

Data Protection and Staff Data – Fair Processing Notice

Summary

- The Data Protection Act (1998) is being updated to reflect changes in technology and, how your personal data is collected, used and shared. In the UK, the new law will be called the Data Protection Act 2018 and will be based on the General Data Protection Regulation (GDPR).
- For the purpose of this law, UEL and UELPS will be the Data Controller and will make decisions about how we use any personal data we collect from you.
- As a member of staff, UEL or UELPS will collect and use data relating to personal details, family and social circumstances, education and training records, employment information, financial details, and services provided. In addition, we may collect and use special category data about you such as information relating to your ethnicity, religion, sexual orientation, disability or medical condition for specific purposes.
- The principle purpose for processing personal data relating to staff is to facilitate the provision of your university employment, which is undertaken by way of a contract. Other purposes for which we process your personal data include:
 - To meet our statutory or legal obligations;
 - Staff training & development;
 - Administration & management operations;
 - In the fulfilment of our public tasks;
 - With your consent; or
 - Where such use would meet our legitimate interests.
- You have rights associated with how your personal data is used and managed. These rights include:
 - To be informed what personal data about you the University holds and what it is used for;
 - To access your personal data;
 - To update the personal data the University holds about you;
 - To be informed how the University is complying with its obligations under the Act;
 - To complain to the Data Protection Officer or Information Commissioner (ico.org.uk); and;
 - To have personal data erased where there is no compelling reason for us to keep the data.

For information on how to exercise your information rights, or to see the full version of this fair processing notice, please visit uel.ac.uk

The Data Protection Act 2018 (The Act), regulates the processing of personal data of Data Subjects ('you') in any format by the University of East London ('the University', 'UEL', 'we' or 'us') and University of East London Professional Services ('UELPS', 'we' or 'us') including digital and hard copy personal data. Personal data is any information relating to a living individual, and processing is any activity carried out involving personal data, including collecting, holding, viewing and storing it.

This Fair Processing Notice is designed to give you information about what personal data we collect, what we do with your data, why we do it, and your rights in relation to its use.

UEL and UELPS are the Data Controller for all personal data that it holds and processes about you.

Our contact details are:

University of East London
University Way
London E16 2RD
United Kingdom

The Data Protection Officer works independently with UEL to ensure that we protect your personal data. They can be contacted on dpo@uel.ac.uk or, via the data protection pages of uel.ac.uk.

Information We Collect

During the course of our activities, we collect, store and process personal data about our prospective, current and former staff. While most of this data is collected from you directly, we could also collect your personal data:

- By observation e.g. through your use of our IT equipment, technology, or connected devices;
- By deriving your personal data from combining other data sets or;
- By using algorithms to analyse a variety of data within defined perimeters to make a decision e.g. we score your application when you apply for a job.

For the purposes of this Fair Processing Notice, 'staff' includes applicants, employees (academic, support and management, workers (including agency, casual, hourly paid and contracted staff), apprentices, volunteers, trainees and those carrying out work experience.

We treat all staff personal data in line with the data protection principles. No personal data held by us will be processed unless the requirements for fair and lawful processing are met.

Information Commissioners Office: ico.org.uk

Types of Personal Data Processed

In order to carry out our activities and obligations as employers, the University and UELPS process data in relation to:

- Your contact details and other information submitted as part of the application or recruitment process;
- Emergency contact(s) and next of kin details in the event that we need to contact someone on your behalf;
- Delivering education and training (including the electronic recording of lectures and seminars)
- Employment records (including application forms, professional membership, references and proof of eligibility to work in the UK);
- Bank details for payroll purposes;
- Pension details;
- Salary details including allowances;
- Income tax codes and tax details;
- National Insurance and other National Identifier numbers;
- Higher Education Statistics Agency (HESA) numbers;
- Personal data collected via monitoring technology used for the prevention, or detection of crime, fraud or deliberate misuse.

We also obtain, hold and process, special category personal data (the term used by the GDPR) or other sensitive data of staff. Special category data includes information about someone's:

- Race;
- Ethnic origin;
- Politics;
- Religion;
- Trade union membership;
- Genetics;
- Biometrics (where used for ID purposes);
- Health;
- Sex life; or
- Sexual orientation.

Emergency contact details provided by you will be used to protect your vital interests and wellbeing and will only be used for this purpose. You should notify the relevant person that you are providing their contact details to the University as their listed emergency contact.

Primary Purposes for Processing

Your personal data is processed primarily for the following purposes:

- The administration of prospective, current and past employees including self-employed, contract personnel, temporary staff or voluntary workers;
- The recruitment and selection process;
- Administration of non-University staff contracted to provide services on behalf of the University;
- Planning and management of the University's workload or business activity;
- Occupational health service;
- Administration of agents or other intermediaries;
- Pensions administration;
- Disciplinary matters, staff disputes, employment tribunals;
- Staff training and development;
- Ensuring staff are appropriately supported in their roles;
- Vetting checks;
- Assessing the University's performance against equality objectives as set out by the Equality Act 2010;

This is not an exhaustive list, but is intended to communicate an overview of our purposes.

Lawful Basis

All processing of personal or special category data requires us to have a lawful basis for doing so. As a member of staff, our principal lawful basis for processing your personal data is for the fulfilment of a contract between UEL and you. However, in some cases, we will rely on processing using another lawful basis such as:

- Under a legal obligation for example, disclosing personal data to external parties under statutory powers;
- Where it is necessary to protect your vital interests such as providing emergency medical care;

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- Where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (for example, awarding qualifications, or for a HESA submission);
- Where it is necessary for legitimate interests pursued by UEL or a third party (the legitimate interests will relate to the efficient, lawful and proportionate delivery of services and will not be to the detriment of your rights and freedoms);
- Where any of these lawful basis do not apply, we will seek your consent or explicit consent to process your personal data. In this case, you have the right to withdraw consent at any time with no detriment to you.

Where we process special category data, we are required to rely on a separate lawful basis specifically for that type of personal data. The lawful basis we choose will be dependent on the circumstances associated with that processing but in many cases the processing will take place on one of more of these basis:

- With your explicit consent;
- As part of our legal obligations under employment, social protection or social security law;
- Reasons of substantial public interest;
- In the establishment, exercise or defence of legal claims;
- In the interests of public or occupational health;
- For scientific, historical research or archiving purposes;

CCTV

The University operates a CCTV system around its sites, the purpose of which is to create a safer environment for students, staff and visitors to the University. Due to the nature of such a system it is likely to capture your personal data.

CCTV is limited to public areas, e.g. reception areas, stairwells, lifts, outside areas as well as in lecture theatres, PC labs and student common rooms. CCTV is not used for the routine monitoring of staff and images are only used in circumstances that the University could not ignore, where there is a risk of or actual criminal activity taking place, where there is gross misconduct alleged or undertaken or where behaviours of staff may put others at risk.

Where images are used in any disciplinary procedures, the individual member of staff will have access to the CCTV footage which they will be able to view. On occasion, it may become necessary to

install cameras for the specific purpose of monitoring activity in a particular area. This will be used only in exceptional circumstances where there is a reason to suspect criminal activity or equivalent malpractice. Any decision to monitor activity in this manner must be authorised by the University's Senior Management and will only be used as a proportionate response to the problem. For further information, please see the UEL Monitoring Policy.

University Monitoring

In certain circumstances, particularly those that involve the prevention or detection of crime, fraud or misuse, UEL will monitor usage of its IT systems technology or spaces. We reserve the right to access user information on our systems, networks and CCTV. Any institutional monitoring or access will comply with UK legislation including the Regulation of Investigatory Powers Act 2000, Human Rights Act 1998, and the Data Protection Act 2018. Where necessary, any access or monitoring will be justifiable, fair and proportionate, and will be in line with our institutional policies. Further information can be found in our Monitoring policy.

Sharing your information

We need to share your data with third parties outside of UEL who are contracted to work on our behalf, for example to pension providers, insurers or legal consultants. We also disclose data to auditors undertaking investigations or to selected individuals acting on behalf of UEL such as organisations undertaking market research or academic researchers provided no personal data is published. Wherever possible sharing of your data will take place within the European Union, however where this is not possible, we may share your data outside the European Union (a third country) but this sharing will be proportionate, have a lawful basis and be subject to appropriate safeguards including contractual agreements and technical measures.

Third Parties

We make some statutory and routine disclosures of personal data to third parties where appropriate. These third parties include:

- Higher Education Statistics Agency (HESA)
- The Department for Work and Pensions
- UK Visas and Immigration Office
- HM Revenue and Customs (HMRC)
- Pension schemes – including UBPAS, USS and others (as set out in the scheme rules)
- Research sponsors/funders

- Trade unions
- Potential employers (where a reference is requested)
- Benefits Agency as required by the Social Security Administration Act 1992
- Child Support Agency as required by the Child Support Information Regulations 2008 (no.2551)

Personal data may also be disclosed where there is a legitimate interest, either for the University or others, taking into account any prejudice or harm that may be caused to you.

The University also use third party companies as data processors to carry out certain administrative functions on our behalf. In such cases, a written contract is place to ensure that any personal data disclosed will be held in accordance with the Act.

When requested, we will confirm the dates and nature of an individual's employment to a prospective employer in a reference.

Submission of your information to HESA

It is a statutory requirement for us to send some of the information we hold about you to HESA every year ("Your HESA Information"). HESA is the official source of data about UK universities and higher education colleges www.hesa.ac.uk.

HESA collects, and is responsible for, the database in which Your HESA Information is stored. They use this information for its own purposes and shares Your HESA Information with third parties for specified and lawful purposes.

If you choose to provide information about your disability status, ethnicity, sexual orientation, gender reassignment or religion these may at our discretion be included in your HESA information and used to assist with monitoring equality of opportunity and eliminating unlawful discrimination in accordance with the Equality Act 2010.

To read the full HESA Staff Fair Processing Notice, please visit:

<https://www.hesa.ac.uk/about/regulation/data-protection/notices>

Cookies and Analytics

If you visit uel.ac.uk, we will send your computer a "cookie", a small text file that resides on your computer's hard drive. Cookies identify a user's computer to our server but in no way gives the Information Commissioners Office: ico.org.uk

University access to your computer or any information about you, other than the data you choose to share. The University website uses cookies for collecting user information and allows us to make the website more useful by tailoring the services we offer from time to time. You can set your browser not to accept cookies, although you may not be able to access all of the features if you do.

The website also uses Google Analytics, a web analytics service provided by Google, Inc. Google Analytics sets a cookie in order to evaluate your visit to our website and compile reports and to help us improve the site.

Google stores the information collected by the cookie on servers in the United States. Google may also transfer this information to third parties where required to do so by law, or where such third parties process the information on Google's behalf. Google will not associate your IP address with any other data held by Google. By using the UEL website, you consent to the processing of data about you by Google in the manner and for the purposes set out above. See Google's Privacy Policy for more information.

Individual Rights

You have rights associated with how we, or any organisation, use your personal data. These rights are:

- The right to request access to your personal data;
- The right to have inaccurate or incomplete personal data rectified;
- The right to erasure of personal data – this will only apply where there is no legitimate reason for UEL to continue to process the personal data;
- The right to restrict the processing of personal data – you have the right to block the processing of your personal data by us in some cases ;
- The right to data portability - you have the right to have the personal data you have provided to us transferred to another organisation;
- The right to object – you can object to the processing of your personal data by UEL and UELPS in certain circumstances, including the sending and receipt of direct marketing material.
- The right to object to automated decision making and profiling - you have the right to object to decisions taken by automatic means without human intervention in some circumstances.

These rights are not absolute in every circumstance and a number of factors such as exemptions in law apply. Visit uel.ac.uk for more details. All requests to exercise any of these rights should be made to the Data Protection Officer at dpo@uel.ac.uk.

Where the processing of your personal data or sensitive personal data/special category data is based **only** on your consent, you have the right to withdraw their consent at any time by contacting the department or service who obtained that consent or UEL's Data Protection Officer. Examples of where we can only rely on your consent include marketing and promotions, or research.

If you are unhappy with our handling of your personal data, or believe that the requirements of the Act (or any legislation arising directly from it) may not be fully complied with, please contact the Data Protection Officer in the first instance. The formal complaint procedure will be used if appropriate, and you have right to submit a complaint to the Information Commissioner's Office; further details can be found at www.ico.org.uk.

Records Retention

Your personal data will be kept in line with the University Records Retention Schedule, which is available on request. This is a large document so, if you have any specific queries, please contact dpo@uel.ac.uk

Your personal data will be kept in line with the University Records Retention Schedule and will be disposed of when:

- We have met our legal retention requirements for your personal data or;
- We no longer have a legitimate reason to maintain that data and it is considered not to contain information which has archival value to the University.