



## **Walsall Council non-employed staffing privacy notice**

Walsall Council collects and processes a range of personal data in order to manage its contractual relationships, agreements, arrangements and assignments with workers, consultants, volunteers and work experience placements. We are committed to being transparent about how we collect and use personal data and how we meet our data protection obligations.

Walsall Council may operate as either a Data Processor or Data Controller (or both) under data protection legislation. We comply with the General Data Protection Regulations (GDPR) principles when gathering and using personal information as set out in the Council's policies and procedures.

### **What personal data does Walsall Council collect?**

The Council will collect, process and retain personal information relating to your contract, agreement, arrangement or assignment.

This can be classed as either Personal Data or special category (sensitive) Personal Data and may (where required) include such information as:

- Your name, address and contact details including contact email address and telephone number
- Your date of birth
- Your gender
- The terms and conditions of your contract, agreement, arrangement or assignment.
- Details of your qualifications, skills, experience and work history.
- Where applicable, start and end dates of previous employment, assignments, contracts, agreements and arrangements including those with Walsall Council
- Information about your pay and/or remuneration including entitlement to statutory benefits
- Your bank account details
- Your national insurance number
- Information about your marital status

- Your emergency contacts
- Information about your nationality and your right to work in the UK
- Where necessary, information about your criminal record, if you have one
- Details of the dates and times when you work, your working hours and attendance/non attendance in the workplace
- Where necessary details of appraisals, performance reviews and ratings, improvement plans and other related correspondence.
- Information about medical or health conditions and/or details of a disability if disclosed, for which the Council may need to make reasonable adjustments
- Where necessary equality and diversity monitoring information, for example information about your ethnic origin, sexual orientation and religion or belief

The Council collects this information in a variety of ways. For example, data might be collected from application forms; obtained from personal documents such as your passport or driving licence; from forms that you have completed and submitted to the Council; from correspondence with you; from interviews, meetings or other assessments; from a third party such as a School or College; or from a third party supplier who is providing your services to the Council.

Some services collect personal data from Curriculum Vitae (CVs). These are accepted in special circumstances for certain roles. CVs are only used to assess an individual's suitability for a job and where appropriate for making contact to progress recruitment. CVs are retained for those individuals we may wish to consider for employment or for employment in the future. All other C.V.'s are deleted.

We may also collect information from you during the course of your contract, agreement, arrangement or assignment to provide where appropriate;

- Learning and Development opportunities for course bookings, issue of certificates, confirmation of successful/unsuccessful completion and/or attendance.
- Health and Safety management, reporting and/or investigating an accident or incident.
- Payroll and Pension purposes where required.

The Council may also collect personal data about you from third parties when collecting references and/or carrying out other background checks with providers such as (but not limited to) the Disclosure and Barring Service (where lawfully permitted).

## Where will your personal data be stored?

Your personal data may be stored in different locations within the Council. We may hold information about you and about your assignment, arrangement, contract or agreement in an electronic format in the following (but not limited to) electronic systems;

iTrent	- HR Management and Payroll Data Archive
One Source	- HR Management and Payroll System
TALEO	- Recruitment System
Platinum	- Secure storage of files, records and documents
Accident Database	- Record of reported accidents and incidents
Learning Pool	- Learning, development and training system
Secure Filing	- Electronic storage files (restricted access)
Managers records	- Electronic records mainly held in a PDF, word or excel format
Email	- Electronic communications system

The Council may also, where necessary, retain information in a paper based (manual) format.

All data, information and records are managed in line with the Councils records management procedures and retention schedules.

## Why does Walsall Council process your personal data?

Walsall Council needs to process personal data to enter into and maintain your contract, agreement, arrangement or assignment with you or with a third party. For example, the Council needs to process personal data in order to provide you with a contract, agreement, arrangement or assignment in order to make a payment to you, to make lawful deductions from pay, to make an allowance payment and/or to administer benefit and pension entitlements where necessary. This complies with Article 6 (b) of the GDPR.

Processing and recording personal data allows us to:

- Manage a contract, agreement, arrangement or assignment in line with any specific or implied terms and/or conditions of engagement that apply.
- Carry out a selection process



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- Maintain accurate and up-to-date records and contact details (including details of who to contact in the event of an emergency as provided by you), and details of any statutory benefits and rights that apply.
- Manage resources
- Carry out Human Resourcing activities and associated administration.
- Provide references where appropriate
- Respond to and defend against legal and other claims.
- Meet a statutory and/or legal requirement.

Some special categories of personal data (sensitive) such as information about health or medical conditions and/or disability are processed for the purposes of carrying out our obligations and exercising specific rights in law.

We may also process your information to meet statutory and/or legal requirements in accordance Article 6 (c) of the GDPR that are in line with but not limited to:

- Local government Transparency code 2015
- The Equality Act (2010).
- The Public Sector Equality Duty 2011.
- The Local Government and Housing Act 1989.
- Health and Safety at Work etc Act 1974.
- The Immigration, Asylum & Nationality Act 2006
- The Human Rights Act 1998
- Trade Union and Labour Relations (consolidation) Act 1992
- Rehabilitation of Offenders Act 1974 (exceptions) order 1975
- The Protection of Freedoms Act 2012
- The Safeguarding Vulnerable Groups 2006 Act
- The Police Act 1997
- Employment Rights Act 1996
- The Public Interest Disclosure Act 1998

Some special categories of personal data (sensitive) such as information about health or medical conditions are processed, where necessary, for the purposes of carrying out our obligations and exercising specific rights in the field of employment law (where applicable) in accordance with Article 9 (b).

### **Who has access to your personal data?**

Your information will only ever be accessed by those who have an authorised, justified and or legal basis to do so.

Your information may be shared internally with appropriate and authorised officers of the Council. Information may be accessed for the purpose of:

- Management
- Procurement
- Contracting
- Legal Consideration and Counsel
- Finance
- Payments and other remuneration
- Pension
- Union membership

Walsall Council may, where necessary will also share your personal data with third parties in order to;

- Fulfil the requirements of a contract, agreement, arrangement or assignment
- Meet a statutory obligation
- Manage the HR and payroll functions
  
- Manage an application and selection process including obtaining pre assignment references, obtaining where necessary, background checks from third-parties and in some circumstances obtain a criminal records check from the **Disclosure and Barring Service**.
- Provide access to external IT systems.

### **How does Walsall Council protect your personal data?**

Walsall Council takes the security of your personal data seriously. The Council has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by Walsall Council staff in the performance of their duties.

Some of the ways in which Walsall Council protects your personal data include:

- Implementing appropriate technical and organisational measures to protect the confidentiality, integrity and availability of personal data and information
- On-going continuous review of security
- Regular review of Walsall Council information assurance and security policies and procedures
- On-going training and awareness for staff on information assurance and security
- Alignment with codes of conduct, certification schemes and government guidance, including the HMG Security Policy Framework, government baseline security standards, , and the National Cyber Security Centre (NCSC)
- Ensure that all suppliers and third party organisations undertaking work for or



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on behalf of the Council are able to evidence full compliance with the GDPR and the Councils data security protocols and that these considerations are made when procuring new services

- Regular review of security and cyber risks

Where Walsall Council engages third parties to process personal data on its behalf, they do so under contract and on the basis of written instructions. Third parties are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data and comply with data protection legislation.

### **How long does Walsall Council keep your personal data for?**

Walsall Council will hold your personal data for the duration of your contract, agreement, arrangement or assignment and where required for longer in line with the Councils retention schedule.

### **Your rights**

You have the following rights with regard to your personal information:

**Right to be informed** – You have the right to know the following:

- what information we intend to collect,
- why we need your information,
- the lawful basis under which we can process your information,
- how we will process your information,
- whether we share your information,
- who we might share your information with,
- your rights until the law,
- how long we will retain your information and how you can contact us.

This Privacy Notice should have detailed all of the above but if for any reason you are dissatisfied with our stewardship of your information, you have the right to lodge a complaint with the Information Commissioners Office (ICO), contact details are provided below.

**Access to your information** – If you would like to know what information we hold and process about you, the category of information, who we share your information with, to ascertain the accuracy of the information and the criteria we apply in processing your information, you can make a request to us in writing.

To make a subject access request and receive a copy of your personal information, contact Information Rights at;

Information Rights  
Resource and Transformation Directorate



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Walsall Council  
Civic Centre  
Darwall Street  
Walsall  
WS1 1TW

Telephone: 01922 650000

By email: [informationrights@walsall.gov.uk](mailto:informationrights@walsall.gov.uk).

Please be aware we will need you to provide appropriate identification but you can find details of this and everything else about our Subject Access Request process on our website or by typing the link below into your computer browser:

[https://go.walsall.gov.uk/access\\_to\\_my\\_personal\\_records](https://go.walsall.gov.uk/access_to_my_personal_records)

WE should respond to your request within 30 days of receipt but if the request is complex and more time is required we will inform you in writing.

**Rectification of your information** – If it is established that information we hold about you is incorrect, you have the right to request that we correct this information.

**Erasure of your information** – In cases where the information we hold about you is no longer required in relation to the purpose for which it was collected and where there are no lawful grounds for holding your information, you can request that this information be erased.

**The Right to Restrict processing** – You can restrict us from using your information if you believe the data is inaccurate or if there are no lawful grounds for using the information but you do not want us to delete the information. In addition you can prevent us from deleting information we no longer use or need if you require it for a legal claim or defence.

Following investigation, if it is determined that the right to restrict processing should not apply the Council will inform you of reasons for this before the restriction is lifted.

**Right to Data Portability** - you have the right to request that information we hold about you be transferred to another public authority or other controller. Your data portability request will have to be made in writing, we will assess your request in accordance with the provisions of the GDPR to ascertain if your request is covered under the law. Our response will contain our decision regarding the viability of your request and asking you to choose between the following:

- If you want the information handed to you.
- If you would like the information transferred directly to the public authority or other controller.

**Right to Object** – If you object to the Council using your information in the ways detailed about we will cease to process your information unless we can show there are legitimate reasons which override your interests

Whether or not you have legitimate grounds to object to processing of your information, the Council will respond to your request within one month stating that your request has been upheld or the reasons for not upholding your request if that is the case.

**Automated Decision Making**-You have the right not to be subject to a decision which affects you, which is solely based on automated processing. This will include profiling.

This right will not apply if the automated decision making is necessary in anticipation of entering into a contract or if it is authorised in law. You can give us explicit consent to be subject to automated decision making but you can remove this consent at any time.

Please be aware that the application of some of these rights is dependant upon the lawful basis for us to process your information. If you ask to enforce a right which is not applicable due to the reason for us processing the data we will explain the reasons for not upholding your request.

Walsall Metropolitan Borough Council's Data Protection Officer (DPO) is Paul Withers. If you have any questions about your rights under the GDPR, how the Council uses your information, or you wish to make a complaint about how we have processed or utilised your data, Paul will be able to help.

How to contact our DPO:

**Contact Address:**

**Office of the DPO**  
**Resources & Transformation**  
**Civic Centre 3rd Floor (HR Suite)**  
Walsall Council  
Darwall Street  
Walsall  
WS1 1TP

**Email Address:**

[InformationMgmt@walsall.gov.uk](mailto:InformationMgmt@walsall.gov.uk)

**Contact Telephone Number:**

01922 650970



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Should you be dissatisfied with the response you receive, you can contact the Information Commissioner's Office (ICO) with the details given below:

**ICO**

**Address:**

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**Email Address:**

Use the online form via this link <https://ico.org.uk/global/contact-us/email/>

**Telephone Numbers:**

Calling from within the UK 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate.

Calling from outside the UK +44 1625 545 745.



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