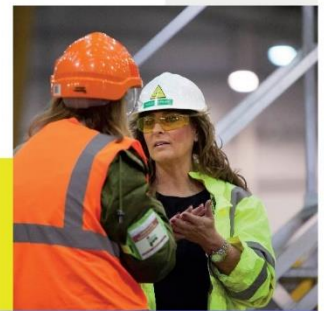
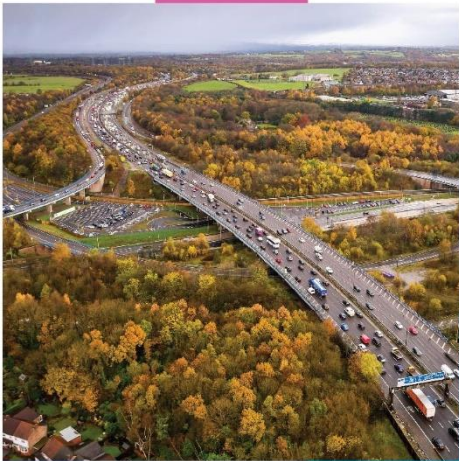


GENERAL DATA PROTECTION REGULATION POLICY



The purpose of this policy is to ensure that all data relating to employees (including casual, temporary and other staff) is processed in accordance with the General Data Protection Regulations (GDPR) and that Transport for the North (TfN) employees are aware of their duties and responsibilities in connection with the use of such data.

1. Compliance with the GDPR Principles

Employees must use personal data fairly and lawfully and may only use it if at least one of the following apply:

- The employee consents;
- In the performance of the employment contract;
- A legal obligation.

Other categories are listed under the Act but are unlikely to be relevant in the use of data by the Finance (Payroll Section) and the HR & Skills Team.

In addition, in the use of sensitive personal data, one of the following must also apply:

- Explicit consent has been given;
- Compliance with the TfN's legal duty;
- Medical purposes;
- Equal opportunities monitoring.

Other categories are listed under the Act but these are the most likely to be relevant in the case of an employee.

TfN will process data (both personal and sensitive data will be referred to as personal data) in connection with job applications and contracts of employment which includes amongst other things, employee's Terms and Conditions, hours of work, pay, pension and sick pay, other employment benefits, holiday, training, performance reviews, promotion, medical assessments, disciplinary matters and grievance procedures and in connection with legal obligations, actions and duties. It will be properly obtained and not through any deceit. Should any outside agency be used in connection with their employment, employees will be notified immediately.

Personal data shall be obtained only for one or more specified and lawful purpose and shall not be used in an incompatible manner.

The use of personal data will be limited to the categories mentioned above. Prior to disclosure to a third party, employees will give consideration to the use to which the data will be put (unless disclosure is required by law). The data will only be processed for the purpose for which it was obtained, unless you consent to the change, or it is lawful to change the use.

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is used.

Data processed will be sufficient to comply with TfN's purposes and obligations. The question TfN will ask itself is "do we need this information and if so why?". Information that cannot justifiably be kept will be removed.

Personal data shall be accurate and, where necessary, kept up to date.

TfN will accurately record data received and take reasonable steps to ensure the accuracy of the data. Employees may request access to their personal file to ensure that the data is accurate. They will be reminded annually that they may check their personal data. Errors will be corrected. However, if there is a dispute employee's view will be recorded as to the disputed item, e.g. if they consider their continuous service date is incorrect, their date will be noted on the Terms and Conditions of Employment next to the date recorded by TfN. Employees are responsible for notifying TfN of any changes, which should be recorded on file or computer.

Personal data processed for any purpose shall not be kept longer than necessary for those purposes.

Personal data relating to employee's employment will be kept for the life of their employment with TfN. Upon termination of their Contract of Employment with TfN such information will be passed to their new employer if required by law (e.g. TUPE transfer) or held for a maximum period of 6 years following termination except for financial details which will be held for longer.

Personal data shall be processed in accordance with the employee's rights under the Act:

- In supplying information requested by the employee under the Act;
- In compliance with a notice received under the right contained in the Act to prevent processing which is likely to cause damage or distress to the employee;
- When required, to notify an employee or reconsider a significant decision about him/her which has been made completely automatically (should any such automatic decision-making process be introduced by TfN or used by an agent of TfN);
- To comply with any notice requiring rectification or removal of inaccurate data.

Appropriate technical and organisational measures shall be taken to prevent accidental loss, destruction or damage to and unauthorised or unlawful processing of personal data.

Those employees who have access to personal data, have been informed of the requirement for confidentiality in processing personal data (this particularly applies to the HR & Skills Team, the Legal Services Team and the Finance Team; it also applied to Managers who keep personal details and other information relating to employees).

If an employee or contractor suspects that there has been a loss of confidential information (in electronic or paper form) or that confidential information has been accessed by a person without proper authority they are required to notify the Head of IT & Information as soon as practical.

Personal data shall not be transferred out of the European Economic Area as provided by the Act.

Employee's Right of Access to Personal Data:

- To be informed by TfN of the use of their personal data;
- To be given a description of the personal data, the purpose for which it is being processed and to whom it might be disclosed (data will be disclosed in accordance with statutory requirements e.g. to the Department of Work and Pensions, the Police and HMRC);
- To comply with legal obligations personal data may be disclosed to the Health & Safety Manager, Auditors and the Audit Commission and other regulatory authorities.

Further information may be disclosed to TfN's Occupational Health Advisors and upon the request of the employee e.g. in connection with loans and rentals and to Solicitors acting for employees and to Courts and Tribunals as required in legal actions.

Personal data may also be disclosed to medical experts, insurers and claims handling agents in connection with claims from employees and former employees. Information may be disclosed in giving confidential references to a prospective employer at the request of the employee or former employee.

To be provided with the personal data, in a comprehensible form together with any information available as to the source of the personal data.

TfN does not have any automated decision making processes in place but in the event that any are introduced, the employee will be informed of the logic involved in any decision taking.

Information will be provided within one month of the request where a request is received:

- In writing or email; and

- With sufficient information to identify the individual and to locate the personal data; and
- Information requested will be provided free of charge, however a reasonable fee may apply when a request is manifestly unfounded or excessive, particularly if it's repetitive.

Please note that requests for personal information are free unless the request is 'manifestly unfounded' or excessive.

Requests will not be processed, where a previous request has recently been satisfied i.e. requests will not be repeated at unreasonable intervals.

No information will be disclosed which is related to another individual without the consent of that individual, nor will edited information be disclosed, unless TfN is satisfied that the individual could not be identified from it and other information in the possession of the employee e.g. a Witness Statement where TfN believes that the individual would be victimised or bullied, if his identify was discovered.

Exception to an employee's right of access

The provisions which are most likely to affect employees are:

- Confidential references by TfN;
- Personal data used for Management for forecasting or planning;
- Personal data used in negotiations where access would prejudice those negotiations.

Information subject to legal professional privilege (confidential communications between TfN and its legal advisors (whether external or in-house) for the purpose of legal advice).

Monitoring of Employees

TfN will monitor use of the telecommunication and email facilities, use of the internet and CCTV. Such use should be in accordance with associated policies and for business use. Unauthorised use of the facilities, or misconduct recorded by any monitoring system covert or otherwise may result in the processing of personal data for disciplinary purposes, in accordance with the Disciplinary Policy.

Senior Salaries

The Transparency Code 2014 mandates that local authorities publish information about senior salaries. The Accounts and Audit Regulations 2015 (Statutory Instrument 2015/234) 2 3(A&A regs) already require local authorities to publish the following information about staff whose annual remuneration is at least £50,000:

- The number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000;

- Details of remuneration and job title of certain senior employees whose salary is at least £50,000; and
- Employees whose salaries are £150,000 or more must be identified by name.

Policy Statement

TfN will review this policy periodically.

The policy will also be amended to meet changes to legislation whenever this is necessary.



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