

PO43 DATA PROTECTION POLICY AND PROCEDURE

Policy

Introduction

The purpose of this document is to give guidance in line with the Data Protection Act 1988 on the main factors to be considered in establishing and maintaining personnel record systems. It also seeks to provide advice on the action required to give individuals access to their personal files and data.

CVS Falkirk will apply the same policy to all employees, volunteers and trainees alike, and at all times will respect the confidentiality of personal data, whilst granting fair access to individuals to their own records.

Guidance

Personnel Records

CVS Falkirk needs to keep records on all of its employees on an individual basis throughout their tenure from recruitment through to termination.

Some examples of the types of records held are:-

- Paper based file containing job description, application form, contract, medical information, salary changes, job title changes, disclosure information, absence details (including maternity, paternity, adoption, sickness, compassionate, leave of absence, secondments), training records, disciplinary warnings, performance management and copy employment references.
- Information may also be kept electronically on a secure database.

Personnel Records Security:

The Data Protection Act 1988 requires employers to protect 'personal data' and gives people the right to make sure their information is being stored and handled properly. The organisation will protect information against unauthorised use, damage, loss and theft.

All manual personal details will be kept in a secure environment i.e. a locked cabinet with limited access to authorised personnel. Computerised records will be protected with password access or encryption. Consideration of data security will be given when disposing of any computer's and other data storage systems.

Retention of Personnel Records:

Personnel files are kept for 3 years after termination of employment. Application forms and recruitment notes of unsuccessful candidates will be kept for twelve months.

Employment Tribunals/Recruitment Appeals:

Records, such as those relating to recruitment, discipline and grievance, or other documentation relating to an individual's performance, capability or conduct, may be needed as evidence to be able to defend an employment tribunal (ET) claim. The time limit for the majority of claims is three months (e.g. unfair dismissal claims), however for some claims it is longer (e.g. equal pay claims – six months and personal injury claims – 3 years).

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Access to personal files:

Under the Data Protection Act 1988 all employees have right of access to their personal files and data in whatever form they take. This policy is seen as encouraging openness between employer and employee, and ensures that any information held by the employer is accurate. Employees have a right to demand that any incorrect data be amended.

Arrangements for access to manual personnel files:

An employee wishing to examine their personnel file should put their request in writing to their Line Manager who should be able to provide access to the file within ten working days.

Personal access exceptions:

Employees do not have right of access to documents which attract legal privilege e.g. legal advice provided by Legal Services. Where such documents are removed from a file prior to inspection, a note will be placed on the file recording its existence.

Disclosure of personal information to third parties:

Information provided by an employee as part of their employment should not be disclosed to third parties without their written permission, except where disclosure has been ordered by the courts, or the information has been requested as part of an official enquiry from organisations such as the police, the Child Support Agency, Child Protection, HM Revenue and Customs and the Department for Work and Pensions.

Relevant information relating to trainees on funded programmes will be released to funder's investigators on request, for the auditing of standards compliance, where trainees have signed to grant this permission at commencement of their course, using the Permission for Release of Personal Data form.

Responsibilities:

Whilst the Board accepts it has ultimate responsibility for adherence to the terms of the Data Protection Act, the day to day responsibility for ensuring compliance is vested in the CEO.

The CEO will ensure all personnel records are kept in a secure environment, and that appropriate access to information is granted as outlined above, maintaining the confidentiality of all records. The CEO is also responsible for annual review and renewal of the organisation's registration with the Data Protection Registrar.

Managers are responsible for collecting information from personnel, and treating it in a confidential manner, passing it to the CEO for filing in a timely manner.

Related Policies:	PO80 Freedom of Information	
Related Documents:	DO60 Release of Personal Data Form	
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