

PFCC Decision Report

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| Report reference number: 023/2020 |
| Classification (e.g. Not protectively marked/restricted): Not protectively marked |
| Title of report: Employee Privacy Notice |
| Area of county / stakeholders affected: All employees of the Police, Fire and Crime Commissioner for Essex |
| Report by: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer) |
| Date of report: 18 February 2020 |
| Enquiries to: Anna Hook (Data Protection Officer) |

1. Purpose of the report

To approve for adoption the Employee Privacy Notice attached at Appendix 1.

2. Recommendations

That the Police, Fire and Crime Commissioner (PFCC) for Essex approves the Employee Privacy Notice attached at Appendix 1.

That the Data Protection Officer establishes and maintains an auditable process for issuing the Employee Privacy Notice to all existing and new employees to whom it applies.

3. Benefits of the proposal

Implementation of the recommendations above will ensure the PFCC's compliance with their mandatory obligations under the General Data Protection Regulation (GDPR) to provide their staff with specified information relating to the collection and processing of their personal data.

4. Background and proposal

The PFCC already publishes a generic Privacy Notice which provides residents and service users with information about how the organisation collects and processes their personal data. However the General Data Protection Regulation (GDPR) requires

notices to be issued to all data subjects that the organisation may handle personal data in relation to, including employees and job applicants. Information is provided to job applicants through the Essex Police document, "Online recruitment process – your personal information" (available to view on the Essex Police website).

The proposed Employee Privacy Notice attached at Appendix 1 will meet the PFCC's residual obligations in this regard by explaining to new and existing employees what personal data the PFCC, as their employer, processes about them, how and why. It contains the following mandatory information "types" that employers are obliged to communicate to their employees, typically through an Employee Privacy Notice:

- The identity and contact details of the employer
- A description of the personal data collected
- The purposes for processing the data
- The legal basis on which processing will take place
- Who the personal data is shared with
- Whether personal data is transferred out of the European Economic Area (EEA) and, if so, details of the safeguards that are in place to protect the security of the data
- How long the personal data will be kept for
- The rights that employees have in relation to that personal data, e.g. the right to request that the employer rectifies any incorrect information.

5. Alternative options considered and rejected

As an employer, the PFCC is under a mandatory obligation under the GDPR to provide certain information to staff (outlined in section 4 above) relating to the collection and use of their personal data. It is also a core GDPR principle for employers to process HR related data in a fair and transparent way. Issuing a bespoke and adequately informative Employee Privacy Notice is therefore a key element of achieving GDPR compliance. As such, there is no alternative available to the Commissioner but to adopt the proposed, or an amended, Employee Privacy Notice.

6. Police and Crime Plan

Whilst there is no direct link between this decision and the Police and Crime Plan, implementation of the recommendations set out above will discharge some of the PFCC's key mandatory obligations in respect of its workforce, which is of course one of the key resources available to deliver the Plan.

7. Police operational implications

There are no operational implications arising for Essex Police as a result of this report.

The Employee Privacy Notice attached at Appendix 1 references the processing of personal data that Kent and Essex Police's shared support services undertake on behalf of the PFCC under a data processor agreement.

8. Financial implications

There are no financial implications arising from this report.

9. Legal implications

The PFCC's mandatory obligations in respect of the provision of information to their staff relating to the processing of their personal data are set out in the General Data Protection Regulation (GDPR) 2016, which came into effect in the UK on 25 May 2018.

10. Staffing implications

Once adopted, the Employee Privacy Notice will apply to all employees, ex-employees, agency staff, contractors, secondees and the PFCC. An auditable process will need to be put in place by the Data Protection Officer to ensure that it is issued to all of those to whom it applies.

11. Equality and Diversity implications

The Employee Privacy Notice attached at Appendix 1 details how sensitive special category data, including that relating to equal opportunities monitoring, will be collected from employees, retained, protected and utilised by the PFCC.

12. Risks

If, as an employer, the PFCC does not have a clearly documented record of having issued an Employee Privacy Notice and is either subject to an Information Commissioner's Office (ICO) inspection or dealing with the ICO for some other reason, a failure to provide this information will likely adversely affect the ICO's assessment of the PFCC's overall compliance with data protection legislation and regulations. The recommendations set out within this report mitigate against this risk.

13. Governance Boards

The Employee Privacy Notice attached at Appendix 1 was discussed at the PFCC's SMT meeting on 18 February 2020. At this meeting it was agreed in principle that the document would be adopted.

14. Background papers

Appendix 1 – Employee Privacy Notice

Report Approval

The report will be signed off by the OPFCC Chief Executive and Treasurer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O.

Sign: 

Print: P. Beard

Date: 18 February 2020

Chief Finance Officer / Treasurer Sign:

Print:

Date:

Publication

Is the report for publication?

YES

NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

.....
..... N/A

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES
NO

2. Of Appendix? YES
NO

If 'YES', please provide details of required redaction:

.....
..... N/A

Date redaction carried out:

Treasurer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:

Print:

Chief Executive/Treasurer

[NOT PROTECTIVELY MARKED]

Chief Finance Officer / Treasurer Sign: [Signature]

Print: DEBORAH OLSON

Date: 20/12/20

Publication

Is the report for publication?

YES

NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

N/A

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES
NO

2. Of Appendix? YES
NO

If 'YES', please provide details of required redaction:

N/A

Date redaction carried out:

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| <p><u>Treasurer / Chief Executive Sign Off – for Redactions only</u></p> <p>If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.</p> <p>Sign:</p> <p>Print:</p> <p style="text-align: center;">Chief Executive/Treasurer</p> |
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Decision and Final Sign Off

I agree the recommendations to this report:

Sign: *[Handwritten Signature]*

Print: *R.C. HARRIS*

PFCC/Deputy PFCC

Date signed: *24/2/20*

I do not agree the recommendations to this report because:

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.....
.....

Sign:

Print:

PFCC/Deputy PFCC

Date signed:

