

GDPR Privacy notice for employees, workers and contractors (UK).

1. What is the purpose of this document?

MoJ is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with data protection law, including the General Data Protection Regulation (GDPR). It applies to all employees, workers and contractors.

MoJ is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, and candidates for new positions. This notice does not form part of any contract of employment or other contract to provide services. This notice can be updated at any time and we will inform you if this occurs

It is important that you read this notice, together with any other privacy notice that is provided on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

2. Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

3. The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.

- Dates of birth, marriage and divorce.
- Gender.
- Marital status and dependants.
- Next of kin, emergency contact and death benefit nominee(s) information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date, leaving date.
- Location of employment or workplace.
- Copy of driving licence, passport, birth and marriage certificates, decree absolute.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Full employment records for Civil Service employment (including contract, terms and conditions, job titles, work history, working hours, promotion, absences, attendances, training records and professional memberships).
- Compensation history.
- Performance and appraisal information.
- Disciplinary and grievance information.
- Secondary employment and volunteering information
- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.
- Photographs, videos.
- Accident book, first aid records, injury at work and third party accident information.
- Evidence of how you meet the Civil Service nationality rules and confirmation of your security clearance. This can include passport details, nationality details and information about convictions/allegations of criminal behaviour.
- Evidence of your right to work in the UK/immigration status

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

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.

- Information about your health, including any medical condition, health and sickness records.
- Genetic information and biometric data.
- Information about criminal convictions/allegations and offences

4. **How is your personal information collected?**

We typically collect personal information about employees, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We will sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies, including:

- Her Majesty's Revenue and Customs HMRC
- Defence Business Services (DBS)
- Disclosure Barring Service (DBS)
- National Security Vetting Service
- Police checking service
- We will review lists of previously unsuccessful candidates for some roles within the MoJ.
- Other Government Departments
- Employee's doctors
- Medical and occupational health professional

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

5. **How we will use information about you**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where it is necessary for performing the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is in the public interest to do so; or for official purposes; or in the exercise of a function of the Crown, a Minister of the Crown or Government Legal Department as a government department.

There can be rare occasions where it becomes necessary to use your personal information to protect your interests (or someone else's interests).

Situations in which we will use your personal information

We need all the categories of information in the list above (see: The kind of information we hold about you) to enable us to perform our role as employer; to enable us to comply with legal obligations, to carry out our functions as a government department/functions of the Crown; or where it is necessary to do so in the public interest.

The situations in which we will process your personal information are listed below.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.

- Checking you are legally entitled to work in the UK and to provide you with the security clearance appropriate for your role. For Civil Servants, to check eligibility to become and remain a Civil Servant.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
 - Liaising with your pension provider, providing information about changes to your employment such as promotions, changing in working hours.
- General administration of the contract 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, including decisions about promotions.
- Gathering evidence and any other steps relating to possible grievance or disciplinary matters and associated 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 sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your business and personal 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.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- Dealing with Freedom of Information Act/Environmental Information Regulations requests

Some of the purposes will overlap and there can be several grounds which justify our use of your personal information.

If you fail to provide personal information

If you fail to provide certain information when requested, we will not be able to fully perform the contract we have entered with you (such as paying you or providing a benefit), or we could be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated or new purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we will if necessary process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

6. How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We will, if necessary, process special categories of personal information in the following circumstances:

1. Where we need to carry out our legal obligations or exercise our employment-related legal rights and in line with our data protection policy
2. Where it is in line with our data protection policy, it is substantially in the public interest to do so and necessary for:
 - a. performing our functions as a Government Department or a function of the Crown
 - b. equal opportunities monitoring.
 - c. administering our pension scheme
 - d. preventing or detecting unlawful acts
3. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

In some circumstances, we will process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Our obligations as an employer

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leave of absence; this can include sickness absence or family related leave, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

- **Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations, or for one of the other reasons outlined in the box above: 'How we use particularly personal information'. In limited circumstances, if the need arises, we will approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

7. Information about criminal convictions

We will only use information relating to criminal convictions or alleged criminal behaviour where the law allows us to do so. This can arise when it is necessary for us to comply with the law or for another reason where there is a substantial public interest in us doing so.

Less commonly, we will, if necessary, use information relating to criminal convictions or alleged criminal behaviour where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will only collect information about criminal convictions or allegations of criminal behaviour where it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions/allegations as part of the recruitment process or if we are notified of such information directly by you in the course of you working for us. We will use information about criminal convictions/allegations and offences in the following ways:

- cross-refer to relevant policies/processes/vetting procedures]

[We are allowed to use your personal information in this way where it is in line with our data protection policy and where one of the following reasons arises:

- Where we need to carry out our legal obligations or exercise our employment-related legal rights;
- Where it is substantially in the public interest to do so and necessary for performing our functions as a Government Department or a function of the Crown]

8. Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform our duty as an Employer, there are appropriate measures in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

[More will be needed here or in a related policy document if staff are subject to decisions which have a significant impact]

9. Data sharing

We will in some circumstances have to share your data with third parties, including third-party service providers and other Civil Service bodies.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We will in some circumstances transfer your personal information outside the EU.

If we do, you can expect a similar degree of protection in respect of your personal information.

Why might you share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you; where it is in the public interest to do so or where it is necessary for the performance of our functions as a Government Department or a function of the Crown. This will, in some circumstances, involve sharing special categories of personal data and, where relevant, data about criminal convictions/allegations.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within the Civil Service. [The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, IT services, security vetting. The following third-party service providers process personal information about you for the following purposes:

- Shared Service Connect Limited (SSCL)
- Pension providers
- Defence Business Service
- Disclosure Barring Service
- National Security Vetting Service
- Other Government Departments
- People Asset Management Ltd. (PAM Assist)
- Specsavers
- Edenred
- Health Management Ltd.
- Havas
- CSHR Casework
- MYCSP
- GRS for SCS, Fast Stream and other schemes
- CSL
- Working Transitions
- Calders Conferences
- Redfern Travel
- Enterprise Car Hire

- Cartus – relocations service

How secure is my information with third-party service providers?

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

When might you share my personal information with other organisations within the Civil Service?

We will share your personal information with other Civil Service organisations as part of our regular reporting activities on departmental performance, in the context of a business reorganisation or restructuring exercise, for system maintenance support and hosting of data; business planning/talent management initiatives, succession planning, statistical analysis; and general management and functioning of the Civil Service. Personal data is also shared with the Office for National Statistics, mainly for statistical purposes.

What about other third parties?

If required, we will need to share your personal information with a regulator or to otherwise comply with the law.

Transferring information outside the EU

We will if necessary transfer the personal information we collect about you to the following [country **OR** countries outside the EU [India] in order to recruit new staff. There is not an adequacy decision by the European Commission in respect of India. This means that the country to which we transfer your data are not deemed to provide an adequate level of protection for your personal information.

However, to ensure that your personal information does receive an adequate level of protection we have put in place the following appropriate measure[s] to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection, by stipulating this as part of our contract with our third party supplier. If you require further information about this protective measure[s], you can request it from MoJ by contacting cct_admin@justice.gov.uk

10. Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request to cct_admin@justice.gov.uk.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions. Details of these measures can be obtained from the MoJ Information Technology

Security Officer

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

11. **Data retention**

How long will you use my information for?

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 legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from: [add link]. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we will anonymise your personal information so that it can no longer be associated with you, in which case we will use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with [our data retention policy **OR** applicable laws and regulations].

12. **Rights of access, correction, erasure, and restriction**

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact MoJ_HR_Operations@justice.gov.uk in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we are allowed under the law to charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we can refuse to comply with the request in such circumstances.

What we need from you

We sometimes need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

13.Right to withdraw consent

In the limited circumstances where you have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact MoJ_HR_Operations@justice.gov.uk once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

14.Data protection officer

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the data.compliance@justice.gsi.gov.uk You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

15.Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We will also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact MoJ_HR_Operations@justice.gov.uk