

## Casual Worker Transparency Notice

Here at Wakefield Council, we take your privacy seriously and will only use your personal information for the purpose(s) listed in section 2 below. This notice provides details of how the Council collects and uses information (data) about you.

We will keep your information (data) secure at all times.

### 1. Who we are.

a) The Controller for the information we hold is Wakefield Council. Contact details:

Telephone: 01924 306112

Email: [dataprotection@wakefield.gov.uk](mailto:dataprotection@wakefield.gov.uk)

b) If you have any queries regarding your information that we are using for the purpose outlined in section 2, please contact the Controller's representative. Contact details:

Service Manager - HR Service

Telephone 01924 305993

Email: [hrdirect@wakefield.gov.uk](mailto:hrdirect@wakefield.gov.uk)

c) The Council's Data Protection Officer is the City Solicitor: Contact details:

Telephone: 01924 305211

Email: [dpo@wakefield.gov.uk](mailto:dpo@wakefield.gov.uk)

### 2. How we use your data:

The Council collects and processes a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your engagement;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the Council;
- information about your remuneration, including entitlement to benefits such as pensions;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- details of your schedule (days of work, working hours and details of any days that you are not generally available for work) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- information about medical or health conditions, including whether or not you have a disability for which the Council needs to make reasonable adjustments;

The Council collects this information in a variety of ways. For example, data is collected through application forms; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during your engagement (such as pension forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the Council collects personal data about you from third parties, such as references supplied by former employers, and information from criminal records checks permitted by law.

We use this information to:

- offer work to appropriate and suitably qualified individuals;
- maintain accurate and up-to-date HR records and contact details (including details of who to contact in the event of an emergency), and records of workers' contractual and statutory rights;
- conduct checks to ensure that workers have the right to work in the UK in accordance with government guidance;
- ensure acceptable conduct within the workplace;
- allow for succession planning and workforce management;
- keep a record of absence to allow effective workforce management and ensure that workers are receiving the pay to which they are entitled;
- obtain occupational health advice, to ensure the Council complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that workers are receiving the pay or other benefits to which they are entitled;
- operate and keep a record of working hours and holiday to allow effective workforce management, to ensure the Council complies with duties in relation to leave entitlement, and to ensure that workers are receiving the pay or other benefits to which they are entitled;
- ensure effective general HR and business administration; and
- respond to and defend against legal claims.

The Council will share your information internally with teams that have a business need to access your data including Human Resources, Financial Services, Corporate Intelligence, your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

The Council shares your data with third parties in order to obtain background checks from third party providers and obtain necessary criminal records checks from the Disclosure and Barring Service, and provide data to the appropriate pension bodies and HMRC. In addition the Council has a duty to refer cases for consideration in relation to safeguarding enquiries and/or investigations to the Disclosure and Barring Service, Teaching Regulation Agency, and the Health and Care Professions Council.

The Council may share your information with external training providers to ensure relevant training and or studying takes place.

If you are engaged in an educational setting your information may also be shared with the Department for Education (DfE)

You have some obligations under your worker engagement to provide the Council with data. In particular, you are required to report absences from work. You may also have to provide the Council with data in order to exercise your statutory rights, such as in relation to holiday entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the Council to enter a worker engagement with you. If you do not provide other information, this will hinder the Council's ability to administer the rights and obligations arising as a result of the worker engagement efficiently.

### **3. What authority does the Council have to collect and use this information?**

The Council needs to process data to enter into a worker engagement with you and to meet our obligations under that engagement. For example, we need to process your data to provide you with a worker agreement and to pay you in accordance with your agreement.

In some cases, the Council needs to process data to ensure that we are complying with our legal obligations. For example, we are required to check a workers entitlement to work in the UK, to deduct tax, to comply with health and safety laws, to ensure that workers are receiving the national minimum wage, to auto-enrol workers in pension schemes and to enable workers to take the holiday and breaks to which they are entitled. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the Council has a legitimate interest in processing personal data before, during and after the end of the employment relationship.

Where the Council relies on legitimate interests as a reason for processing data, we have considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to workers with disabilities and for health and safety purposes and to ensure that workers have the right to work in the UK).

### **4. How long will we keep your data?**

The Council will hold your personal data for the duration of your worker engagement. The periods for which your data is held after the end of employment are set out in the Retention and Disposal Schedule – Employee Records.

### **5. Your rights and your personal data**

Under the GDPR you have the following rights:

#### **Right of Access**

You have a right of access to the personal information that the Council holds about you, and/or the right to be given a copy of the data undergoing processing.

### **Right to Rectification**

You have the right to request that the Council corrects any personal data if it is found to be inaccurate, incomplete or out of date.

### **Right to Erasure**

In certain circumstances, you may have the right to request your personal data is erased.

### **Right to Restriction of Processing**

You have the right, where there is a dispute in relation to accuracy or lawfulness of processing of your personal data, to request that a restriction is placed on further processing.

### **Right to Portability**

You have the right to request the Council provide you with your personal data and where possible, to transmit that data directly to another data controller. However, this only applies to data that you have provided to us and not to all the information that the Council holds about you.

### **Right to Object to Processing**

In certain circumstances, you may have a right to object to the processing of your personal data.

### **Right of Complaint**

You have a right to lodge a complaint with the Information Commissioner, please find contact details below.

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

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

To exercise any of your rights, you should contact the Data Controller's representative as shown in section 1b.

## **6. Transfer of data outside the EU**

The Council will not transfer your data to countries outside the European Economic Area.

## **7. Automated decision making**

Decisions relating to your worker engagement are not based on automated decision making.

## **8. Further processing**

If we wish to use your personal data for a new purpose, not covered by this Transparency Notice, then we will provide you with a new Transparency Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions.