

## **INFORMATION FOR ECHC STAFF ON WHAT INFORMATION WE STORE ON YOU, HOW AND WHY**

It is necessary for us to hold information about you, in line with legislation (the General Data Protection Regulations), for the purpose of employing you. We want to make sure that you are completely clear about what information we hold and that you are reassured that we keep this information safe and only for legitimate purposes. You are entitled to know what information we hold, why we hold it, how long we will hold it and how we store it; and you also have rights to see this information or have it corrected if it is inaccurate. The information below sets out these details for you. We would also encourage you to speak to your line manager or ECHC Data Protection Officer if you have any queries at all.

**Data Controller:** Edinburgh Children's Hospital Charity and its subsidiary, Task Trading Limited

**Data Protection Officer:** Jane Thornton-Smith, Business Manager - jane.thorntonsmith@echcharity.org

ECHC 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 that data and to meeting our data protection obligations.

### **What information do we collect?**

ECHC collects and processes a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the organisation;
- information about your remuneration, including entitlement to benefits such as pensions;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about any criminal record you may have;
- details of 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 the reasons for the 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;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments; and

- equal opportunities monitoring information including information about your ethnic origin, sexual orientation and religion or belief.

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

In some cases, ECHC may collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law. However, we would only ever do this with your prior knowledge.

Data will be stored in a range of different places, including in your personnel file, in the ECHC's HR and Payroll systems and in other IT systems (including the ECHC email system).

### **Why does ECHC process personal data?**

ECHC needs to process data to enter into an employment contract with you and to meet our obligations under your 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 benefits such as pension and other entitlements.

In some cases, ECHC needs to process data to ensure that it is complying with its legal obligations. For example, we are required to check every 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, ECHC has 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 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 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 it complies with duties in relation to individuals with disabilities, meet its 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 the organisation complies 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;
- provide references on request for current or former employees; and
- respond to and defend against legal claims.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities).

Where ECHC processes other special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that the organisation uses for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

### **Who has access to data?**

Your information may be shared internally, including with members of the HR and Payroll staff, 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.

ECHC shares your data where appropriate 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 Disclosure Scotland via the organisation Volunteer Development Scotland. In those circumstances the data will be subject to confidentiality arrangements.

ECHC also shares your data with third parties that process data on its behalf, in connection with payroll, the provision of benefits and the provision of occupational health services.

ECHC will not transfer your data to countries outside the European Economic Area.

### **How does ECHC protect data?**

ECHC takes the security of your data seriously. ECHC has 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 relevant employees (e.g. HR or Payroll) in the performance of their duties. You will be fully trained on these Policies and this training is regularly refreshed at

learning sessions run by the Data Protection Officer. All Policies can be found on the shared drive and are detailed in the Staff Handbook. Where ECHC engages third parties to process personal data on its behalf, 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.

### For how long does ECHC keep data?

ECHC will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment, for relevant statutory retention periods, is set out for you below:

Accident books, accident records/ reports	Statutory retention period of 3 years
Application forms/ interview notes for unsuccessful candidates	Recommended retention period of one year
Documents proving the right to work in the UK	Recommended retention period of two years after employment ceases
Income tax and NI returns, income records and correspondence with HMRC	Statutory retention period of not less than 3 years after the end of the financial year to which they relate
Information on senior executives (senior management team or equivalents)	Recommended retention period of permanently for historical purposes
Minutes of trustee/ work council meetings	Recommended retention period of permanently
Parental leave	Recommended retention period of five years from birth/adoption, or until child is 18 if disabled
Pensioners' records	Recommended retention period of 12 years after benefit ceases
Personnel files and training records (including disciplinary records, working time and training)	Recommended retention period of six years after employment ceases
Records relating to children and young adults	Statutory retention period – until the child reaches the age of 21
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	Recommended retention period of 6 years from date of redundancy
Retirement benefits schemes – records of notifiable events, for example, relating to incapacity	Statutory retention period of 6 years
Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence	Statutory retention period of 3 years after the end of the tax year in which the maternity period ends
Statutory Sick Pay records, calculations, certificates, self-certificates	Recommended retention period of at least six years after the employment ceases in case of a contractual claim

Time Cards	Recommended retention period of two years after audit
Wage/ salary records (also overtime, bonuses, expenses)	Statutory retention period of 6 years
National minimum wage records	Statutory retention period of 3 years after the end of the pay reference period following the one that the records cover
Records relating to working time	Statutory retention period of 2 years from the date on which they were made

## Photographs

For the effective performance of its charitable business, ECHC has used photographs and/or films which can often include staff members both within internal and external media all with a view to promoting its activities and events or to allow patients, their families or external partners to recognise staff they are in contact with. The photographs/films represent "personal data" under legislation and you are therefore asked to provide specific consent for this purpose on the final page of this document. In giving such consent, you will retain the right to inform ECHC not to include you in any specific photographs/films where you so wish.

## Your rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require ECHC to change incorrect or incomplete data;
- require ECHC to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of your data where ECHC is relying on its legitimate interests as the legal ground for processing.

If you would like to exercise any of these rights, please contact Jane Thornton-Smith – [jane.thorntonsmith@echcharity.org](mailto:jane.thorntonsmith@echcharity.org)

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

## What if you do not provide personal data?

You have some obligations under your employment contract to provide ECHC with data. 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 into 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.

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.

**Return this section to your line manager for your HR file**

**Processing of Personal Data**

We want to make sure that you are entirely comfortable with the information we hold on you and how we keep that information. You are therefore asked to confirm that you have read, understood and are happy with the processes detailed above. If you have any concerns at all, please do speak to your line manager or ECHC Data Protection Officer as soon as you can so we can provide reassurance to you.

Name:

I have read the Privacy Statement for ECHC staff and I am happy that I understand:

- what sort of information ECHC holds about me
- why ECHC holds information on me
- and how this is used.
- I understand my rights in relation to this information
- I will speak to my line manager or the ECHC Data Protection Officer if I have any questions or concerns at any time.

Signed:

Date:

**Photographs/Videos**

I understand the intended use of photographs by ECHC for the effective performance of its charitable business and I give my consent for ECHC to use any photographs of me in the course of my duties for the purposes of promoting events/ activities or to promote my role to patients, their families or external partners. I understand that in giving this consent I retain the right to inform ECHC not to include me in any specific photographs/films where I so wish.

Signed:

Date: