



## EMPLOYEE DATA PROTECTION POLICY

### What is data protection about?

1. Data protection is about the privacy of individuals, and is governed by the Data Protection Act 1998 (the 1998 Act), which defines, among others, terms as follows:
  - “*data*” generally means information which is computerised or in a structured hard copy form (although other information held by a public authority may also qualify);
  - “*personal data*” are data which can identify someone, such as a name, a job title or a photograph, and include opinions and intentions relating to that individual;
  - “*processing*” is anything you do with data – just having data amounts to processing;
  - “*data controller*” is the person who controls the purposes and manner of processing of personal data – this will be the City Corporation, in the case of personal data processed for its business.
  - “*data subject*” is an individual who is the subject of personal data.

As an individual, you have rights in relation to your own personal data processed by the City Corporation, and as an employee of the City Corporation you have responsibilities for the personal data of others which you process in the course of your work. This policy focuses on the City Corporation’s handling of personal data of employees, and on their rights, but the principles below also apply to the processing of personal data of others (see paragraph 14). All processing of personal data is covered by the [Data Protection E-Learning Package](#), which should be followed as a basis for good practice in your work.

### Data Protection Principles

2. The 1998 Act sets out eight data protection principles governing good information handling practice, and all these must be fully complied with every time personal data are processed. The principles require that personal data must:
  - (1) Be processed fairly and lawfully, and in particular must not be processed unless specific conditions are met;
  - (2) Be obtained only for one or more specified and lawful purposes, and must not then be used for anything else;



## Section B22

- (3) Be adequate, relevant, and not excessive in relation to the purposes for which they are processed;
- (4) Be accurate and, where necessary, kept up to date;
- (5) Not be kept longer than is necessary for the purposes for which they are held;
- (6) Be processed in accordance with the data subject's rights under the 1998 Act (the most important right is of an individual to access their own information);
- (7) Be protected from accidental damage or loss, and from unauthorised or unlawful use;
- (8) Not be transferred to a country outside the European Economic Area unless there is adequate protection for the data subject in relation to processing (usually via contract).

### **Use of Information**

3. As a data controller the City Corporation has publicly registered its general purposes for processing personal data, and they can be found at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) by clicking on 'Register of Data Controllers' and searching for the City Corporation.
4. Your attention is drawn to the City Corporation's Data Protection Notice to Employees ([Appendix 1](#)).
5. Note that as part of the purpose of "staff administration" the City Corporation may disclose personal data of employees to professional advisers (e.g. legal or medical), pension scheme administrators, banks and insurers, and other companies to which the City Corporation has contracted work relating to any of the purposes stated on the register. Information about staff may also be disclosed where required by law, or in connection with legal proceedings, or for the prevention /detection of crime, or assessment/collection of tax. Information about you may also be disclosed to others at your request or with your consent.
6. In your employment contract you consented to the City Corporation processing information about you. If your personal details change you should let your Personnel/ Administration Officer know, as soon as possible, so that records can be updated.
7. Special rules apply to the processing of sensitive personal data (information about a person's race, religion, mental or physical health, sexual life, political opinions, trade union membership, or criminality or alleged criminality), and generally the processing of



such information will be avoided where possible. Where we do need to process sensitive personal data, we will rely on your explicit consent given in your contract of employment, or on one of the other justifications specified under the first principle or will seek, where appropriate, your specific consent.

### **Privacy of Communications**

8. The City Corporation may monitor your internal and external communications (whether via telephone, e-mail, and internet, or otherwise) for the purposes specified in the [Code of Conduct](#). Since the City Corporation's communications facilities are provided for the purposes of the City Corporation's business, you should not expect that your communications will be private, although the City Corporation will, subject to its overriding business requirements, do its best to respect your privacy and autonomy at work. Please refer to the [Subject Access Request Policy](#), the [Computer and Communications Use Policy](#), the [Regulation of Investigatory Powers Act \(RIPA\) Policy](#) and the [Code of Conduct](#) for more details.
9. We may need to access your e-mail correspondence whenever you are absent from work and have not made any alternative arrangement for access (e.g. delegated profile, out of office assistant). Any emails which you have marked or filed as "Personal" will not normally be opened. On your return to work you will be advised if this has taken place.

### **Employee Access to personal data**

10. Under the 1998 Act you have a number of rights and may:
  - (i) access data held about you by the City Corporation with the exception of:
    - Information about the City Corporation's intentions in relation to negotiations with you
    - Information to be processed for the purposes of management planning
    - Information that would reveal the identity of another individual, without that individual's consent (but subject to the Information Commissioner's guidelines)
    - Confidential references written by the City Corporation
    - Communications relating to legal advice between the City Corporation and its legal advisers as this is subject to legal professional privilege



## Section B22

(this is not an exhaustive list and documents will be reviewed on a case by case basis);

- (ii) prevent processing in certain limited circumstances;
  - (iii) prevent decisions which significantly affect you being taken solely on the basis of personal data processed by automatic means;
  - (iv) request an assessment by the Information Commissioner as to whether the 1998 Act is being contravened,
  - (v) seek compensation if you suffer damage because the 1998 Act is breached;
  - (vi) get a court order to rectify, block erase or destroy inaccurate data.
11. If you wish to obtain your personal information held by the City Corporation, you should write to the [Information Officer](#) to make a Subject Access Request, specifying the information requested, e.g. sick absence or pay record for the last year, and including proof of identity. In line with the 1998 Act, the City Corporation will charge you £10 to deal with a Subject Access Request, and you should include a cheque made payable to 'City Corporation of London' with your request.
12. The request will be acknowledged and the information will be provided within 40 calendar days, subject to any enquiries that are needed either to confirm the identity of the person making the request, to trace the data requested, or seek consent from third parties identified in documentation. It will be explained why the information is being processed and to whom it is disclosed.
13. If you think that any of your information is inaccurate then you should notify your departmental [AIN Representative](#) in the first instance, detailing what information you want reviewed and why.

### **Your Responsibility in Processing Personal Data**

14. As an employee of the City Corporation who has access to personal data for which the City Corporation is responsible, it is up to you to do so responsibly and in accordance with the data protection principles. Be particularly careful about disclosing personal data both within and outside the City Corporation, and about using it in e-mail and via the internet or intranet. **It is a criminal offence to obtain or disclose personal data without the authority of the data controller.** Always check your authority to take any action



## Section B22

involving personal data. Anything you do which causes a breach of the 1998 Act, or a contravention of this or any other of the City Corporation's policies, may lead to disciplinary action against you. The [Data Protection E-learning Package](#) is a reference guide on how to use personal data in your work. If you are a data user you must complete the package, which should then be used as a reference guide. If you are in any doubt about what you may or may not do, seek advice from your departmental [AIN Representative](#).

## **City of London Corporation – Data Protection Notice to Employees**

Where this notice accompanies an application form, the City Corporation will use your information to assess your suitability for employment with us. If your application is unsuccessful, we will not use your information for the other purposes specified in this notice but will keep it for a period of six months in case other relevant job opportunities arise.

The City Corporation will use information which it obtains about staff for administration, management purposes and carrying out appropriate security checks. We may disclose your information to our service providers / agents for these purposes. We may share data with external agencies for the prevention or detection of crime, in accordance with legal obligations. We may keep your information for a reasonable period in accordance with legal requirements after you leave our employment.

We may share your personal data with trade unions and organisations which provide and administer employee benefits e.g. pension schemes.

There is a possibility that some information about you may be transferred to countries which may not provide the same level of data protection as the UK, but if we do make such a transfer we will, if appropriate, put a contract in place to ensure that your information is protected. By returning any forms accompanying this notice, you signify your consent to any such transfer of your personal data, and also to our processing your sensitive personal data such as health data, or unspent criminal convictions, for any of the purposes specified.

We will from time to time distribute information to you about goods, services or promotions of ours or other companies which may be of interest to you. If you do not wish to receive such information please contact your departmental HR/Administration Officer in writing but remember that this means that you will not be told about any of our special offers or promotions.

By giving us information about another person, e.g. emergency contact details, you signify your confirmation that they have appointed you to act for them, to consent to the processing of their personal data including sensitive personal data and to the transfer of their information abroad and to receive on their behalf any data protection notices.

You have a right to ask for a copy of your information (for which we charge a small fee) and to correct any inaccuracies. Note that we may monitor or record communications (such as telephone, email, internet use) for the purposes set out in our [Code of Conduct](#).

If you have any query or concern about any of the above, please contact your HR/Administration Officer or the Information Officer (0207 332 1209)