

## Forth Valley College Employee Privacy Notice.

This privacy notice applies to all Forth Valley College employees. We provide it to comply with data protection law and to ensure that our handling of your personal data is transparent and lawful.

Forth Valley College is the Data Controller. We have an appointed Data Protection Officer (DPO) who can be contacted by emailing: [dataprotection@forthvalley.ac.uk](mailto:dataprotection@forthvalley.ac.uk)

Forth Valley College is registered as a controller with the Information Commissioner's Office: Registration Number: Z9720531

See [Schedule 1](#) for details of the data that we process.

We collect your personal data for the following purposes:

- Making a decision about your recruitment/appointment;
- Determining the terms on which you work for us;
- Checking that you are legally entitled to work in the UK;
- Checking your criminal history, including PVG Disclosure Scotland checks;
- Assessing qualifications, including decisions about promotions;
- Making decisions about your continued employment;
- Undertaking/implementing salary reviews and calculating compensation e.g. voluntary severance;
- When outsourcing particular business areas of the college we are required to provide information to your new employer in adherence with TUPE regulations.

### [Payroll and pensions administration \(including National Insurance and Tax Administration\):](#)

- Paying you and deducting tax and national insurance contributions;
- Providing employee benefits to you;
- Liaising with your pension provider and the Department of Work & Pensions

### [Continuing Professional Development and career progression:](#)

- Identifying education, training and development requirements (e.g. Training Needs Analysis);
- Conducting appraisal/development reviews.

### [Occupational health and managing sickness absence purposes:](#)

- Ascertaining your fitness to work when managing sickness absence;
- Referring you to Occupational Health to assess your fitness for work (this may be an internal or external practitioner); a separate Occupational Health privacy notice will be provided at that time.

#### Disciplinary and conduct purposes:

- Gathering evidence during the course of investigations for possible disciplinary, grievance or capability hearings;
- To monitor your use and ensure security of our information and communication systems, in partnership with IT, to ensure compliance with our IT Policies;
- Dealing with legal disputes involving you, or other employees.

#### Health and Safety Purposes:

- Complying with health and safety obligations (e.g. monitoring compulsory training).
- Dealing with legal disputes arising from accidents at work.

#### Equality and Diversity Monitoring Purposes:

- Equal opportunities monitoring, in line with legal obligations, to promote inclusion.

#### Management planning purposes:

- Business management and planning, including accounting and auditing;
- Producing quarterly and annual statistical reports for senior management, to inform business planning which includes headcount (and full-time equivalents), establishment, turnover, absence, recruitment, training and workforce demographics such as age, disability, part-time status.

#### Collective bargaining purposes:

- Providing information and data to Colleges Scotland under the Trade Union and Labour Relations (Consolidation) Act 1992 which enables agreements to be reached under National Bargaining with recognised Trade Unions i.e. pay agreements, job evaluation etc.

#### Where do we get the data from?

We will collect the majority of your personal information from you during our recruitment and selection process. If you applied for a post through [myjobscotland.gov.uk](https://myjobscotland.gov.uk) we will have received your information from myjobscotland: they will be a separate controller of your personal data – for further information on how they process your data please see their [privacy notice](#).

We will ask you to keep your personal information current throughout your time with us by contacting HR to inform of any changes, and by completing the annual staff survey. However, in certain circumstances we will collect information from third parties including:

- Former employers
- Employment agencies
- Disclosure Scotland
- GPs/Consultants/Occupational Health professionals

- HMRC
- Department of Work & Pensions

### Lawful Basis for Processing

For processing of your personal data, the lawful basis is GDPR Article 6(1)(b) "processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract".

Where your special category personal data are processed, the lawful basis is GDPR Article 9(2)(b) "processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject".

- Where employees' health data are processed, there are several laws which require this. They are as follows: Health and Safety at Work etc. Act 1974; The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013; and Employment Rights Act 1996.
- Where employees special category demographic information (gender identity, sexual orientation, race, ethnicity) the specific law authorising this is the Equality Act 2010.
- Where employees' criminal conviction data are processed, the specific law authorising this is the Protection of Vulnerable Groups (Scotland) Act 2007.
- Where employees' data are processed for the purposes of collective bargaining, involving Colleges Scotland, the specific law authorising this is the Trade Union and Labour Relations (Consolidation) Act 1992.

Exceptionally, we may also use your personal information:

- Where we need to protect your vital interests (or someone else's interests)

### Who do we share your data with?

We share your personal information with the following third party data controllers:

- Disclosure Scotland;
- Audit Scotland (as part of the National Fraud Initiative);
- Pension providers (e.g. SPPA & Falkirk Pension Scheme for AVCs);
- Department for Work and Pensions;
- Child Support Agency;
- HMRC;
- Colleges Scotland (e.g. national initiatives such as National Bargaining);

- GPs/Consultants/Occupational Health practitioners (a separate privacy notice will be provided at that time);
- Other external organisations, where we have a statutory duty to share;

We may share personal information with Capita, who service the HR content management system, UNITE. Capita do not have routine access to data; they may require to access the data for upgrade or technical issues only.

### How long do we keep your data?

We will retain personal data about employees for a maximum of seven years after their employment has ceased, with certain exceptions:

The college will retain documents relating to pre-employment health screenings of individuals exposed to hazardous substances through their employment; and records relating to major injuries arising from accidents in the workplace; for 40 years after an employee's employment has ceased.

### Your rights as a data subject

Under data protection law, you have a number of rights, some of these rights only apply if certain conditions are met. Your rights are: right to be informed (e.g. privacy notice); right of access; right of rectification; right of erasure (commonly known as the right to be forgotten); right to restrict processing; right to object; right to data portability and the right to know of any automated decision making (including profiling).

You can exercise your rights either verbally or in writing and the College would normally be required to process your request within one month.

The rights that apply for this particular processing are:

- Right to be informed – this privacy notice addresses this.
- Right of access – you can request access and copies of your personal data held by the college. To do this, please email the [dataprotection@forthvalley.ac.uk](mailto:dataprotection@forthvalley.ac.uk) and your request will be processed accordingly.
- Right to rectification – you can request that inaccurate or incomplete personal data is rectified.
- Right to Erasure (this right is not absolute and is subject to specifics of the request).
- Right to object (including to direct marketing). The right to object to direct marketing is absolute and will be responded to accordingly.
- Right to data portability (this right is not absolute and is subject to specifics of the request).

## Data Protection Complaints

If you are concerned about how your personal data is being used by the College, in the first instance please contact the College Data Protection Officer (DPO) at [dataprotection@forthvalley.ac.uk](mailto:dataprotection@forthvalley.ac.uk)

If you are not satisfied with the outcome then you can complain to the regulator, the UK Information Commissioner's Office (ICO). The ICO has guidance on their website here: <https://ico.org.uk/your-data-matters/raising-concerns/>

You can email them at [casework@ico.org.uk](mailto:casework@ico.org.uk)

## Schedule 1: Data Processed

- Name/Title
- Address(es)
- Telephone number(s) – home & mobile
- Personal email address
- Age/ Date of birth
- Gender
- Marital status
- Dependants
- Next of kin
- Emergency contact information
- National Insurance number
- Bank account details (SAGE Payroll Database)
- Payroll number & tax code (SAGE Payroll Database)
- Salary
- Pension scheme details (SAGE Payroll Database)
- Benefit information e.g. childcare voucher membership (SAGE Payroll Database)
- Application form (or if via agency CV & covering letter)
- Proof of Right to work
- References
- Qualification certificates
- PVG Membership Number
- Fit/sick notes
- Caring responsibilities
- Marital status
- Former Armed forces or serving reservist

We also process special category personal data:

- Race
- Nationality/ Ethnicity
- Religious beliefs
- Sexual orientation
- Disability
- Gender identity
- Transgender data

- Criminal convictions information
- Medical questionnaire
- Gender recorded at birth
- Absence records and reasons as this may contain health data or other special category data
- Occupational Health reports