

## **Employee Personal Data Processing Record Guidelines and Points to Note**

Before using the Employee Data Process Record, it is essential that you read these Guidelines and Points to Note and that you have read the overarching document “General Data Protection Regulations – NTF Templates”.

The new data protection legislation comes into force on 25<sup>th</sup> May 2018.

### **Why do I need this document?**

**GDPR** requires organisation to record information about their processing activities in respect of personal data and to provide this information to the Information Commissioners Office if required to do so.

This document is designed to comply with those requirements.

### **What do I need to do?**

There is no one size fits all and whilst we have tried to make this as easy as possible, you must carefully review this template and customise it to ensure it reflects what your business uses personal data, for who send it to and how you keep this secure.

Please see the notes on the “Tables” below.

### **Do I have to do this?**

There is some uncertainty as to whether all organisations are legally obliged to produce a record of processing. There is a general duty for those who employ 250+ people. Those who employ fewer than 250 employees must keep a record where the processing is likely to result in a risk to rights and freedom is of individuals, the processing is not occasional or includes special category data or criminal conviction data.

As much of the processing of employee and job applicant data cannot be described as occasional in that it is regular rather than one off and will often include sensitive data, businesses may decide that it is administratively easier simply to keep such a record all employee and job applicant data

### **Information to be included in the Tables.**

You need to ensure that the information reflects and covers all the processing of employee and job applicant data that you do in your business.

With regard to retention periods we have indicated that reference should be made to the organisation's Data Retention Process and it would be good practice, if possible, to put in the envisaged time limit for the erasure of that category of data within your business.

With regard to the technical and organisational methods your business adopts to keep data secure, we have referred to an Information Security Policy, which is available on the GDPR area of the NTF website. You may already have your own policy in place but should you wish to use the template policy, you must tailor that policy to reflect your own business processes or you may prefer to insert details of the measures you take to protect each category of data.

Where you transfer personal data outside of the EEA you will need to put this in to cover your specific business. Where employers outsource work as payroll you will need to customise it to include information on that.

### **Pre-employment questionnaires/medicals**

Attention is drawn to the advice in the NTF Employment Manual and that if you do undertake pre-employment questionnaires/medicals this should only be after the job offer has been made to the suitable job applicant to assess whether that person is fit to do the job and consider/arrange suitable adjustments. You must not unlawfully discriminate against a job applicant on the grounds of disability.

### **Criminal record checks/DBS checks**

Advice is given in the NTF employment manual as to criminal record checks (chapter 12.5.2) and more information on safeguarding and DBS checks can be found on the BHA website.

DBS checks can only be carried out for certain roles – see BHA website for safeguarding advice.

**The template document has been prepared to help you comply with the new data protection regulations in place from 25<sup>th</sup> May 2018.**

**You must customise the text in the template document to ensure that all the information matches what actually happens in your own organisation – any audit you have carried out in order to prepare for GDPR will help you do that.**

**Detailed information is available on the ICO website ([www.ico.org.uk](http://www.ico.org.uk)).**