

# DATA PROTECTION PRIVACY NOTICE

## Staff

V1 - 04/2018

Due to changes in data protection legislation in force from 25 May 2018, known as the EU General Data Protection Regulations (GDPR), the College must provide you with information in relation to the personal data the College holds about you, how this is gathered and the purposes for which it is used. This obligation is underpinned by our Data Protection and Data Security Policy, which is available from The Clan. This notice does not form part of your contract.

### The Data Controller

New College Lanarkshire is the Data Controller in relation to the personal data held by the College in connection with your employment or prospective employment at the College. The College's registered office is 1 Enterprise Way, Motherwell ML1 2TX and we are registered with the Information Commissioner as a Data Controller under reference Z9194349.

### Personal Information Collected

At various times, the College collects, holds and processes a range of personal information about you. Examples of the types of information we hold are set out below:

For applicants, current and former members of staff

- Name;
- Address;
- Contact details – email, phone etc;
- Work History;
- Qualifications;
- Professional Memberships;
- Conviction Information;
- Citizenship Information e.g. copies of Passport/Visa or other information required to verify your right to work in the UK;
- Information to Confirm Identity e.g. driving licence, utility bills etc;
- Date of Birth;
- Equalities Monitoring Information.

For current and former members of staff

- Details of offers of employment;
- References;
- National Insurance Number;
- PVG Certificates and any related information;
- Contractual terms and conditions (and any amendments);
- Photographs;
- Details of any disciplinary or grievance processes or any other formal process;
- CPD/Training Records (including Personal Development Reviews);
- Next of Kin / Emergency Contact Details;
- Trade Union Membership.
- Medical/Health Information;
- Health and Safety Information e.g. health surveillance data, accident reports; occupational health assessments;
- Absence Records;
- Financial Information e.g. bank account details, HMRC information, wages arremstments;
- Payroll related information e.g. salary, childcare voucher information, statutory payments;
- Pension information;
- Information related to your use of the College's electronic systems

Most of the information above will have been provided to the College by you or will have been generated through the process of appointing you to a role within the College. Some information, such as references, will have been provided by named contacts that you have given the College. Other information may be provided to us by relevant third parties, such as medical professionals, pension schemes or Disclosure Scotland.

The above lists are not exhaustive but are indicative of the main types of personal information processed by the College about you.

### How we use your information

All of the information listed above will be used to facilitate our recruitment processes, for the effective performance of the contract of employment that the College has entered into with you and to fulfil our legal responsibilities. Some information will also be used to facilitate the wider employment relationship and to facilitate statistical monitoring and reporting.

The College will process your data in order to:

- Assess your suitability to be appointed to a post within the College;
- Ensure that we can demonstrate that our staff are appropriately qualified and have the knowledge and experience to discharge their responsibilities effectively;
- Evidence the use of proper recruitment processes;
- Assess your suitability to be appointed to a post within the College, under the terms of the Protection of Vulnerable Groups (Scotland) Act 2007 and to demonstrate compliance with that Act.
- Ensure that you have the legal right to work in the UK under the Asylum, Immigration and Nationality Act 2006 (as amended);
- Ensure that all information processed relates to the correct individual;
- Facilitate PVG Scheme membership;
- Prevent fraud;
- Enable staff to be identified as members of the College team
- Ensure that you are paid correctly, and that required statutory deductions are made;
- Comply with HMRC regulations and reporting requirements;
- Maintain safety and security of campus users through the effective identification of members of staff;
- Confirm identity of individuals when processing information;
- Facilitate access to College systems (including door access);
- Ensure data security and appropriate use of the College's network and systems;
- Ensure compliance with College ICT policies;
- Ensure appropriate contributions are made and to liaise with the pension scheme to ensure that your pension scheme record is accurate.
- Fulfil our legal obligations as a public body under the Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (as amended);
- Enable statistical monitoring and reporting in support of the College's wider public task
- Facilitate effective consultation and negotiation with trade unions;
- Enable the deduction of trade union membership fees directly from salary;
- Fulfil our obligations under the Health and Safety at Work Act 1974 (and associated legislation and guidance);
- Ensure appropriate payment of statutory entitlements;
- Support staff who may require reasonable adjustments under the Equality Act 2010;
- Conduct Personal Development Reviews and plan CPD needs;
- Workforce Planning;
- Support the application of the College's agreed HR policies;
- Facilitate appropriate legal advice and to respond to any legal claims or disputes.

This list is not intended to be exhaustive and personal information may be used for a number of purposes, for which there may be several justifications. However, we will only use your data for the purpose(s) for which it was collected and any purposes that are compatible with that original purpose. Should we need to use your personal information for any other unrelated purpose, we will notify you and explain the legal basis for this additional processing.

Please be aware that the College can only process your personal information without your knowledge or consent only where there is a legal basis for us to do so.

## Where the information is held

All personal information supplied to the College by you or by a relevant third party is held securely, either in electronic format or in manual form and access to the personal information of staff is restricted. The majority of information is held within campus HR offices (or in the case of health related information, within the Health and Safety Team).

Some limited details – such as your name, post, photograph and contact details will be shared and held with other college systems for the purposes of providing you with network/email/intranet access, to ensure timetabling of staff and to facilitate identification and staff communication.

## Legal Basis for Processing

To be able to process personal data, a Data Controller must ensure that such processing falls within one or more of the lawful bases for processing that are set out in Article 6 of the EU General Data Protection Regulations (GDPR). These are:

- **Consent** – An individual has provided clear consent for the processing of their personal data for one or more specified purposes;
- **Contract** – The processing of the personal data is necessary to fulfil a contract that the College has with an individual;
- **Legal Obligation** – Processing of data is necessary to comply with the law, other than to fulfil a contractual reason;
- **Vital Interests** – Processing of data is necessary to protect someone's life;
- **Public Task** – Processing is necessary for the College to perform a public interest task or to fulfil its official functions, where the task or function has a clear legal basis;
- **Legitimate Interests** – Processing is necessary and in the College's legitimate interests or the legitimate interests of a third party, unless the need to protect an individual's data overrides those legitimate interests.

At each point that the College collects data, the lawful basis for processing will be made clear. However, it is expected that most of the data processed by the College in relation to staff will be information that is necessary for us to enter or carry out our contract with you. If you do not provide this data, we may not be able to enter into, or carry out, the contract. For example, if you don't provide your bank details, we may not be able to pay you.

## Special Category Data

Some personal information is defined with data protection legislation as Special Category Data. This particularly sensitive information requires higher level protection and we require additional justification for processing this information.

Further detail on Special Category data is contained within the College's Data Protection and Data Security Policy, available on The Clan and College website.

### Duty to Inform of Changes

By law, the College is required to ensure that personal data processed by the College is accurate. This means that it is important that you keep the College informed of any changes to your personal information during your employment with us. Any changes to personal information should be notified to your HR contact. A list of HR contacts is available on The Clan.

## Failure to Provide Information

If you do not provide personal information that is required by the College for a lawful purpose or to fulfil our contractual obligations to you, the College may be prevented from complying with our legal obligations and will not be able to perform the contract that we have entered into with you. In some cases, this could have an effect on your continued employment or lead to the withdrawal of any offer of employment made.

## Your Rights

Under the EU General Data Protection Regulations, Data Subjects have the following rights in relation to the processing of their data :

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure (sometimes referred to as 'the right to be forgotten');
- the right to restrict processing;
- the right to data portability;
- the right to object; and
- the right not to be subject to automated decision making including profiling.

All data processing will be undertaken by the College in line with the rights of data subjects. However, data subjects should be aware that the rights listed above may be qualified, limited or modified by the legal basis on which particular data is processed. Further information on individual rights is available from the Information Commissioner's website at [www.ico.org.uk](http://www.ico.org.uk).

## Withdrawal of Consent

Most information collected and processed by the College is necessary and required to fulfil our contractual obligations to you, to comply with the law or in furtherance of the College's legitimate interests. However, in limited circumstances information may be collected and processed for a specific purpose with your explicit consent. In such circumstances, you have the right to withdraw such consent for that specific processing and should advise the College's Data Protection Officer of this in writing.

On receipt of your withdrawal of consent, the College will cease processing your information for the agreed purpose unless we have another legitimate legal basis for doing so. Should this be the case, you will be advised in writing.

## Data Sharing

There will be occasions where we need to share your data with third parties, including service providers. We will only do so where we:

- Have a legal basis to do so under the General Data Protection Regulation; or
- Are required to under a statutory or regulatory obligation; or
- Have your consent

In all cases, data will only be shared in accordance with data protection legislation

*Third parties with whom we may share your data include:*

- Pension Providers;
- College Insurers (for the purposes of any claims and in connection to death in service benefits);
- The Scottish Funding Council;
- HMRC, Department of Work and Pensions and other government agencies;
- Occupational Health Providers – for the purposes of the health surveillance programme;
- Regulatory Bodies;
- Disclosure Scotland;
- Public: for business promotion, we may share details of your name, work location, professional memberships and photograph.

In all cases, any data that is shared will be relevant, not excessive and at the minimum level to comply with the purpose for which it is shared. Such data can only be processed for specified purposes and cannot be used by the third party for any other purpose. Where possible, the College will seek to share information on an anonymous basis.

In limited circumstances, service providers who are responsible for the supply and maintenance of college systems may have a level of access to those systems that would enable access to data held within those systems.

All third parties and service providers are required to take appropriate measures to safeguard the security of any information shared with them and to ensure compliance with data protection legislation. In most cases, data sharing will also be underpinned by a written data sharing protocol.

The College does not expect that any staff data will be held or shared outwith the European Union. Should this be the case, this will be done in compliance with a similar level of protection that is enshrined within EU & UK data protection legislation.

## Data Security

All personal data processed by the College is only accessible to those members of staff who need to use the information in the performance of their role. Personal data is secured in locked filing systems within lockable rooms with controlled access. Personal data which is held electronically is password protected and is subject to the College's ICT Policy Framework. Staff are required to keep computer passwords confidential and are not permitted to leave manual records containing personal information where they can be accessed by those without authority to do so.

Individual members of staff required to handle sensitive data in the course of their employment at the College will have a confidentiality clause contained within their Written Terms and Particulars of Employment, which will explicitly state that unauthorised disclosure or a breach of the Data Protection and Data Security Policy may result in disciplinary action.

## Retention of Data

Your personal information will only be held for as long as necessary and in accordance with relevant legislation and our Data Protection and Data Security Policy. The retention periods vary for different types of information and are clearly set out in the Data Retention and Archiving Schedule, which is available on The Clan and the College website.

## Changes to this Privacy Notice

The College reserves the right to amend this privacy notice at any time. The current and most up to date version can be accessed on The Clan and any significant changes will be notified to you.

## Further Information

If you have any issues about this notice or the way the College has handled your personal information, please contact the College's Data Protection Officer in the first instance:

**Gerry O'Hare**, Data Protection Officer, [gerry.o'hare@nclan.ac.uk](mailto:gerry.o'hare@nclan.ac.uk)

If you are dissatisfied with the response from the College you have the right to lodge a complaint with the Information Commissioner's Office:

### Information Commissioner's Office

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**Email:** [casework@ico.org.uk](mailto:casework@ico.org.uk)

**Tel:** 0303 123 1113