



# Recruitment and Employment Privacy Notice

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## Recruitment and Employment Privacy Notice

Wigan Council (“a data controller”) is committed to protecting the privacy and security of your personal information.

Our core obligations under the general data protection regulations (GDPR) and commitments are set out in the [Council's primary privacy notice](#).

### This notice provides additional privacy information for:

- Applicants
- Employees (and former employees)
- Workers (including agency, casual and contracted staff); 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 ends and
- The types of personal information we need to process, including information the law describes as 'special' because of its sensitivity.

It is important that you read this notice, together with any other privacy information so that you are aware of how and why we use your personal information.

### Purpose(s)

The main purposes for processing your personal information are:

- Undertaking pre-employment and verification checks during the recruitment process
- In the recruitment decision-making process including internal recruitment
- Determining / reviewing 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
- Processing and liaising with your pension provider
- Administering the contract that 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

- Gathering evidence for possible grievance, capability, sickness absence management 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 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 and monitoring purposes
- To offer you work-related benefits and support and networking opportunities.

### Categories of personal data

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

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Personal demographics (including date of birth, gender, marital status, civil partnerships)
- Contact details such as names, addresses, personal e-mail address, telephone numbers next of kin and Emergency contact(s)
- Recruitment records (including CV, application form, references, pre-employment and verification checks e.g. copy of qualifications, driving licence, passport)
- Employment records (including your workplace, start date, job title, national insurance number, training records, reviews, professional memberships, proof of eligibility to work in the UK and security checks)
- Bank account details, payroll records and tax/national insurance status information
- Salary, annual leave, pension and benefits information
- Statutory deduction information such as student loans and court orders
- Performance information including My Time records
- Disciplinary and grievance information
- Photographs, CCTV footage and other information obtained through electronic means such as swipe card records
- Information about your use of our information and communications systems
- Health and Safety information such as accident and incident reporting
- Details of whether you are serving or have served in the armed forces, including the area, or whether your partner or sibling(s) are serving members of the armed forces (but only where you have opted to provide this information)

- Location information where you have signed up to the lone worker app (but only where you have opted to use a location-based session and that session is active).

### **Special Categories**

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

- Trade union membership (including complying with employment law and paying subscriptions)
- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions (including ensuring meaningful equal opportunities monitoring and reporting but only where you have opted to provide this data as part of your application for employment)
- 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) proof of covid vaccinations or medical exemption for job roles covered by The Health and Social Care Act 2008 (Regulated activities) (Amendment) (Coronavirus) Regulations 2021
- Offences (including alleged offences), criminal proceedings, outcomes and sentences.

We will only collect information about criminal convictions and covid vaccinations or medical exemption if it is appropriate for the employment role and where we are legally permitted to do so.

### **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 law
- 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)
- Legitimate interests provided that your interests and fundamental rights do not override those interests
- Fraud prevention and protection of public funds
- Compliance with any Court Order
- Consent where it is voluntarily provided and an optional support or service e.g. the Lone Worker App -Tonto, armed forces information, disability.

### **Legitimate Interests**

Examples not directly incorporated within your contract of employment:

- To monitor use of our information and communication systems to ensure compliance with our IT policies
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution

If we intend to use your information beyond our legal obligations or beyond the exercise of our specific rights in employment law, social security and social protection we will seek your consent to process your information and full guidance will be provided.

### **Automated decision-making**

All the decisions we make about you involve human intervention.

### **Cookies**

To find out how we use cookies please see our [cookie notice](#).

### **Data sharing**

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

- We may share information about you 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 or concern about your health and safety
- 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 offer you work-related benefits and to protect you at work
- To enable you to pay union subscriptions directly from your salary
- With the Joint Intelligence Unit (JIU) to evaluate and improve our policies and procedures.

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 external parties such as:

- Former employees
- Referees
- Employment agencies and former employers
- Disclosure and Barring Service
- Complainants (e.g. service users/employees)
- Next of kin
- Health professionals
- Public sources, if relevant to employment and job role

- Govt Depts and Agencies
- Estate agents, landlords and legal professionals.

However, information is only obtained from these third parties where it is necessary for the fulfilment of your contract, including your ability or otherwise to perform your contractual obligations and to support you to do so under the terms of your employment.

### **Data retention**

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 in accordance with our corporate records management policy to fulfil legal, statutory, regulatory and pension requirements.

### **Your rights**

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

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

Should your data have been collected based on your consent and you now wish to opt-out and withdraw that consent please, in the first instance, update your personal or sensitive details via I-Trent and remove any details you no longer wish to provide. Please also contact [armedforces@wigan.gov.uk](mailto:armedforces@wigan.gov.uk) (if the information relates to armed forces membership) or [hremploymentservicecentre@wigan.gov.uk](mailto:hremploymentservicecentre@wigan.gov.uk) so we can ensure details are removed from any databases or email lists.

If you no longer wish to use the Lone Worker App and wish to withdraw consent to processing of personal details held in connection with the App (Tonto) please inform your Power User (or IT, if you are the Power User yourself) to have your account deleted – you will also need to delete the app.

### **Rights of access and correction**

It is important that the personal information we hold about you is accurate and up to date. Please let us know if the information we hold about you should be corrected or updated.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is in our view unreasonable or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

Further details of your rights are contained within the Council's [primary privacy notice](#) which should be read in conjunction with this document.

### **Data protection officer**

If you wish to raise a concern or discuss any aspect of this notice please contact our [Data Protection Officer](#).

If you are unhappy with the way that we handle your concern you may complain to the [Information Commissioners Office \(ICO\)](#) at:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

### **Changes to this privacy notice**

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