



Scottish Legal Aid Board - Staff Privacy Notice

This document provides information about how the Scottish Legal Aid Board (SLAB) processes data relating to its current and former employees or relevant dependants, workers and agency contractors and “staff” in the wider sense to include Board Members and those on work experience placements.

It is important that the personal information we hold about you is accurate and current. You therefore have a responsibility to ensure that you update us of changes throughout your relationship with us.

How does this notice relate to other privacy notices?

Applicants for jobs within SLAB are told how their data will be used in relation to the job application process and how, if they are successful, that data forms the basis of the staff record.

What personal data will be processed?

SLAB processes a range of information about you. The information can be collected in a range of ways and at different times. It may be information that we gather when you start working with us, or during the course of your employment. It can also be information sent to, or collected by, us as part of particular events, occurrences or procedures, for example sickness absence, grievance or disciplinary procedures.

The information that we hold includes, as appropriate to your relationship with us:

- Your name and contact details and other personal details such as your date of birth, next of kin, and emergency contacts
- Your application and other information you may have provided as part of the application process, which may include:
 - educational qualifications, skills and experience; employment history; referee contact details and reference content;
 - immigration and right to work status information (for example visa and passport details)
 - proof of ID (for example copy of drivers licence; copy of passport)
 - other characteristics relevant to our equalities obligations (marital or partnership status; disability; race; religion or belief; sex; sexual orientation; gender re-assignment)
 - Disclosure Scotland certificate
 - dependents and caring responsibilities
- Details relating to your current engagement with SLAB including: employee number; job title; grade; place of work; line manager; cost centre; contract

type; working hours; attendance and hours of work including timesheets for agency staff

- Information about your remuneration, including salary point, salary, pay history, payslips and P60 information, annual review history and proposed and actual adjustments to pay, any job evaluation assessments undertaken with you
- Tax status, including where relevant results of HMRC employment status check and tax code
- Information relating to pension benefit entitlements and correspondence with SPPA, including information relating to other pension benefits transferred in or out of the SLAB scheme
- Details of your bank account
- Information relating to other optional deductions from salary relating to optional benefits (for example Simply Health; salary sacrifice; SLAB Sports and Social Club membership; flu vaccination) and direct payments to GMB for membership
- Details of travel and subsistence and any other out-of-pocket expenses claimed from and paid by SLAB; car registration, driving licence, insurance and fitness to drive declarations; pool car mileage data; parking data (if relevant)
- Data captured on SLAB's CCTV and call recording systems
- Details of periods of leave taken by you and the reasons for this including: holiday; sickness absence (see below); special leave or other authorised absence; time out from employment.
- Performance Review records including any assessment of your performance rating and if applicable, improvement plans and related correspondence
- Details of any Capability, Disciplinary or formal grievance Procedures in which you have been involved including any warnings or related correspondence
- Learning and development data including plans, completion (including subject and dates), accreditations, vocational assistance applications and progress
- Internal vacancy applications, interview assessments and communication relating to outcomes
- Professional body registrations and payment of annual subscription fees (including Practising certificates for legally qualified staff); associated CPD details to meet registration requirements,
- Health and safety workstation assessments and any accident or incidents reported by you

- Workforce planning and organisational structure data related to individuals including you, and their roles
- Consultation information and related correspondence relating to any redundancy process or restructuring to which you may have been subject
- Details relating to any declarations made by you about outside interests; conflicts of interest; acceptance of gifts or hospitality
- General information and responses relating to employee, worker, or contractor management queries and cases
- Information and assessments relating to peer review or compliance audit
- Correspondence relating to your resignations and other leaver processes.

Some of the data about you that we need to process is classed as “special categories of personal data”.

These are:

- Information about your race or ethnicity, religious beliefs, philosophical beliefs, sexual orientation and political opinions
- Trade union membership and associated salary deductions
- Information about your health, namely:
 - Regarding health and medical conditions as disclosed by you in the recruitment process or arising during your employment/engagement
 - Information regarding disabilities and reasonable adjustments
 - Information relating to pregnancy or maternity
 - Details of any sickness absences
 - Where you leave employment and the reason of leaving is related to your health; and
 - Information about a medical condition needed for performance management or pension purposes and the records relating to decisions taken
 - Occupational health information.

We may also hold information about criminal convictions: In addition to basic Disclosure Certificates required at recruitment, SLAB may hold and process data about criminal offences and convictions if it is appropriate and relevant, given the nature of your role. We may be notified directly by you or a third party, such as the Police, in the course of you working for us. We will use information relating to criminal convictions and offences to comply with employment or other laws or to consider suitability for employment or continued employment.

This will only be done where the law allows us to and such information will be retained confidentially and securely.

How is your information stored?

Your personal data is held both electronically and, in limited situations, in paper format in a range of different places. These can include the more obvious locations such as: our online recruitment system; HR Oracle system; your e-HR file; our Learning Management System; Information relating to your employment/ engagement and role at SLAB is shared between core HR-related systems and other key business systems or departmental spreadsheets that support the running of SLAB. These include:

Finance systems; IS system management (including e-mail system); Timesheets; workload allocation systems; ID card issue system; health and safety records; SPPA system and internal pension records.

What is the purpose of the processing?

SLAB will process your data to:

- maintain accurate and up-to-date employment/engagement records and contact details (including who to contact in the event of an emergency - we will assume that you have obtained consent from those individuals before you supply their contact details to us) and records of contractual and statutory rights
- pay employees workers and contractors
- administer pensions
- ensure staff are receiving the pay or other benefits to which they are entitled
- inform internal recruitment and promotion processes
- obtain Occupational Health (OH) advice, to ensure that it complies with duties in relation to individuals with disabilities, meets its obligations under health and safety law, and to ensure that employees' health is not adversely affected by their work at SLAB, and that they are fit for the duties which are assigned to them
- maintain and promote equality in the workplace
- fulfil and monitor our legal responsibilities under, for example, equalities, immigration and health and safety legislation
- check, where necessary, that staff are still eligible to carry out their role as registered practitioners with The Law Society of Scotland
- operate and keep a records of absence and absence management procedures and performance and related processes for effective workforce management

- operate and keep learning and development plans and records to ensure compliance with legal obligations and to support workforce and personal development
- operate and keep a record of capability, disciplinary and grievance processes to ensure acceptable performance and conduct in the workplace
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave) for effective workforce management and to ensure that the organisation complies with duties in relation to leave entitlement
- manage and develop SLAB's business, including ensuring effective HR and business administration
- to perform our functions under the Legal Aid (Scotland) Act 1985 and the administration of the legal aid system
- process reports for Scottish Government or other regulatory bodies as required
- provide references on request for current or former employees
- respond and defend against legal claims if required
- as required or appropriate, respond to subject access requests under GDPR or information requests under the Freedom of Information (Scotland) Act 2002.

Some special categories of personal data about health and medical conditions are processed so that SLAB can carry out its obligations and exercise its right, and so you can carry out your obligations and exercise your rights under employment law (such as those in relation to disabilities and for health and safety purposes).

What is the legal basis of the processing?

We consider the processing of your personal data for these purposes to be necessary for:

- **the performance of our contractual obligations** with you (for example pay you in accordance with your contract and administer benefit and pension entitlements) and your contractual obligations to us, and to enable both you and SLAB to exercise rights under our contract
- **compliance with our legal obligations** (for example check your entitlement to work in the UK, deduct tax, comply with health and safety laws, enable you to take periods of leave, equal opportunities monitoring) **or regulatory obligations** (for example reporting to Government or governmental bodies)
- **the performance of tasks we carry out in the public interest** (for example our core role within the Justice system)

- **the legitimate interests** of SLAB or others where appropriate and relevant
- enabling your access to a service and where **you have given your consent**.

We will only process your special category data with your explicit consent or if it is necessary:

- for the purpose of you and/or SLAB carrying out its/or your obligations in connection with employment where processing is necessary in relation to rights or obligations imposed by law for the establishment, exercise or defence of legal claims
- very occasionally when it is needed to protect your or another's vital interests and you are not capable of giving your consent (for example in an emergency)
- when you have already made the information public
- for reasons of substantial public interest
- archiving in the public interest, research purposes or statistical purposes.

Data security

We have put in place appropriate security measures to protect your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those people who have a business need to know.

We have put procedures in place 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.

In some circumstances we may anonymise or pseudonymise personal data so that it can no longer be associated with you, in which case we may use it without further notice.

Who may your personal data be shared with?

Within SLAB, your data is normally shared only with those SLAB staff who need access to deliver and support the purposes described above. However where there are disciplinary or grievance procedures relevant data (which may include your personal data) will be shared with other members of staff (including former members of staff) who are participants in the procedures where it is necessary or appropriate for the proper conduct of the procedures that the information is shared.

Your personal data is shared with a range of external organisations as is necessary for the purposes set out above and as permitted or required by law, including the following:

- previous employers, individual referees and external peers to obtain references
- our pension administrators and their appointed medical advisors as appropriate
- other organisations with which SLAB collaborates in order to deliver HR services to staff (including our: online recruitment system; OH advisors; Learning Management System; Oracle HR system; legal advisors; support/ counselling service providers; training providers, external grievance or disciplinary investigators or consultants)
- relevant professional or statutory regulatory bodies (for example Law Society of Scotland, Audit Scotland)
- Other partners with whom we work for our day-to-day functions (for example Police Scotland, Scottish Court Service, Peer Reviewers)
- Disclosure Scotland
- Relevant Government departments, executive agencies or NDPBs (for example Home Office; UK Visas and Immigration; HM Revenue and Customs; Health and Safety Executive; Scottish Government).

Information may also be shared with persons exercising relevant rights under freedom of information and data protection legislation but only where necessary or appropriate, and with appropriate regard to your rights.

Where required we ensure that we have appropriate data sharing agreements in place before sharing your data with any other data controllers or processors.

There may be occasions when SLAB will provide or ask for information to or from third parties (for example relating to OH referrals; GP reports; specialist reports and other health-related interventions relating to your role; your mortgage/ tenancy applications; employment references).

As indicated above, your personal data is shared as is necessary on a considered and confidential basis, with several external organisations which assist SLAB with processing data (for example recruitment; HR administration; pay and pensions; learning management; IT services). These organisations will operate on our behalf in accordance with our instructions and do not process your data for any purpose over and above what we have asked them to do. We make sure we have appropriate contracts in place with them to ensure the confidentiality and security of your personal data.

We do not share your data with external organisations for marketing their products or services. We do not sell your data to third parties under any circumstances or permit third parties to sell on data we have shared with them.

While we would not normally transfer data outside the EU, in exceptional circumstances where this is the case all personal data will be provided with adequate protection and transferred lawfully. Where we transfer personal data outside the EU to a country not determined by the European Commission as providing an adequate level of protection for personal data, the transfers will be under an agreement which covers the EU requirements for the transfer of personal data outside the EU, such as the European Commission approved standard contractual clauses.

How long is your data kept?

Your data is retained for an appropriate period, according to its type and purpose and for no longer than necessary. This will vary depending on its nature. For example, we retain much of the standard HR file information for the duration of employment plus the following six financial years. Pensions information requires a much longer retention period of 100 years from your date of birth.

Your rights

Under the General Data Protection Regulation (GDPR) you have the right:

- **to be informed** about how we collect and use your personal information through privacy notices such as this
- **to request information we hold about you.** This is known as a subject access request and is free of charge. We must respond within one month, although this can be extended by a further two months if the information is complex
- **to rectification.** You are entitled to have your information rectified if it is factually inaccurate or incomplete. We must respond to your request within one month. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner
- **to erasure.** You have the right to ask us to delete your information or stop using it. It will not always be possible for us to comply with your request, for example if we have a legal obligation to keep the information. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner
- **to restrict processing.** You have the right to restrict how your data is processed in certain circumstances, for example if the information is not accurate. If a restriction is applied, we can retain just enough information to ensure that the restriction is respected in future. If we decide to lift a restriction on processing we must tell you

- **to data portability.** If we are processing your personal data with your consent, and it is held in a structured, commonly used, machine readable form, you have a right to ask us to transmit it to another data controller so they can use it. This right does not apply if we process your personal data as part of our public task
- **to object.** You can object to your information being used for profiling, direct marketing or research purposes
- **to be informed about any automated individual decision making, including profiling,** with legal or similarly significant effects and be given an opportunity to request human intervention or challenge a decision.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, request that we transfer a copy of your personal information to another party or request the reconsideration of an automated decision, please contact our **Data Protection Officer** at DPO@slab.org.uk.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

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.

Where you 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 our DPO. 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.

If you are unhappy with the response you get from us, you can ask us to look again at your request - you can write to our Data Protection Officer at SAR@slab.org.uk or using SLAB's postal address. At any time, you are entitled to ask the Information Commissioner to review our decision or to go to court to enforce your rights.

Changes to this privacy notice

We keep this privacy notice under regular review. This privacy notice was last updated on 26/10/2020.

Contact Information

Data Protection Officer

Scottish Legal Aid Board
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE
Email: DPO@slab.org.uk

Direct Dial: 0131 240 2071
Switchboard: 0131 226 7061

The Information Commissioner

You can find information about how to report a concern to the Information Commissioner on their website at: www.ico.org.uk/for-the-public/

Alternatively you can call them on 0303 123 1113 or write to:

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

Or contact the Scottish Regional Office for the ICO at:

Information Commissioner's Office
Queen Elizabeth House
Sibbald Walk
Edinburgh
EH8 8FT
Tel: 0303 123 1115

www.ico.org.uk/about-the-ico/who-we-are/scotland-office/