

Electoral Office for Northern Ireland

HR Privacy Notice

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Introduction

Data Controller Name: Dr David Marshall

Address: Electoral Office for Northern Ireland, Colby House, Stranmillis Court, Belfast BT9 5TA

Interim Data Protection Officer Name: Lisa Cherry

Address: Electoral Office for Northern Ireland, Colby House, Stranmillis Court, Belfast BT9 5TA

Email: dpo@eoni.org.uk

EONI is committed to protecting and respecting your privacy. This privacy notice explains how EONI uses information about you and the ways in which we will protect your privacy.

*This Privacy Notice applies to all permanent, temporary and agency staff, in addition to volunteers and students on placement

We will always treat your information as confidential, even when you are no longer an employee/worker or a potential employee/worker. This privacy notice describes how we collect and use personal information about you during the employment and recruitment process, in accordance with Data Protection Legislation. As a "data controller", EONI determines the purposes for processing your information and is required under data protection legislation to notify you of these purposes in a Privacy Notice. This notice does not form part of any contract of employment or other contract to provide services. It is important that you read this notice so that you are aware of how and why we are using such information.

What personal information do we process?

Personal information (personal data) is 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 sensitive personal data that require a higher level of protection.

We will collect, store, and use a variety of the following different kinds of personal information data about you including:

- Personal contact details such as name, addresses, telephone numbers, and personal email addresses and details of emergency contacts.
- Family and social circumstances
- Information required to comply with Section 75 monitoring obligations
- Financial details
- Education and training details
- Employment, absence and leave details
- Date of birth.
- Global positioning data
- Gender identification

- Recruitment information (including copies of interview record sheets and other information included in a CV, application form or cover letter or as part of the recruitment process).
- Right to work in the UK documentation
- Proof of identification (e.g. passport, driving license Immigration document)
- Proof of address
- Qualifications
- Full employment record to include Promotion and Disciplinary details
- Staff survey responses
- Security pre-employment checks and higher level clearance where required.
- Details of any secondary employment, political declarations, conflict of interest declarations or gift declarations.
- Occupational health data.
- Sickness certificates, fitness to work notes.
- Accident records.
- Reasonable adjustment information and assessments conducted.

We also process the following "special categories" of sensitive personal information which includes information in relation to:

- physical and/or mental health
- racial or ethnic origin
- religious, or other beliefs of a similar nature
- community background
- sexual orientation
- trade union membership
- criminal offences or convictions

In order to comply with our legal obligations in relation to health and safety at the workplace and in the public interest to control disease and to protect the vital interests of data subjects we may need to collect information relating to Covid-19 or other illnesses.

Why we process personal information

We collect and process personal information in order to comply with our legal obligations, and other pension, employment and statutory equality legislation. We also collect and process personal information for the performance of tasks carried out in the public interest or in the exercise of official authority, where we have a contract with you and need to process your personal data to comply with our obligations under the contract or where we have another legitimate interest in doing so. On some occasions, we rely on your consent to process your personal information.

We collect and process personal information under the following lawful bases:

- Article 6(1)(b) which relates to processing necessary for the performance of a contract to which the data subject is party to or in order to take steps at the request of the data subject prior to entering into a contract.
- Article 6(1)(c) so we can comply with our legal obligations as your employer.

- Article 6(1)(d) in order to protect your vital interests or those of another person.
- Article 6(1)(e) for the performance of our public task.
- Article 6(1)(f) for the purposes of our legitimate interest.

Where the information we process is special category data, the additional bases for processing that we rely on are:

- Article 9(2)(b) which relates to carrying out our obligations and exercising our rights in employment and the safeguarding of your fundamental rights.
- Article 9(2)(c) to protect your vital interests or those of another person where you are incapable of giving your consent.
- Article 9(2)(f) for the establishment, exercise or defence of legal claims.

This enables us to:

- support and manage EONI staff; including contacting you, carrying out appraisals, maintaining business continuity, maintaining employment records.
- pay our current staff and administer pensions;
- ensure all those working at EONI are suitably trained and skilled and that the office is suitably resourced;
- ensure that EONI is managed efficiently and carries out its function;
- enable EONI to make reasonable adjustments in order to comply with its responsibilities under the Disability Discrimination Act 1995;
- provide information for departmental reports;
- examine the impact of EONI recruitment and employment policies and processes on different categories of staff;
- comply with EONI statutory obligations under Fair Employment legislation;
- assess your skills, qualifications, and suitability for the role and when carrying out the role;
- carry out background and reference checks, where applicable;
- communicate with you;
- ensure staff and other agencies used by EONI can communicate effectively with each other;
- keep records related to our recruitment and employment processes;
- comply with legal or regulatory requirements;
- obtain Section 75 Northern Ireland Act 1998 monitoring information and ensure that it is kept current;
- examine the impact of EONI recruitment and employment policies and processes on different categories of staff; and
- comply with EONI statutory and legal obligations under legislation such Fair Employment and Treatment (NI) Order 1998, Freedom of Information Act 2000, UK GDPR and to co-operate with public inquiries and appropriately respond to Assembly Questions.

We may also process personal information for the purposes of detection and investigation of suspected or actual fraud, loss or crime, data matching under the National Fraud Initiative, staff monitoring and as required by other legislation.

When you apply to work for us or are retained on our system as potentially eligible to work for us our staff system includes a link to the electoral register and we may invite you to complete an electoral registration form if you are not

registered.

We will only collect and hold the minimum amount of personal data necessary to provide and manage our services.

Where do we collect your information from?

We collect personal information about potential employees and workers through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties e.g. former employers and vetting agencies.

The information we process will usually have been provided by you but in some cases, your data may have been obtained by us from another Government department such as HMRC or other sources such as line management.

We collect personal information about employees and workers either directly from them or sometimes from an employment agency or background check provider or other third party which has been authorised to provide such information. We check personal information against the electoral register for accuracy.

How we use your personal data

The following are types of situations when we will process your personal information.

- Making a decision about your recruitment or employment.
- Determining the terms on which you work for us, if appropriate.
- Ensuring staff and other agencies working with EONI can communicate effectively with each other
- Monitoring work and training
- Maintaining employee relations
- Checking you are legally entitled to work in the UK.
- Administering any contract.
- Ascertaining your fitness to work.
- Complying with health and safety obligations.
- To prevent fraud.
- Equal Opportunities Monitoring
- Research purposes
- Complying with our legal duties.
- To encourage registration.

What happens if you fail to provide personal information?

If you fail to provide information when requested, which is necessary for us to consider applications for employment (such as evidence of qualifications or work history), we will not be able to process your application successfully. For example, if we require references for this role and you fail to provide us with

relevant details, we will not be able to take your application further.

If you fail to provide information when requested, which is necessary for us to fulfill our employment or regulatory obligations (such as banking details or right to work documentation), we will not be able to fulfill our duties under the employment contract.

Change of purpose

We will only use your personal information for the purposes for which we collected it. If we need to use your personal information for another unrelated purpose, we will notify you and we will explain the legal basis that allows us to do so. Please note that we may process your personal information without your knowledge or consent where this is required or permitted by law.

How we use sensitive personal information

"Special categories" of 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 may process special categories of personal information in the following circumstances:

1. With your explicit written consent.
2. Where we need to carry out our legal obligations.
3. Where it is needed in the public interest, such as for equal opportunities monitoring.

We may 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. We may also process such information about actual or potential employees/workers in the course of legitimate business activities with the appropriate safeguards and in accordance with our Appropriate Policy Document.

We will also use your sensitive personal information in the following ways:
We will use information as may be required to ensure meaningful equal opportunity monitoring and reporting.

We do not need your consent to use your sensitive personal information to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may 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.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our legal/regulatory obligations. Less commonly, we may use information relating to

criminal convictions 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 may also process such information about actual or potential employees/workers in the course of legitimate business activities with the appropriate safeguards. We envisage that we will hold information about criminal convictions subject to the appropriate retention policy. Where required we will collect information about criminal convictions as part of the recruitment process or we may receive such information in the course of you working for us. We will use information about criminal convictions and offences in the following ways:

- Regulatory reporting purposes.
- Making decisions about recruitment and or employment.

CCTV

We use CCTV on our buildings to maintain the security of property, premises and staff, and for the prevention and investigation of crime. For these reasons the information processed may include visual images, audio recording, personal appearance and behaviors. A CCTV Privacy Policy is in place.

Sharing your information

We may share your data with third parties, including third-party service providers and other entities and staff in the organisation. We require third parties and others to respect the security of your data and to treat it in accordance with the law.

We are required to share your data to meet our legal or public function requirements, to pursue debt, for fraud, or crime prevention and detection purposes, or in your vital interest, with the following:

- Other government departments and agencies
- Her Majesty's Revenue and Customs (HMRC)
- Suppliers and service providers, such as HR Connect, external training providers, IT providers, Cybersecurity and Data consultants
- courts, tribunals and parties to litigation
- financial organisations, such as banks
- Police forces and emergency responders
- Access NI
- Trade Unions

Your personal information will also be used to verify your identity. Further details of how your information will be used by Access NI and your data protection rights in that regard can be found at https://www.justice-ni.gov.uk/sites/default/files/publications/justice/accessni-revised-privacy-notice-3-May-2018_0.pdf

In the event that we arrange for service providers, agents and subcontractors,

including those from outside the UK and EEA (European Economic Area) to provide services and process your information on our behalf, we will make sure that these parties have a duty to keep your information confidential and secure.

Where you ask for your personal data it is of utmost importance to ensure that information is ONLY given to the Data Subject. The information can only be given to their representative in certain circumstances. Such circumstances are considered on a case-by-case basis.

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 our organisation. Third party service providers carry out the following activities: IT services, security vetting administration, credit reference agencies, training bodies, consultancy services, data protection services and employment agencies, certification bodies where relevant to the post being applied for, occupational health and welfare services, regulatory bodies, payroll services and delivery services.

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities 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 or in accordance with your direct instructions/consent.

Data security

We have put in place measures to protect the security of your information. 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 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 and they are subject to a duty of confidentiality.

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.

We will do what we can to make sure we hold records about you (on paper and electronically) in a secure way, and only make them available to those who have a right to see them. We use technical and organisational measures such as:

- Encryption of our data and IT equipment
- Regular data protection training for our staff
- Regular testing of our technology

- Restricted access controls
- Physical security measures

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 and in accordance with our retention schedule. Once you are no longer an employee we will still retain your personal information in accordance with the above.

After this period, we will securely destroy your personal information in accordance with applicable laws and regulations.

In some circumstances, we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

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 the recruitment process with us or your term of employment with us or where you are on a staff list as potentially eligible to work for us.

Your privacy rights

You have a number of rights under the Data Protection Laws in relation to the way we process your personal data, which are set out below. Under certain circumstances, by law you have the right to request access to your personal information (commonly known as a "data subject access request").

To make a request to access any personal information we may hold about you. You should put the request in writing and email it to info@eoni.org.uk or post it to:

Business Support Unit (Information)
Electoral Office for Northern Ireland
St Anne's House
15 Church Street
Belfast BT1 1ER

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 in certain circumstances. 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 that 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 in certain circumstances. 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.
- Receive data you have provided in a structured, commonly used and machine readable format and to have that data transmitted directly to another controller where technically feasible and where the basis for processing is consent or contractual and the processing is carried out by automated means
- Not to be subject to a decision when it is based on automated processing and produces an adverse legal effect or significantly affects the individual.

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 the DPO – Data Protection Officer in writing.

There may however be legal or regulatory reasons why we need to keep or use your information. We may sometimes be able to restrict the use of your information so that it is only used for legal claims or to exercise legal rights. In these situations, we would not use or share your information while it is restricted.

You have the right to withdraw your consent at any time if your consent is relied upon to process your data.

What we may need from you

We may 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.

Right to withdraw consent

In the limited circumstances where you may 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 the DPO – Data Protection Officer. 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.

Data Protection Officer

We have appointed a Data Protection Officer (DPO) to oversee compliance with data protection legislation. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO. 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.

Complaints

If you wish to raise a complaint about how we have handled your data, you can email the Data Protection Officer who will consider the matter:

dpo@eoni.org.uk

If you are still not satisfied with our response, or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner by email:

casework@ico.org.uk

Changes to this Privacy Notice

We reserve the right to update this privacy notice at any time, and will ensure that the updated privacy notice is available here when we make any substantial updates. We may 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 the Data Protection Officer either in writing to the following address or by email.

Data Protection Officer
Electoral Office for Northern Ireland
St Anne's House
15 Church Street
Belfast BT1 1ER

Email: dpo@eoni.org.uk