

## UK GDPR Privacy Notice for Employees, Workers, and Contractors

The following statement explains how personal data is managed for the purposes of managing the employment or contractual relationship between The City of Edinburgh Council and an employee, worker, or contractor.

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### Who we are

The City of Edinburgh Council is a local authority established under the Local Government etc. (Scotland) Act 1994 and having its administrative office at Waverley Court, 4 East Market Street, Edinburgh EH8 8BG.

You can contact our data protection officer by email at [information.compliance@edinburgh.gov.uk](mailto:information.compliance@edinburgh.gov.uk) or by telephone on 0131 200 2340.

### Why we need your personal information and what do we do with it

You are giving us your personal information to allow us to effectively manage your relationship with The City of Edinburgh Council and for us to meet our obligations to you as an employee, worker, or contractor.

Throughout the lifetime of your relationship with The City of Edinburgh Council the information you provide will be used for the following purposes:

- a. your name, national insurance number and contact details, including your home address, telephone numbers and email addresses will be used to identify you and communicate with you as necessary;
- b. during the recruitment process or at times during your relationship with us, information may be gathered to assess your suitability to perform specific roles such as PVG and disclosure checks. In addition, information will be gathered to check eligibility to work in the United Kingdom;
- c. information in relation to employment history, qualifications, training certification and licenses (such as a driving license) may be required in order to validate that you are appropriately qualified to undertake the activities of your role and to ensure calculation of allowances or statutory payments for which you are entitled;

- d. personal banking details are required in order to process all payments due to you in respect of your relationship with The City of Edinburgh Council;
- e. qualification for particular categories of leave and/ or absence, including maternity, adoption, shared parental and paternity support leave and sickness may require you to provide additional information such dates of confinement and / or absence, to ensure that you meet the appropriate qualifying criteria and receive appropriate leave and payments;
- f. information in respect of your health may be gathered at different times via statutory health surveillance programmes, statutory health assessments or as a result of our recruitment or attendance management arrangements. This information is captured to ensure that we comply with our statutory responsibilities, support employee's health and wellbeing and manage attendance across the organisation;
- g. during your relationship with us, you may be invited to disclose protected characteristic information as defined in the Equality Act 2010 and other equalities related information. This information is used for statistical monitoring of the composition of The City of Edinburgh Council's workforce;
- h. to access learning and development opportunities, including online activities, we will process personal data including your name, role, employee number, workplace, service area and managers contact details. For some online learning opportunities a unique e-mail address will be required. If you do not have a work e-mail address you can opt to use a personal e-mail address if you wish or should ask about alternative ways to access this training material;
- i. in some circumstances you may be required to engage in 'case management' processes, such as attendance management, whistleblowing, discipline and appeals, grievance or bullying and harassment complaints. In such circumstances, personal information is often disclosed by individuals and recorded in case notes. Such information will be considered as evidence in the case management decision-making process. The outcome of such processes may be communicated to you and recorded on file;
- j. during the course of your relationship with us, use of Council equipment and premises may result in the collection of other data and this includes:
  - dialled telephone numbers and the date, time, and duration of incoming and outgoing calls;
  - websites visited, including date, times of visit;
  - emails sent and received, including dates, times, subject, recipient, and sender;
  - details of any media files stored on our network;
  - the use of USB devices;
  - system login times;
  - door entry system recordings;
  - CCTV footage.

This information may be used for surveillance purposes, investigating, and managing conduct and for data matching exercises;

- k. some posts require Disclosure Scotland / PVG and other checks to be made against them. In these cases, The City of Edinburgh Council will process information regarding criminal convictions (and any police intelligence regarding suspected criminality included in a PVG check) to assess your suitability for the duties in question.

Some members of staff may also be service users. We process information on service users (including service users who are members of staff) in accordance with the privacy statements published for the various services we provide and staff should consult those service delivery privacy statements for details of this processing.

## Lawful basis for using your information

These services are provided in terms of the Council's statutory functions as a local authority.

Processing your personal information is necessary for the performance of a contract with you. If you do not provide us with the information we have asked for then we will not be able to manage our relationship with you.

Some information needs to be processed because the Council is under a legal obligation to do so and some information needs to be shared with external bodies, also because the Council is under a legal obligation to do so.

## Who we share your information with

We are legally obliged to safeguard public funds so details will be checked internally for fraud prevention and verification purposes and may be shared with other public bodies for the same purpose.

We will also generally comply with requests for specific information from other regulatory, law enforcement bodies and any external provider of confidential whistleblowing services where this is necessary and proportionate.

Information is also analysed internally in order to provide management information, inform service delivery reform and similar purposes. This is in accordance with the Council's information security arrangements.

In some circumstances there will be a requirement to share some information with those external to The City of Edinburgh Council:

- a. depending upon the nature of your role, relevant information may be shared with relevant registered employment bodies such as the Scottish Social Services Council (SSSC) or The General Teaching Council for Scotland (GTCS);
- b. information gathered in respect of accidents at work may be gathered and may be shared with the Health and Safety Executive (HSE) as required;
- c. where workplace assessment for qualifications is undertaken, personal data may be shared with the appropriate qualifications authority such as the Scottish Qualifications Authority, and City and Guilds, for the processing of results and issuing of qualifications;
- d. your personal details may be shared with the Council's insurance provider for the purposes of insurance policies held by The City of Edinburgh Council in respect of Employers Liability Insurance, indemnification of employees and other insurance purposes as necessary;
- e. if at any time before, during or after your relationship with us you exercise your rights to enter into a dispute via the courts system, including the Employment Tribunal, Employment Appeal Tribunal, or Ordinary Courts, we may be required to share information in relation to any such relationship with the courts or legal representatives as required;
- f. where an employee or worker is a member of the local government pension scheme, or the Scottish teachers' pension scheme there is a requirement to share information to ensure appropriate contributions are made and benefit calculations can be made. Our HR software supplier, will act as a data processor for pension data;

- g. in certain circumstances relevant personal data may be shared with third parties in respect of processing payroll deduction made in respect of salary sacrifice contributions, charitable giving arrangements, payments made to satisfy court orders, additional voluntary contribution scheme arrangements, trade union subscriptions, and credit union contributions;
- h. The City of Edinburgh Council may arrange learning and development opportunities for employees, both in-house and through external providers, including on-line courses and webinars. In the event that you engage in such opportunities, personal data about you that is held by the Council and which is required to facilitate your participation will be shared with the provider;
- i. if you have ever had an appointment with The City of Edinburgh Council's current or previous occupational health provider, you may have an occupational health record. The contents of your medical records are confidential and are not disclosed to The City of Edinburgh Council without your permission, but in the event that The City of Edinburgh Council are in receipt of such information, it shall be used in accordance with relevant policies and procedures to inform us in respect of our processes;
- j. in the event that The City of Edinburgh Council change occupational health provider, it is likely that these medical records will transfer directly to the new provider and will not pass to The City of Edinburgh Council;
- k. The City of Edinburgh Council is obliged to participate in the National Fraud Initiative in Scotland and in terms of this passes information on staff (primarily payroll data) to Audit Scotland for data matching to detect fraud or possible fraud;
- l. The City of Edinburgh Council is subject to freedom of information ("FOI") legislation. Often, we receive requests which seek disclosure of information about members of staff. Such requests are assessed carefully and we will only release staff information in response to FOI requests if doing so is compatible with our obligations under data protection law. We will not voluntarily release non-work-related information about members of staff such as home address, nor will we voluntarily release information where this relates to the member of staff being a service user rather than in their capacity as an employee. We will seek the views of current members of staff as to any such release;
- m. The City of Edinburgh Council is subject to the UK General Data Protection Regulation ("UK GDPR") and the Data Protection Act 2018. Under data protection legislation, we may receive requests from external organisations seeking the disclosure of information relating to our employees (for example, from law enforcement organisations, HMRC, or professional associations). Such requests are assessed carefully and we will only release information if doing so is compatible with our obligations under data protection law;
- n. in circumstance where you agree to engage with our employee assistance provider as a result of a management initiated referral, relevant personal information will be shared with the provider to allow the counselling service to be delivered;
- o. some officers may be required, as part of their duties, to attend or speak at Council committees or subcommittees. If these meetings are webcast then images of the meeting (including the attendance or contribution of officers attending) will be published on the Council's website;
- p. if you are the author of a committee report or named as the contact point in that report, your name, service, work email address and work telephone number will be published on the committee report on the Council website.

## International transfers

Information published on the Council's website (including video footage of webcast meetings and committee reports) can be accessed from anywhere in the world.

## How long we keep your information for

The Council maintains a Records Retention Schedule which sets out how long we hold different types of information for and this is available on the Council's website at [www.edinburgh.gov.uk/records](http://www.edinburgh.gov.uk/records) or you can request a hard copy by email via [informationrights@edinburgh.gov.uk](mailto:informationrights@edinburgh.gov.uk)

## Your rights under data protection law

Under data protection legislation you have certain rights which are set out below. However, some of these rights are not absolute and can only be applied in certain circumstances.

**Access to your information** – subject to certain specific exemptions, you have a general right to request access to your personal data, and information about how your personal data is being processed. Under this right of access, known as a subject access request, you can also request other supplementary information about what we do with your personal data.

**Correcting your information** – the Council is committed to ensuring that your personal information is accurate, complete, and up to date. If this is not the case, you are entitled to have your personal information rectified. If we decide to take no action, we will explain to you why we have taken this decision and will inform you of your right to complain to the UK Information Commissioner.

**Deletion of your information** – you can ask the Council to delete information about you when you consider there is no compelling reason for its continued processing. This known as the 'right to erasure' or 'the right to be forgotten'. However, the right to erasure is not absolute and can only be applied in certain circumstances.

**Restricting how we may use your information** - in certain circumstances, you have a right to stop the Council processing your personal data. When processing is restricted in this way, we are permitted to store the personal data, but not to process it any further. We can retain just enough information about you to ensure that the restriction is respected in future. If we decide to lift a restriction on processing, we must tell you.

**Objecting to how we may use your information** – under certain conditions, you have the right to object to the processing of your personal information (e.g., direct marketing purposes). However, this is not an absolute right and only applies in certain circumstances.

## Complaints

If you do not have access to the internet you can contact us on 0131 200 2340 to request hard copies of any of the above documents.

We seek to directly resolve all complaints about how we handle personal information.

If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by email at [information.compliance@edinburgh.gov.uk](mailto:information.compliance@edinburgh.gov.uk) or by telephone on 0131 200 2340.

However you also have the right to lodge a complaint about data protection matters with the UK Information Commissioner's Office, whose contact details are on the Information Commissioner's Office (ICO) website <https://ico.org.uk/make-a-complaint/>

Complaints of unfair treatment during your relationship with us will be dealt with in line with the relevant policies and / or procedures, details of which are made available on our intranet.

**The City of Edinburgh Council**  
**9 December 2022**