

# Data Protection (Employment Records) Policy

## 1.0 Introduction

- 1.1 This policy statement outlines the purposes for which Staffordshire University retains personal data about its employees and other individuals who work for the University.
- 1.2 The University will collect, hold and process information consisting of personal data including sensitive personal data about all its employees, applicants for employment, self-employed contractors, agency workers and others who work for the University, who are referred to in the Data Protection legislation as “data subjects”.
- 1.3 This policy has been adopted after consultation with the recognised Trade Unions, NATFHE and UNISON.

## 2.0 General Principles

- 2.1 The University holds such information as is relevant to the employment relationship (potential or actual) and/or the provision of services to the University. This includes information relating to the data subjects referred to in Section One. The University holds information about data subjects is for use solely for administrative and personnel management purposes, including but not limited to:
- recruitment, promotion and career development
  - appraisals
  - performance management
  - staff development
  - pay and remuneration
  - pension, insurances and other benefits
  - payroll, tax, national insurance and other deductions from pay
  - health and safety
  - disciplinary and grievances
  - review of the University’s policies, procedures and terms and conditions of employment
- 2.2 The Act defines “sensitive personal data” as personal data consisting of information about an employee’s:
- racial or ethnic origin
  - political opinions
  - religious beliefs or other beliefs of a similar nature
  - membership of a trade union
  - physical or mental health or condition
  - sexual life
  - the commission or alleged commission of any offence or any proceedings for any offence committed or alleged to have been committed, including the disposal of such proceedings or the sentence of any court in such proceedings

2.3 The purpose for which the University holds sensitive personal data about data subjects is for use solely for equal opportunities monitoring or for the provision of specific services to individuals, including but not limited to:

- suitability and fitness for work
- sick pay and sick leave matters
- absence management
- pension administration
- maternity, maternity support, adoption and parental leave pay
- provision of a safe environment
- the University's obligations under the Disability Discrimination Act

This is not an exhaustive list and all information held is subject to the University's retention policy below.

### **3.0 Retention of Data**

3.1 The University will retain records centrally or locally relating to an individual's employment with Staffordshire University for a period of seven years from the date of termination of employment. These will be retained in a secure location in certain circumstances e.g. records relating to accident or injury at work, the University is legally obliged to retain these records for longer. In such circumstances the University shall comply with the relevant legislation. Records relating to recruitment and selection processes will only be retained for six months from the date of the selection process. These too will be retained in a secure location.

3.2 The purpose for which the University holds any information about data subjects after the end of employment is for use solely in relation to residual employment related matters including, but not limited to, the provision of job references, processing applications for re-employment, matters relating to retirement benefits and allowing the University to fulfil contractual or statutory obligations.

### **4.0 Statutory Purposes**

4.1 In addition to the above purposes, the University may collect, hold and process data including sensitive personal data if it is necessary to do so for compliance with any statutory duty.

### **5.0 Third Parties**

5.1 If necessary for the above purposes the University may transfer personal data to insurers, bankers, legal, medical and other professional advisers, administrators of the University pension schemes (Teachers' Pension Scheme and Local Government Pension Scheme) or an individual's pension provider and other companies to which the University has contracted work relating to any of the above purposes for which the personal data are to be used. Data may also be disclosed to others at an employee's own request or with an employee's agreement

## **6.0 Electronic Communications**

- 6.1 The University reserves the right to monitor electronic communications by employees, including websites, to ensure that these systems are being used in accordance with the University's regulations regarding email and internet usage. In addition, the University also reserves the right to monitor all outgoing telephone calls.

## **7.0 Good Practice**

- 7.1 The Data Protection Act sets out eight enforceable principles of good practice, with which the University will make all reasonable efforts to adhere.
- 7.2 These principles are that the data must be:
- fairly and lawfully processed
  - processed for limited purposes and not in any manner incompatible with those purposes
  - adequate, relevant and not excessive
  - accurate and, where necessary, kept up to date
  - not kept for longer than is necessary
  - processed in accordance with individuals' rights
  - secure
  - not transferred to countries outside the European Economic Association without adequate protection

## **8.0 Access and Correction**

- 8.1 An individual has the right to request both access to and correction of information about them held by the University.
- 8.2 This is known in law as a 'Subject Access Request'. An individual who wishes to make a subject access request must write to Human Resources and Organisational Development including a fee of £10 which is currently charged to cover the personnel management and administration costs of a subject access disclosure. An individual should clearly state the specific information and location of the information he/she wishes to have access to.
- 8.3 The time period for the individual receiving this information is within 40 calendar days of the University having receipt of the written request, the administration charge and any additional information which the University reasonably requires in order to locate the information. No obligation arises until all these conditions have been fulfilled. If the individual is unclear about what information they wish to see about themselves then Human Resources and Organisational Development may write to the individual requiring them to be more specific about the nature of the subject access disclosure, prior to any disclosure being made.
- 8.4 The University will give access to the specific information requested, unless certain third party information or some other legal exemption applies. A full list of exemptions is available from Human Resources and Organisational Development.

## **9.0 Operative Date**

This policy was approved at the meeting of the Board of Governors' Employment and Finance Committee held on 25 February 2004 and will take immediate effect.