

PRIVACY NOTICE

Use of your Personal Data in connection with your employment with The Crown Office and Procurator Fiscal Service

What is the purpose of this document?

The Crown Office and Procurator Fiscal Service (COPFS) is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us.

It applies to all employees, workers and contractors.

COPFS is a "data controller". Therefore COPFS collects and processes data relating to its employees to manage the employment relationship. COPFS is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations. We are required under data protection legislation to notify you of the information contained in this privacy notice, which may be updated at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data Protection Principles

COPFS will comply with data protection law. This states that the personal information we hold about you must be:

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

6. Kept securely.

1. What kind of personal information do we collect and process about you?

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

COPFS will collect and process a range of information about you. This includes:

- Personal contact details such as name, title, address, including email addresses and telephone number, date of birth and gender;
- The terms and conditions of your employment;
- Information about your marital status, next of kin, dependants and emergency contacts;
- Information about your nationality and entitlement to work in the UK;
- Details of your bank account, tax status and national insurance number;
- Information about your salary, annual leave, pension and any benefits;
- Details about your schedule (days of work and working hours) and attendance at work;
- Details of periods of leave taken by you, including holiday, sickness absence, family leave and career breaks, and the reasons for leave;
- Details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- Assessments of your performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence;
- Details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with COPFS
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process);
- Employment records (including job titles, work history, working hours, training records and professional memberships);
- CCTV footage and other information obtained through electronic means such as flexi or swipecard records;
- Information about your use of our information and communications systems;

- Photographs;

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief;
- Trade union membership;
- Information about medical or health conditions including whether or not you have a disability for which the organisation needs to make reasonable adjustments

We will collect additional personal information in the course of job-related activities throughout the period of you working for us. Data will be stored in a range of different places, including in your personnel file, in the COPFS HR management systems and other IT systems (including the COPFS email system and corporate applications).

2. What are the legal grounds for our processing of your personal information (including when we share it with others)?

We will only use or process your personal information when the law allows us to and will rely on the following legal grounds to use or process your personal data:

- where we need to perform the contract we have entered into with you;
- where we need to comply with a legal obligation;
- where we need to protect your interests (or someone else's interests);
- where it is needed in the public interest [or for official purposes];
- where consent has been provided;

3. Why do we process personal data?

We need to process data to enter into an employment contract with you and to meet our obligations under the employment contract. 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 any benefits, pension and insurance entitlements.

In some cases, we need to process 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 and to enable employees to take periods of leave to which they are entitled.

In other cases, we have a requirement to process personal data to carry out our official function or as a task in the public interest in processing personal data before,

during and after the end of the employment relationship. Processing employee data allows us to:

- run recruitment and promotion processes, including ensuring you are legal to work in the UK and criminal records checks;
- 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 employee contractual and statutory rights;
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that we comply with duties in relation to individuals with disabilities, meeting our obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- operate and keep a record of other 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;
- ensure effective general HR and business administration;
- operate the payroll ensuring all employees are paid, deducting tax and national insurance contributions, as well as liaising with your pension provider;
- provide references on request for current or former employees;
- to conduct data analytics studies to review and better understand employee retention and attrition rates
- to ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution or disclosure of data
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace

Some of the above grounds for processing will overlap and there may be several grounds which justify the use of your personal information. Some special categories of personal data, such as information about health or medical conditions, are processed to carry out employment law obligations (such as those relating to employees with disabilities). 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. Data that we use for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. You are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

4. What if you do not provide personal information?

If you do not 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). Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable COPFS to enter a contract of employment with you. If you do not provide other information, this will hinder our ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

5. What about Automated Decision-Making

Employment decisions are not based solely on automated decision-making. All decisions involve human intervention.

6. When do we share your personal information with other organisations and who has access to your data?

Your information may be shared internally, including with members of the HR People and Learning team, your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

We also share your data with third parties that process data on our behalf, in connection with payroll, the provision of benefits and the provision of occupational health services. We may also need to share your personal information with a regulator or to otherwise comply with the law.

7. Is your personal information transferred outside the UK or the EEA?

We will not transfer your data outside the European Economic Area.

8. How is your data protected?

We take the security of your data seriously. We have internal policies and controls in

place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

Where we engage third parties to process personal data on our behalf, we do so on the basis of written instructions, under a duty of confidentiality where they are obliged to implement appropriate technical and organisational measures to ensure the security of data. We do not allow our third parties to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

9. For how long is your personal information retained by us?

Unless we explain otherwise to you, we'll hold your personal information based on the following criteria:

- For as long as necessary to fulfil the purposes we collected it for,
- Retention periods on line with legal, regulatory or reporting requirements and the HR Data Retention Policy.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Once you are no longer an employee, worker or contractor we will retain and securely destroy your personal information in accordance with our HR Data Retention Policy **or** applicable laws and regulations.

10. Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our Resourcing Toolkit

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We may also process such information about employees in the course of legitimate business activities with the appropriate safeguards.

We envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

11. Rights of access, rectification, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request rectification** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information, where it was necessary for the performance of a public interest task.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

Should you wish to exercise any of these rights, please contact your HR Administrator.

If you believe that COPFS has not complied with your data protection rights, you can complain to the Information Commissioner.

12. What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

13. Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact your HR Administrator. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legal basis under UK law.

14. Data Protection Officer

COPFS have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact your HR Adviser.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

15. Changes to this Privacy Notice

We may change this privacy notice from time to time, we will publish a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

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