fraud

RBWM's Finance service - for financial processing/budget management.

Trade Unions - check off information for union members, see above.

Health and Safety

Health and Safety Executive - where it is a requirement under RIDDOR Regulations <http://www.hse.gov.uk/>

Line Managers including schools- accident details will be shared and discussed with the employee's line manager or supervisor.

Council's Insurance Manager and insurers - to manage litigation and comply with insurance conditions.

Learning and Development

3rd party provider of the learning and development software system to enable management of learning records:

Quality Matters <https://www.learningpool.com/>

iHasco <https://app.ihasco.co.uk/client/login>

Skillsoft <https://is023.skillport.com/skillportfe/login.action>

Individually commissioned 3rd party training providers.

ITrent systems team

RBWM ICT service desk - as necessary as part of HR help desk function.

RBWM schools - the organisation collects data for and on behalf of schools as the employer which may be required by the individual schools for the purposes of reporting and budget monitoring at a school level.

RBWM's Finance service - for the purpose of pay modelling and budgeting.

Office of National Statistics - to satisfy the requirements of statutory returns. This is mostly anonymised but may include individual details <https://www.ons.gov.uk/>

3rd party HR system software provider - are given access to our database for; helpdesk call resolution, issue resolution, system development consultancy and reporting <https://www.mhr.co.uk/>

3rd party software used by Payroll – iConnect, Learning and Development – Quality Matters

National Fraud Initiative - in order to identify cross organisational fraud. Covers areas such as multiple employments, those in receipt of pension and salary, those in receipt of benefits and salary etc <https://www.nfi.gov.uk/>

How long we store your information

Human Resources

Unsuccessful job applicants – 6 months.

Employment records – 7* years after termination of employment (6 tax years plus current tax year) in electronic document management system, plus word, and PDF documents on secure network.

Employee pay and benefits records – 7* years after termination of employment in word, excel and PDF documents on secure network.

Payroll

All payroll related records – 7* years after termination of employment. Electronically within Payroll system, excel/word documents on secure network.

Associated pension records - 10 years after change. Electronically within Payroll system, excel/word documents on secure network.

Overtime and other monthly claims from schools - 6 years after termination of employment. Hard copies – secure storage.

Health and Safety

Accident records including RIDDOR– 3* years or where a child, until age 21.

COSHH – 40 years.

Learning and Development

Record of learning 7# years after course completed or person leaves organisation on the management of learning records software system.

iTrent Systems team

Emails to help desk - personal information. Until the Call is resolved + plus 12 month for monitoring of issues. Outlook email / shared inbox & Excel Spreadsheet on secure network.

Phone calls to help desk – personal. Until the Call is resolved + plus 12 months for monitoring of issues. Excel Spreadsheet on secure network.

* For those working with children, 25 years.

For those working with children 40 years.

Does your service utilise automate decision making? – No.