



## Employee Privacy Notice

Adopted February 2020

### Introduction

The Essex Police, Fire and Crime Commissioner's office collects and processes personal data relating to its employees to manage the employment relationship. We are committed to being transparent about how we collect and use data and to meeting our data protection obligations. This employee privacy notice informs you of how information is obtained, used, and retained. It applies to all employees, ex-employees, agency staff, contractors, secondees and the PFCC.

We have an obligation to highlight the following:

**Data Controller:** The Police, Fire and Crime Commissioner for Essex, Kelvedon Park, London Road, Rivenhall, Witham, Essex, CM8 3HB.

**Data Protection Officer:** Anna Hook (Head of Performance and Scrutiny – Policing and Crime), Kelvedon Park, London Road, Rivenhall, Witham, Essex, CM8 3HB

### 1. Data Protection Principles

1.1 We will comply with data protection laws and give particular attention to the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016, particularly article 5, which says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely and confidentially.

## **2. What information does the organisation collect about you?**

2.1 We collect and process a range of personal and sensitive (special category) data about you. This includes:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- a copy of your passport or similar photographic identification and / or proof of address documents;
- the terms and conditions of your employment including your signature on your employment contract;
- details of any secondary employment and declarations of interests, gifts and hospitality;
- your original job application, employment references, details of your qualifications, skills, experience and employment history, including start and end dates with previous employers and with us. We will also keep records of any training that you undertake as an employee of the Commissioner or training needs identified during your employment with us;
- information about your remuneration, National Insurance number and contributions, tax codes, gross and net pay, deductions from pay arising from court orders and child maintenance orders, pensions deductions (with Local Government Pension Scheme membership administered by Essex County Council's Pensions Department) and any other employment related benefits. The personal data held by Essex County Council's Pensions Department may include details of marriage, divorce and any pension sharing arrangements arising from that, including entitlement to benefits such as pensions or insurance cover;
- details of your bank account including account name, sort code and account number;
- information about your marital status, next of kin, dependants and emergency contact details;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record, which also includes details of family members (not just next of kin and dependents) for vetting purposes;
- details of your schedule (days of work and working hours) and attendance at work, including any changes to your employment contract or working pattern (e.g. any requests for flexible working);
- details of expenses or other payments claimed;
- information obtained from the monitoring of standards relating to the acceptable use of IT and entry to and exit from our premises;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave. This includes any forms applying for the leave, copies of MATB1 forms, matching certificates and any other relevant documentation relating to the nature of the leave taken;

- details of any disciplinary or grievance procedures in which you have been involved (whether as a party or a witness), including any warnings or penalties issued to you; related correspondence and any Employment Tribunal or other civil action casework relating to you;
- details of trade union membership;
- assessments of your performance, including probation reviews, appraisals, performance reviews and ratings, performance improvement plans and related correspondence;
- information about medical or health conditions, including Occupational Health referrals and reports, medical screening; notice of self-certifications; Statements of Fitness for Work provided by your doctor or other health professional; risk assessments; health management questionnaires; notes from Return to Work interviews and details of whether or not you have declared a disability for which we need to make reasonable adjustments. Sickness records are held by the shared Essex Police and Kent Police HR department and medical screening data is held by their Occupational Health and Welfare department;
- information about any accident you have been involved in at work including accident reports, employer's liability claims, records relating to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) and the Control of Substances Hazardous to Health (COSH) Regulations;
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief;
- your responses to staff surveys (if this data is not anonymised).

2.2 We collect this information in a variety of ways and from various sources. Much information will be obtained directly from you. For example, data is collected through application forms, CVs or resumes; obtained from identity documents such as your passport or driving licence; from forms completed by you during the application process, at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

2.3 In some cases, we collect personal data about you from third parties, such as employment agencies; from your employer (if you are a secondee); through references supplied by former employers (whether internal or external); information obtained through employment background checks, from Occupational Health and other health providers; information supplied by data processors working on behalf of the PFCC; from pension administrators and other government departments, such as tax details from HM Revenue and Customs; information supplied by your trade union; information from credit reference agencies, and information from criminal records checks permitted by law.

2.4 Data is stored in a range of places, including in a hard copy personnel file stored at Kelvedon Park, in Essex Police's HR management systems and in other IT systems (including the Essex Police email system from which the Commissioner's office operate).

### **3. Why does the organisation process personal data?**

3.1 We need to process data to enter into an employment contract with you and to meet our obligations under your employment contract; to provide you with access to business services required to support you in your role, and to manage our human resources

processes. For example, we need to process your data to provide you with an employment contract; to pay you in accordance with your employment contract and to administer benefit, pension and insurance entitlements.

- 3.2 In some cases, we need to process your data to ensure that we are complying with our legal obligations. For example, we are required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws, to enable employees to take periods of leave to which they are entitled, and to consult with employee representatives if redundancies are proposed or a business transfer is to take place. It is also necessary to carry out criminal records checks and vetting to the requisite level to ensure that individuals are permitted to undertake the role in question.
- 3.3 In other cases, we have a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows us to:
- run recruitment, organisational change and promotion processes;
  - maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency) and records of an employee's contractual and statutory rights;
  - operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
  - conduct pay and grading reviews;
  - operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
  - obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities; to meet our obligations under health and safety law, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
  - operate and keep a record of various types of leave (including maternity, paternity, adoption, parental and shared parental leave) to allow effective workforce management; to ensure that we comply with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
  - assess compliance with corporate policies and procedures and ensure the security of premises, IT systems and employees;
  - ensure effective general HR and business administration;
  - conduct employee engagement surveys;
  - provide references on request for current or former employees;
  - deal with any employer / employee related disputes, including responding to and defending against legal claims; and
  - maintain and promote equality, diversity and inclusion in the workplace.
- 3.4 Information about trade union membership is processed to allow us to operate staff deductions for union subscriptions and to ensure staff are involved appropriately in

collective bargaining and appropriately supported through any HR process during their employment.

- 3.5 Where we process other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring as permitted by the Data Protection Act 2018. You can ask us to stop processing this data at any time.
- 3.6 When appropriate, we will provide a "just in time" notice to cover any additional processing activities not mentioned elsewhere in this document.

#### **4. The legal basis for processing**

- 4.1 The PFCC will only process data relating to employees in order to fulfil its duties as an employer, or where it has a legal obligation to process personal data either in accordance with a statute or court order, or in order to prevent or detect misconduct.
- 4.2 Most of the processing of personal data the PFCC undertakes as an employer (including in relation to information about employees' criminal convictions and offences) relies on article 6 of the GDPR. Article 6(1)(b) relates to the processing necessary for the performance of a contract; article 6(1)(c) relates to the PFCC's legal obligations as an employer; article 6(1)(d) relates to the protection of your vital interests and those of other people; article 6(1)(e) relates to the performance of our public tasks, and article 6(1)(f) refers to the purposes of our legitimate interest.
- 4.3 For processing special category data, the PFCC relies on the provisions under article 9 (obligations in the field of employment, or to establish, exercise or defend legal claims) or article 89 (where there is substantial public interest or for statistical purposes) of the GDPR.
- 4.4 In addition, the PFCC relies on the processing conditions set out within Schedule 1, Part 1, paragraph 1 and Schedule 1, Part 1, paragraph 2(2)(a) and (b) of the Data Protection Act 2018. These relate to the processing of special category data for employment purposes, preventative or occupational medicine and the assessment of your working capacity as an employee.

#### **5. Who has access to your data?**

- 5.1 Your information will be shared with members of Essex and Kent Police's HR and recruitment team (including payroll), your line manager, and Essex and Kent Police IT staff if access to the data is necessary for performance of their roles.
- 5.2 Your data may also be shared with employee representatives in the context of collective consultation on a redundancy or organisational change. This would be limited to the information needed for the purposes of consultation, such as your name, contact details, role and length of service.
- 5.3 We share your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third party providers and obtain necessary criminal records checks from Essex Police's Vetting Department. In those circumstances the data will be subject to confidentiality arrangements.

- 5.4 We also share your data with third parties, such as the shared Kent and Essex Police support services, which process data on the Commissioner's behalf in connection with payroll, the provision of benefits and the provision of occupational health services. Kent and Essex Police also share your information with Essex County Council in relation to the administration of the Local Government Pension Scheme.
- 5.5 If we consider that you are a risk to others, we may share misconduct or discipline records with a new employer, the Disclosure and Barring Service (DBS), other police forces or government agencies.
- 5.6 We will also disclose your personal data to other bodies and individuals when required to do so by or under any act of legislation, by any rule of law, or under any court order. This may include disclosures to the Child Support Agency, the National Fraud Initiative, the Home Office or the Courts.
- 5.7 We will also share your data with your consent, for example if you are seeking a reference from us or transferring to another employer.
- 5.8 We will not transfer your data to countries outside the European Economic Area (EEA) unless required to do so by law.
- 5.9 We will always record our reasons for sharing and who we have shared your personal data with. You can lodge an objection to this by contacting the Data Protection Officer, whose contact details are provided above.

## **6. How do we protect your data?**

- 6.1 We will ensure that the personal data we collect about you is kept to the minimum that is necessary for the processing purpose.
- 6.2 We take the security of your data seriously. We have internal policies and controls in place to safeguard against your data being lost, accidentally destroyed, misused or disclosed, or accessed except by employees in the performance of their duties.
- 6.3 Information held by Kent and Essex Police must demonstrate compliance with the standards set by the National Policing Information Risk Management Team (NPIRMT), the National Police Chiefs Council's (NPCC's) Community Security Policy (CSP) and relevant parts of the ISO2700I Information Security Standard, regardless of where it comes from. Electronic and digital security of systems which use or manage police information adhere to the Kent and Essex Police Baseline Security Requirement.
- 6.4 Technical safeguards are enforced within the IT infrastructure through tools and techniques including firewalls, data encryption, end point detection and response solutions, protective monitoring, segregation of data and role based authorised system access. Physical access controls ensure authorised and appropriate access to buildings and files.
- 6.5 We may use anonymised or pseudonymised data for statistical or research purposes. When using anonymised data, all identifying characteristics such as your name and age will be taken out. When using pseudonymised data, all such identifying characteristics will be taken out and an identifying number used instead.
- 6.6 Where we engage third parties to process personal data on our behalf, such as the Kent and Essex Police HR department, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical

and organisational measures to ensure the security of data. These requirements are set out in a data processor agreement.

## **7. For how long do we keep your data?**

7.1 We will hold your personal data in accordance with the Disposal and Retention Schedule for Essex Police Records and any relevant legal requirements.

## **8. Your rights**

8.1 As a data subject, you have a number of rights:

- The right to be informed – You have the right to be informed about the collection and use of your personal data. You must be informed of the purpose for processing your personal data; retention periods for that data and who it will be shared with. This information must be provided at the time at which personal data is collected. This Employee Privacy Notice is one of the key means through which the PFCC ensures this right is complied with. Further details can be found under articles 13 and 14 of the GDPR.
- The right of access – You have the right to request access to and obtain a copy of your personal data (also known as a subject access request). Further information on this right can be found under section 45 of the Data Protection Act 2018 and article 15 of the GDPR;
- The right to rectification – You have the right to apply to us to change incorrect data or to complete incomplete data. Your data can be corrected when we have recorded any of your personal data incorrectly; your details have changed; we were provided with incorrect data from someone or somewhere else, or we have recorded information against your name that refers to someone else. Your data cannot be changed when an investigation is live and any corrections will compromise this; where it relates to a malicious or false allegation; if an individual has said something about you that you disagree with, or you have deliberately provided false details. Further information on this right can be found under section 46 of the Data Protection Act 2018 and under Article 16 of the GDPR;
- The right to erasure (“the right to be forgotten”) – You have the right to request that your personal data is deleted. Further details can be found under section 47 of the Data Protection Act 2018 and under article 17 of the GDPR;
- The right to restriction – You have the right to request restriction or suppression of your personal data. When processing is restricted, personal data is stored but cannot be used. Further details about this right can be found under section 47 of the Data Protection Act 2018 and under article 18 of the GDPR;
- The right to data portability – You have the right to request and reuse the personal data you provide to us for your own purposes across different services. This will allow data to be moved, copied or transferred from one IT environment to another in a safe and secure way without affecting its usability. Data will be provided in a format that is structured, commonly used and machine readable. Further information about this right can be found under Article 20 of the GDPR;
- The right to object to the processing of your data in certain circumstances set out in article 21 of the GDPR; and

- The right to apply not to be subject to automated decision making, based on automated processing, if it produces an adverse legal effect or otherwise significantly affects you. Further information about this right can be found under section 49 of the Data Protection Act 2018 and article 22 of the GDPR.
- 8.2 The rights of data subjects under the GDPR above are not absolute, and in certain situations requests cannot be granted. For example, the right to restrict data processing does not apply when data is processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences. The same applies to the processing of personal data in the prevention of threats to public security.
  - 8.3 If you would like to exercise any of these rights or make a complaint, please contact the Data Protection Officer (DPO), Anna Hook, at Kelvedon Park, London Road, Rivenhall, Witham, Essex, CM8 3HB or by emailing [anna.hook@essex.police.uk](mailto:anna.hook@essex.police.uk)
  - 8.4 You can make a subject access request by completing a form which can be accessed on our website. There is no legislative requirement to complete the form, but doing so will ensure that we have all the details needed to fulfil your request, including the required identification validation. This will help to ensure that your request is dealt with as quickly as possible.
  - 8.5 If after contacting the DPO, you believe that we have not complied with your data protection rights, you can complain to the Information Commissioner.

## **9. What if you do not provide personal data that is requested of you?**

- 9.1 You have some obligations under your employment contract to provide us with certain data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide us with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.
- 9.2 Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable us to enter a contract of employment with you. If you do not provide such information, this will hinder our ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

## **10. Related policies and procedures**

- 10.1 This Employee Privacy Notice should be read in conjunction with:

Online recruitment process – your personal information (available to view on the Essex Police website)

The PFCC's global privacy notice (available to view at <https://www.essex.pfcc.police.uk/contact-us/privacy-notice/>)

The Disposal and Retention Schedule for Essex Police Records

The PFCC's Data Protection Policy

The PFCC's Access to Information Policy