

GDPR FAQ's

What is GDPR?

GDPR stands for General Data Protection Regulations, which is a new Europe-wide law that came into force on 25th May 2018 to replace the existing Data Protection Act. It sets out requirements for how people need to handle other people's personal data.

What is personal data?

Personal Data is any information relating to a person, which could be used to identify them either directly e.g. name, address, date of birth, phone number, email address or indirectly e.g. social media posts etc. It can include data that is kept online as well as that kept manually.

Does it apply to me?

As an employer, you will be processing data about your employees, which means that GDPR will apply to you. Processing data means doing anything with it, including collecting, storing / holding, transferring it.

What do I need to do to comply?

If you process Personal Data, you must satisfy the grounds set out in the GDPR for doing so:

- Consent - has the person provided **express, specific consent** to the processing? If so, then you are entitled to process that person's personal data.
- Legitimate interest - do you have a **legitimate interest** for processing the person's personal data? In other words, would the person be surprised or upset about the data processing?
- Contract Performance - is processing necessary to perform a contract with the individual? For example, an employer needs to process an employee's address and payment information to provide them with a salary for the work done. The data must be processed **only to the extent necessary** to fulfil the contract.

How do I gain consent?

The person must be asked for consent in clear and plain language. They need to be told why the data will be processed and by whom i.e. if you use a payroll or managed account provider. They must also be told that they have the right to revoke that consent at any time and it must be easy for them to do so. You must keep a record of the consent that includes how it was obtained, the purposes for which you are holding the data and descriptions of the data. If consent has been revoked, then you must keep a record of this as well.

Can people access their data?

Yes, people can ask to access their data. Unlike existing data protection laws, there is no charge for this. You must respond to an access request within 1 month of receiving it. You must ensure that the data you hold is accurate, up to date and deleted or corrected without delay if it is inaccurate.

Is all personal data treated the same?

No, there are items classed as "Special Categories of Data". If you process Special Categories of Data, it must satisfy additional criteria. Special Categories of Data include religious and political views, sexual orientation, health and genetic data.

Where can I get further information?

Further information is available from the Office of the Information Commissioner or ICO at <https://ico.org.uk/for-organisations/resources-and-support/getting-ready-for-the-gdpr-resources/>

Information for Employers

General Data Protection Regulations

In May 2018, the law changed about how employers record, store and use individuals' personal data. Previously the Data Protection Act covered how this was managed but the new GDPR law means you may have to change some of your working practices.

As an employer you need to collect and hold data about your employees to enable you to employ them and process things like their salary. The GDPR law places a new obligation on you as an employer to tell your employees in more detail why you collect their data, what you do with it and how long you expect to retain it.

This sheet will help you to do this and also provides a template privacy notice and consent form for you to give to your employees.

Your responsibilities as an employer under GDPR:

1. Review what personal information you hold about employees and where you keep it, ensuring that it is accurate, up-to-date and secure.
2. Read the GDPR FAQs sheet so that you can answer questions from your employees about it
3. Give the attached consent form to your employees and ask them to read and sign it. This explains to them what information you will be holding, what you are doing with it and who you will be sharing it with
4. Store the signed consent form with their personal data and keep it secure, preferably in a locked cabinet
5. Every year, check that your employees are still happy for you to keep their information by giving them the signed consent form to review, sign and date
6. If an employee leaves, remember to destroy all their data within 6 months and notify HMRC and your payroll and holding account provider (if you use one) to ensure that they destroy the data after 7 years

If you are unclear about any of this please contact Connection Support

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Template: to be given to employees who should sign and return to employer

General Data Protection Regulations

Privacy Notice and Consent form for Employees

In May 2018, the law changed about how employers record, store and use individuals' personal data. Previously the Data Protection Act covered how this was managed but the new GDPR law means I have to change some of my working practices.

As your employer I need to collect and hold data about you to enable me to employ you and process things like your salary. The GDPR law places a new obligation on me as an employer to tell my employees in more detail why I collect your data, what I do with it and how long I expect to retain it. I also need to ensure you are fully consenting to this data being collected.

Your consent is requested

I would like your consent to hold personal and special data about you in order that I can process your employment contract. You are entirely in control of your decision to give consent to my use of your data as requested in this form. There will be no repercussions if you choose to withhold consent. However without some data I may not be able to make a decision on your suitability for employment or comply with the law and therefore I may not be able to make an offer of employment.

The specific data I wish to obtain and hold is as follows:

	Type of data	Why I wish to hold it	How long it will be kept for	Yes / No	Date when consent was withdrawn
1	Recruitment data: Previous experience Skills and qualifications	This will allow me to make a decision on your suitability for employment	Data will be kept for duration of your employment with me. When your employment is completed, it will be destroyed after 6 months.		
2	Recruitment data: convictions This is classed as 'special' data under GDPR and is more strictly controlled	This will allow me to make a decision on your suitability for employment	Data will be kept for duration of your employment with me. When your employment is completed, it will be destroyed after 6 months.		
3	Your personal details: Name, address etc.	This enables me to comply with the law and maintain correct employment records	Data will be kept for duration of your employment with me When your employment is completed, it will be destroyed after 6 months.		
4	Next of kin and their contact details	If there is an accident then I can contact your	Data will be kept for duration of your employment with me		

		emergency contacts	When your employment is completed, it will be destroyed after 6 months.		
5	Health / disability information and details of your GP This is classed as 'special' data under GDPR and is more strictly controlled	So that I am aware of any medical issues you may have, can make provision for these in your work and know who to contact if you have a medical episode	Data will be kept for duration of your employment with me When your employment is completed, it will be destroyed after 6 months.		
6	Financial information: Bank details Tax codes NI number etc.	This will allow me to comply with the law and register you as an employee with HMRC and share with HMRC how much I pay you. It will also allow me to pay you.	Data will be kept for the duration of your employment with me When your employment is completed, it will be destroyed after 6 months. (HMRC may keep the data for up to 7 years).		
7	Financial information: Tax codes NI number etc.	I will need to share this information with my payroll service in order that they can calculate what I need to pay you.	Data will be kept by payroll provider for 7 years.		
8	Financial information Bank Details, salary payments	I will need to share this information with the Holding account provider so that they can pay your salary to you on my behalf (delete if don't use the holding account)	Data will be kept by Holding account provider for 7 years.		

Sharing your data

We need to share your data with third party outside agencies such as various health services which can support you. Also, we may sometimes need to share your data with our wider team at Connection Support in case your Support Facilitator is absent and a colleague needs to cover.

Agency / Authority / Individual	Authority given (tick)	Authority not given (tick)
HMRC – see above		
Payroll Service - state name :		
Holding Account Provider – state name:		
Connection Support		
Your Social Worker / Healthcare Manager		

Agreement to use my data

I hereby freely give my employer **(Insert name)** consent to use and process my personal data relating to my employment (examples of which are listed above)

In giving my consent:

I understand that I can ask to see this data to check its accuracy at any time via a subject access request.

I understand that I can ask for a copy of the personal data held about me at any time, and that this request is free of charge

I understand that I can request that data that is no longer required to be held can be removed from my file and destroyed.

I understand that if I leave my employment, my data will be destroyed after 6 months, or if longer this is stated above

I understand that you are the Data Controller for my employment and I can contact you directly if I have any questions or concerns about my data.

I understand that if I am dissatisfied with how you use my data, I can make a complaint to the government body in charge (Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or online at www.ICO.org.uk)

Name:

Signature:

Date:

Yours sincerely

(name of employer)

Annually Reviewed Signature	Date