

Employee Data Retention Guide (compliant with the GDPR)

NOTE: The wording in this document reflects the requirements of the General Data Protection Regulations (GDPR), effective in the UK on 25th May 2018. See Law relating to the document below for more information.

RGU Union is required to provide this Employee Data Retention Guide to all employees whose personal data it holds. The Employee Data Retention Guide must be provided to the employee before the processing starts for the first time (i.e. at the job application stage). It should be read in conjunction with the RGU:Union Privacy Statement: www.rguunion.co.uk/tac/#privacy.

Data Controller: Robert Gordon Student Association (RGU Union)
Union Way
Garthdee Road
ABERDEEN
AB10 7GE

Data Protection Controller: Michele Collie
General Manager
RGU Union
Garthdee Campus
ABERDEEN
AB10 7GE

The RGU Union collects and processes personal data relating to its employees to manage the employment relationship. The RGU Union is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

What information does the RGU Union collect?

The RGU Union 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 employment;
- Details of your qualifications, skills, experience and employment history, including start date and end dates, with previous employers and with the RGU Union;
- Information about your remuneration, including entitlement to benefits such as a responsibility allowance, relocation, pensions or insurance cover;
- Details of your bank account and national insurance number;
- Information about your marital status, next of kin, dependants and emergency contacts;
- Information about your nationality and entitlement to work in the UK;
- Information about your criminal record;
- Details of your agreed work pattern and attendance at work;
- Details and reasons for periods of leave taken by you, including holiday, sickness absence, maternity or paternity leave and sabbaticals;
- Details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- Assessments of your performance, including EPRs, performance improvement plans and related correspondence;
- Information about medical or health conditions, including whether or not you have a disability for which the RGU Union needs to make reasonable adjustments; and

- Equal opportunities monitoring information including information about your ethnic origin, sexual orientation and religion or belief.

The RGU Union may collect this information in a variety of ways. For example, data might be collected through application forms or CV's; obtained from your passport or other identity documents such as your driving licence or biometric residence permit; from forms completed by you at the start of or during employment; and through interviews or other assessments.

The RGU Union seeks information from third parties with your consent. For example, references provided by former employers or information provided by Disclosure Scotland in relation to criminal records.

Data will be stored in a range of different places, including your personnel file; in RGU Union's HR management systems; and in other IT systems (including RGU Union's email system) where necessary.

Why does the RGU Union process personal data?

The RGU Union needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract; to pay you in accordance with your employment contract; and to administer benefit, pension and insurance entitlements.

In some cases, RGU Union needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK; to deduct tax; to comply with health and safety laws; and to enable employees to take periods of leave to which they are entitled.

In other cases, RGU Union has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the RGU Union to:

- Run recruitment and promotion processes;
- Maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- Operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- Operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- Obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- Operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that RGU Union complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- Ensure effective general HR and business administration;
- Provide references on request for current or former employees; and
- Respond to and defend against legal claims.

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 employees with disabilities).

Where RGU Union processes other special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, this is done for the purposes of equal opportunities monitoring. This is to carry out its obligations and exercise specific rights in relation to employment.

Who has access to data?

Your information may be shared internally and externally, including members of the Robert Gordon University Human Resource team and Robert Gordon University payroll; your line manager; senior management; and Robert Gordon University IT staff if access to the data is necessary for performance of their roles.

RGU Union shares your data with third parties in order to obtain necessary criminal records checks from Disclosure Scotland. RGU Union may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

RGU Union also shares your data with third parties that processes data on its behalf in connection with payroll, the provision of benefits and the provision of occupational health services.

The third parties include:

- Selima, the Robert Gordon University’s payroll provider;
- Pension Funds

RGU:Union will not transfer your data to countries outside the European Economic Area.

How does RGU Union protect data?

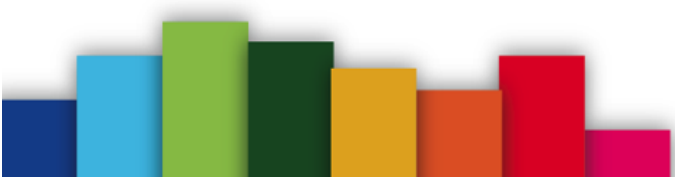
RGU Union takes the security of your data seriously. RGU Union has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

Where RGU Union engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

For how long does RGU Union keep data?

RGU Union will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are 7 years.

	Retention Period	Sharing (Is the data shared with or accessed by other parties?)	Legal basis
Human Resource data	7 years after employment ceases	Robert Gordon University	Consent



Financial records	7 years	Pension funds Selima Auditors	Legal obligation
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Type of employment record	Format and location	Retention period or recommendation
Job applications and interview records of unsuccessful candidates	Paper or electronic	A short period, perhaps 6 months after notifying unsuccessful candidates (or longer, if there is a clearly communicated policy to keep candidates CVs for future reference) Application forms should give applicants the opportunity to object to their details being retained
Personnel files	Paper or electronic	While employment continues and up to seven years after employment ceases
Written particulars of employment, contracts of employment, and changes to terms and conditions	Paper or electronic	While employment continues and up to seven years after employment ceases
Training records	Paper or electronic	While employment continues and up to seven years after employment
Payroll and wage records for unincorporated businesses	Paper or electronic	Six years after 31 January following the year of assessment
Payroll and wage records for companies	Paper or electronic	Seven years from the financial year-end in which payments were made
Current bank details	Paper or electronic	No longer necessary
Death Benefit Nomination and Revocation Forms	Paper or electronic	While employment continues or up to seven years after payment of benefit
Any reportable accident, death or injury in connection with work	Paper or electronic	For at least three years from the date the report was made

Your rights?

As a data subject, you have a number of rights, further details of these rights can be found at <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>

If you would like to exercise any of these rights, please contact Michele Collie, General Manager, Union Way, Garthdee Campus, Aberdeen, AB10 7GE or at m.collie@rgu.ac.uk.

If you believe that RGU Union has not complied with your data protection rights, you can complain to the Information Commissioner.

What if you do not provide personal data?

You have some obligations under your employment contract to provide RGU Union with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide

RGU Union with data in order to exercise your statutory rights, such as in relation to you statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

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

