



# Blackburn with Darwen Borough Council Recruitment & Employment Privacy Notice

## HR, Legal & Governance

Blackburn with Darwen Borough Council's core data protection obligations and commitments are set out in the [Council's Primary Privacy Notice](#).

This notice provides additional service specific privacy information relating to:

- Employment applicants
- Employees (and former employees)
- Workers (including agency, casual, contractors and those of external organisations)
- Volunteers
- Trainees and those carrying out work experience.

It describes how we collect, use and share personal information about you;

- before, during and after your working relationship with us, and
- the types of personal information we need to process, including information the law describes as 'special' because of its sensitivity.

We recognise the need to treat personal and sensitive data in a fair and lawful manner. No personal information held by us will be processed unless the requirements for fair and lawful processing can be met.

In order to carry out our activities and obligations as a service provider we will process data in relation to:

- Undertaking pre-employment and verification checks during the recruitment process
- Making a decision about your recruitment or appointment
- Determining the terms on which you work for us
- Checking you are legally entitled to work in the UK
- Paying you and, if you are an employee, deducting tax and National Insurance contributions
- Liaising with your pension provider
- Administering the contract we have entered into with you
- Business management and planning, including accounting and auditing
- Conducting performance reviews, managing performance and determining performance requirements
- Making decisions about salary reviews and compensation
- Assessing qualifications for a particular job or task, including decisions about promotions
- Gathering evidence for possible grievance or disciplinary hearings
- Making decisions about your continued employment or engagement
- Making arrangements for the termination of our working relationship
- Education, training and development requirements.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work
- Ascertaining your fitness to work

- Managing sickness absence
- Complying with health and safety obligations and public access legislation
- To prevent fraud, including sharing and matching of personal information for the national fraud initiative
- To conduct data analytics studies to review and better understand employee retention and turnover rates
- For equal opportunities monitoring purposes.

### **Categories of personal data**

In order to carry out our activities and obligations as an employer we process personal information in relation to:

- Personal demographics (including date of birth, gender, marital status)
- Photographs, CCTV footage and other information obtained through electronic means such as swipe card records
- Contact details such as names, addresses, personal email address, telephone numbers and Emergency contact(s)
- Recruitment records (including CV, application form, references, pre-employment and verification checks)
- Employment records (including your workplace, job title, national insurance number, training records, professional memberships, proof of eligibility to work in the UK and security checks)
- Bank account details, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Information relating to health and safety (including accident and incident details)
- Information about your use of our information and communications systems
- Disciplinary and Grievance information (including Employment Tribunal applications, complaints)

We may also collect, store and use the following special and sensitive personal information:

- Disciplinary and Grievance information (including Employment Tribunal applications, complaints, Information about your race or ethnicity, religious beliefs, sexual orientation (including ensuring meaningful equal opportunities monitoring and reporting)
- Trade union membership (including complying with employment law and paying subscriptions)
- Medical information including physical health or mental condition, sickness and occupational health records (including to comply with employment and other laws, ensure health and safety, assess fitness to work and monitor and manage absence)
- Genetic information and biometric data
- Offences (including alleged offences), criminal proceedings, outcomes and sentences.

We will only collect information about criminal convictions if it is appropriate for the employment role and where we are legally permitted or required to do so. We collect information about criminal convictions as part of the recruitment process or may be notified of information directly by you or a 3<sup>rd</sup> party in the course of your recruitment or employment.

We do not need your consent to use personal or special categories of your personal information to carry out our legal obligations or exercise specific rights in the field of employment law, social security and social protection. In limited circumstances, we may approach you for your written consent to allow us to process your personal information or certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us and that where consent is given applies, you have the right to withdraw it at any time (without affecting the lawfulness of our processing prior to the withdrawal of your consent).

The legal bases we rely on for processing your personal information are:

- entering into or performing obligations under your contract of employment
- performing or exercising obligations or rights under employment law, social security law or social protection
- general legal obligations that we must meet
- where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards
- where it is needed in relation to exercising or defending legal rights (e.g. in relation to legal proceedings and claims)
- your consent (in situations where you have a genuine choice and control over whether your information is processed, including the right to withdraw your consent at any time without detriment)
- our legitimate interests (or those of a third party) provided your interests and fundamental rights do not override those interests
- fraud prevention and protection of public funds
- compliance with any Court Orders
- where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers). This could damage employment relationship/result in breach of contract.

### **Information sharing/recipients**

In addition to the general reasons for information sharing described in the council's primary privacy notice:

We may share information about you for the following purposes:

- with third parties where required by law, where necessary to fulfil your contract of employment or where we or a third party has a legitimate interest
- for the purposes of the National Fraud Initiative conducted by central government under Section 33 and Schedule 9 of the Local Audit and Accountability Act 2014
- in connection with school workforce census as provided for in Section 114 of the Education Act 2005 and the associated Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007/2260, which affects some directly employed council staff working in education
- to disclose your personal information to any of our employees, officers, insurers, professional advisers, agents and suppliers so far as necessary for the purposes set out in this policy
- to comply with our obligations with legislation
- to comply with our duty to respond to any Court Orders which may be imposed
- to provide a report of your training record to your employer, when requested.

As well as information directly collected from candidates in the recruitment process and from employees during the course of employment, we also collect or receive information from:

- former employers
- referees
- employment agencies
- Disclosure and Barring Service
- complainants (e.g. service users/employees)
- next of kin
- health professionals
- public sources, if relevant to employment and job role

Any disclosures of personal data are always made on a case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances and with the appropriate security controls in place. Information is only shared with those agencies and bodies who have a "need to know" or where you have consented to the disclosure of your personal data to such persons. A full list of sharing Partners are attached at [Appendix A](#)

### **Data retention/criteria**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any future legal, accounting, or reporting requirements.

Once your employment ends we must continue to retain necessary information for Six years plus current year and for pensionable employees, certain employment records must be kept until after pension benefits become payable'. Further advice relating to retention of records can be obtained by emailing the Information Governance team [acesstoinformation@blackburn.gov.uk](mailto:acesstoinformation@blackburn.gov.uk)

### **Rights of individuals**

You have a number of legal rights in relation to your personal information. These apply regardless of your employment status with the Council. These are:

1. To be informed why, where and how we use your information.
2. To ask for access to your information.
3. To ask for your information to be corrected if it is inaccurate or incomplete.
4. To ask for your information to be deleted or removed where there is no need for us to continue processing it.
5. To ask us to restrict the use of your information.
6. To ask us to copy or transfer your information from one IT system to another in a safe and secure way, without impacting the quality of the information.
7. To object to how your information is used.
8. To challenge any decisions made without human intervention.

You have a right to be informed about how and why your personal information is being processed. This notice fulfils that obligation.

Information about:

- these rights and how to exercise them;
- contacting our DPO;
- raising a concern with us, or;
- making a complaint to the Information Commissioner;

is accessible in our [guide to individual's data rights](#) on the Council's internet page.

### **How to contact us**

Should you have any further queries on the uses of your information, please email [hradvice@blackburn.gov.uk](mailto:hradvice@blackburn.gov.uk), or contact our Data Protection Officer – Sarah Critchley [sarah.critchley@blackburn.gov.uk](mailto:sarah.critchley@blackburn.gov.uk)

Should you wish to lodge a complaint about the use of your information, please contact our HR Department by emailing [hradvice@blackburn.gov.uk](mailto:hradvice@blackburn.gov.uk)

If you are still unhappy with the outcome of your enquiry you can write to: The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF - Telephone: 01625 545700.

### **Updates to this Privacy Notice**

We may update or revise this Privacy Notice from time to time and provide supplementary privacy information as is necessary to the Council's current workforce.

## **APPENDIX A**

### **Use of Third Party Companies**

To enable effective administration Blackburn with Darwen Borough Council may share your information with the following external companies, to process your data on our behalf in order to comply with our obligations as an employer and service provider.

### **HMRC / GOV.UK**

The information which you provide will be shared with HMRC to enable all employees to pay the correct tax and National Insurance (NI) contributions. This is a statutory requirement.

### **Department of Education**

At times, the Department of Education request employee information. This is a statutory requirement.

### **Department of Work and Pensions**

At times, the Department of work and Pensions request employee information. This is a statutory requirement.

### **Health and Safety Executive**

At times, the Health and Safety Executive request employee information regarding an Incident/accident at work. This is a statutory requirement.

### **Office of National Statistics**

At times, the ONS request employee and payment information. This is a statutory requirement.

### **National Fraud Initiative / GOV.UK**

At times, the National Fraud Office request employee and payment information. This is a statutory requirement.

### **Skills for Care**

The NMDS-SC is an online database which holds data on the adult social care workforce. It is the leading source of workforce intelligence.

### **Job Centre**

At times, the Job Centre request employee information. This is a statutory requirement.

### **Councils and Courts (regarding Attachment of earnings and court orders)**

At times, Councils and Courts request employee information and require Blackburn with Darwen Borough Council to make deductions from employees Pay. This is a statutory requirement.

### **Prudential**

The information which you provide will be shared with Prudential about any additional pension contributions the employee requests.

### **AVC Wise**

The information which you provide will be shared with AVC Wise when requesting additional pension contributions via salary sacrifice.

### **Your Pension Service - LGPS**

The information which you provide will be shared with YPS about pension contributions made. This is a statutory requirement.

### **Teachers Pensions Service**

The information which you provide will be shared with TPS about pension contributions made. This is a statutory requirement.

### **NHS Pension Scheme**

The information which you provide will be shared with NHS Pension Scheme about pension contributions made. This is a statutory requirement.

### **Trade Union Subscriptions**

The information which you provide will be shared with the relevant Trade Union regarding the employees subscription contributions made.

### **GAYE**

The information which you provide will be shared with GAYE regarding the employees charity contributions made.

### **Jubilee Tower/Credit Union/Fairquid**

The information which you provide to Jubilee Tower/Credit Union/Fairquid will be used in regards to the contributions/deductions made. In connection to loans and savings your information will also be shared with Jubilee Tower/Credit Union/Fairquid.

### **Neyber**

The information which you provide to Neyber will be used in regards to the contributions/deductions made. In connection to loans and savings your information will also be shared with Neyber.

### **Birmingham Hospital Saturday Fund (BHSF)**

The information which you provide will be shared with Birmingham Hospital Saturday Fund (BHSF) regarding the contributions made towards health plans.

### **Medicash**

The information which you provide will be shared with Medicash regarding the employees' Health Insurance contributions made.

### **Cycle Scheme Ltd**

The information which you provide will be shared with Cycle Scheme regarding the employees' contributions made.

### **Tusker Direct Ltd**

The information which you provide will be shared with Tusker regarding the employees' contributions made.

### **Fideliti Ltd Childcare Vouchers**

The information which you provide will be shared with Fideliti regarding the employees' Childcare vouchers.

### **Blackburn with Darwen Learning Management System (Me Learning Ltd)**

The information which you provide will be shared with Me Learning Limited for us to effectively deliver learning and development services.

### **Learning and Development Administration (Bookwhen Ltd)**

The information which you provide will be shared with Bookwhen Ltd for us to effectively deliver learning and development services.

### **Academic establishments**

The information which you provide will be shared with Universities or Colleges for registration on training courses, funding, progress updates.

### **Training companies**

The information which you provide will be shared for registration on training courses, funding, progress updates.

### **BwD Rewards Portal (Vectis App & Card)**

The information which you provide will be shared to allow you to access the portal and manage your account.