<u>Privacy Notice to persons applying for employment with Lewes and Eastbourne Councils</u>

Collection and use of your personal data

Lewes and Eastbourne Councils ('the councils') collect and process certain personal data from you when applying for employment with the councils, in order to inform the recruitment and, if applicable, the appointment and on-going employment process, including payroll, training and references. This data processing will include a check of our internal records to ascertain whether you, as the applicant, are in arrears with any payment owed to the councils, for example in relation to council tax, council housing rent or overpaid housing benefit.

Why we check if you owe money to the councils

There is a risk that an applicant's financial debt to the councils could conflict with the legitimate interest in protecting its financial position. Were the applicant to become a council employee, their debt may amount to a breach of the Code of Conduct for Employees. To mitigate this risk, the councils need to ascertain whether an applicant owes money to the councils and, if so, the level of debt. An applicant in financial arrears with the councils may be required to enter into a repayment plan with the councils before their application will be allowed to proceed.

The legal basis for processing your data

The councils' legal basis for processing your personal data is provided by article 6(1)(b) of the UK General Data Protection Regulation (UK GDPR), which allows processing necessary for the performance of our contract of employment with you.

If the information you provide contains 'special category' data such as health information, the further legal basis we rely on for processing is the employment provisions in article 9(2)(b) of the UK GDPR and Schedule 1, Part 1(1), of the Data Protection Act 2018.

Our justification for checking if you owe money to the councils is as follows. The councils aim to treat their personal debtors on equal terms, regardless of whether or not they are council employees. An employee who owes money to the councils should not expect preferential treatment as regards that debt, by virtue of their position with the councils. Accordingly, an employee in debt to the councils should expect to be treated on an equal basis as a debtor not employed with the councils, which may include the requirement to enter into a repayment plan. This equal treatment can be implemented only where the councils are aware that a job applicant is in arrears, hence the need for internal checks prior to employment.

Further, the councils consider that an employee's failure to pay monies owed to the councils is likely to bring the councils' own reputation into disrepute.

Who will your personal data be shared with?

Your personnel record is kept electronically and is only accessible by Human Resources and Payroll officers. Payroll information will be shared with HMRC, pension information will be shared with East Sussex County Council Pensions Team, and with Prudential if you have agreed to make additional voluntary contributions. Your information will also be shared with Frontier Software as the suppliers of our payroll system.

The nature and amount of any monies you owe to the councils will be shared with the Human Resources team and, where a repayment plan is required, the Payroll team so that the plan can be put into effect.

Where we need to disclose sensitive information such as medical details to a third party, we will do so once we have obtained your explicit consent, or where we are legally required to e.g. Occupational Health. We may disclose information when necessary to prevent risk of harm to an individual.

From time to time the councils may be required to disclose your personal data to third parties, either to comply with a legal obligation or as otherwise permitted under the UK GDPR.

The councils are required by law to protect the public funds they administer. We may use your personal data to assist in the prevention and detection of fraud. We may also share information with other bodies that are responsible for auditing or administering public funds, including the Cabinet Office.

The Cabinet Office requires councils to participate in data matching exercises to assist in the prevention and detection of fraud. Councils are required to provide particular sets of data to the Cabinet Office for this purpose and cannot refuse to supply this data.

Know Your People – First Advantage is the platform we use to carry out Basic and Enhanced Disclosure and Barring Service (DBS) Checks before your employment begins. We provide them with your personal data to enable them to perform their checks.

How long will we hold your data?

The length of time we will hold each category of your personal data is set out in the Appendix below.

Your rights

- You are entitled to request a copy of any information about you that we hold. If the information we hold about you is inaccurate, you have a right to have this

corrected and you have the right to request completion of incomplete data.

- You have the right to request the erasure of your personal data in certain circumstances ('right to be forgotten').
- You have the right to request that we stop, or restrict the processing of your personal data, in certain circumstances. Where possible we will seek to comply with your request, but we may be required to hold or process information to comply with a legal requirement.
- You have the right to object to the processing of your personal data in certain circumstances. We may still be required to hold or process information if there are legitimate grounds for doing so.

If you are dissatisfied with how the councils have used your personal information you have a right to complain to the Information Commissioner's Office at casework@ico.org.uk

Identity of Data Protection Officer

Data Protection Officer - Oliver Dixon, Lawyer

Contact details

Lewes and Eastbourne Councils, Town Hall, Grove Road, Eastbourne BN21 4UG
Email: accesstoinformation@lewes-eastbourne.gov.uk

Tel: 01323 410000

Appendix

Service Name	Records Description	Legislation Name	Start Event	Retention Period Years	Retention Period Months	Retain Until
Annual leave	All records relating to the management of staff annual leave		Creation of records	3	0	
Appraisal	All records relating to staff performance	Limitation Act 1980 (Section 2)	Action completed	6	0	
Appraisal	All records relating to the annual appraisal of staff		Creation of records	1	0	
Consultation and feedback	All records relating to the management of staff consultation and feedback	Limitation Act 1980 (Section 2)	Date consultation completed	6	0	
Disciplinary procedures	Case files relating to disciplinary matters	Limitation Act 1980 (Section 2)	Close of case	6	0	
Disciplinary procedures	Casework: Disciplinary where the case results in dismissal	Limitation Act 1980 (Section 2)	Year records created	6	0	
Disciplinary procedures	Casework: Disciplinary where the case results in no case to answer		Start of investigation	0	0	End of the investigation

Service Name	Records Description	Legislation Name	Start Event	Retention Period Years	Retention Period Months	Retain Until
Disclosure of interests	All records relating to the disclosure of financial and non-financial officer interests that could conflict with the Council's interest	Local Government Act 1972	Termination of employment	1	0	
Employment tribunals	All records relating to employment tribunal	Limitation Act 1980 (Section 2)	Year records created	6	0	
Employment tribunals	Case files relating to Employment Tribunal Claims and other employment matters	Limitation Act 1980 (Section 2)	Closure	6	0	
Expenses	All records relating to the payment of legitimately incurred business expenses to officers and others working for of the organisation	HMRC - Compliance Handbook Manual CH15400	Creation of records	6	0	
Grievance	Casework - Grievance procedure	Limitation Act 1980 (Section 2)	Date grievance resolved	6	0	

Service Name	Records Description	Legislation Name	Start Event	Retention Period Years	Retention Period Months	Retain Until
Medicals and health screening	All records relating to employee eye tests		Eye test carried out	0	0	Until new eye test completed
Occupational health	Health Referral files		Date of birth	85	0	
Occupational health	Health Surveillance forms		Date of questionnaire	40	0	
Operational exercising/ training	All records relating to the management of staff operational exercising/training		Date training completed	3	0	
Outplacement	All records relating to individuals who are made redundant		DOB of the individual made redundant	80	0	
Outplacement	All records relating to staff transferred to other organisations (TUPE)	Transfer of Undertakings (Protection of Employment) Regulations 2006	Date of transfer	6	0	

Service Name	Records Description	Legislation Name	Start Event	Retention Period Years	Retention Period Months	Retain Until
Overtime	All records relating to the management of staff overtime payments	HMRC - Compliance Handbook Manual CH15400	Creation of records	6	0	
Payroll	All records relating to the administration of parental leave where the child is not disabled	HMRC - Compliance Handbook Manual CH15400	Date of birth of child	6	0	
Payroll	All records relating to the administration of parental leave where the child is disabled		Date of birth of child	18	0	
Payroll	All records relating to the administration of Statutory Maternity Pay	The Statutory Maternity Pay (General) Regulations 1986 (SI1986/1960)	Tax year in which the maternity period ends	3	0	
Payroll	All records relating to the administration of Statutory Sick Pay	The Statutory Sick Pay (General) Regulations 1982 (SI1982/894)	Tax year to which the sick pay relates	3	0	

Service Name	Records Description	Legislation Name	Start Event	Retention Period Years	Retention Period Months	Retain Until
Payroll	All records relating to relocation claims	The Income Tax (Employment) Regulations 1993	End of the financial year to which records relate	3	0	
Recruitment	The selection of an individual for an established position		Recruitment finalised	1	0	
Recruitment process	All records relating to an individual's employment history - paid employment	Limitation Act 1980 (Section 2)	Termination	6	0	
Recruitment process	Check on financial arrears with the councils (e.g. in respect of council tax, housing rent, overpaid housing benefit)		Results of check	0	6	
Recruitment process	Repayment plan (in relation to any financial arrears with the councils)		Employee's fulfilment of the repayment plan to the councils' satisfaction	0	6	

Service Name	Records Description	Legislation Name	Start Event	Retention Period Years	Retention Period Months	Retain Until
Recruitment process	Criminal Records Bureau/Disclosure and Barring Service: Disclosure application forms	Disclosure and Barring Service check requests: guidance for employers	Date check completed	0	6	
Recruitment process	All records relating to the appointment of Statutory Officers		Creation of records	Permanent	Permanent	
Recruitment process	All records relating to the appointment of Statutory Officers		Date of appointment	5	0	
References	All records relating to the management of the provision of staff references		Date of reference	6	0	
Reorganisations	All records relating to the reorganisation of the internal workforce of the council	Limitation Act 1980 (Section 2)	Date reorganisation is completed	6	0	
Sickness management	All records relating to the monitoring of employee absence		Year records created	1	0	

Service Name	Records Description	Legislation Name	Start Event	Retention Period Years	Retention Period Months	Retain Until
Time management	All records relating to the process of monitoring staff leave and attendance		Date action completed	2	0	
Training	All records relating to training not concerning children		Date training completed	3	0	
Vetting of contract and supplier staff	All records relating to the checking/vetting of contract and supplier staff	Disclosure and Barring Service check requests: guidance for employers	Date check carried out	6	0	
Workplace bullying	Casework - Harassment	Limitation Act 1980 (Section 2)	Date case resolved	6	0	