

ANGUS COUNCIL

RESOURCES AND CENTRAL SERVICES COMMITTEE

17 MARCH 2005

DATA PROTECTION ACT 1998: EMPLOYMENT PRACTICES ISSUES –
EMPLOYMENT RECORDS: UPDATE

REPORT BY CHIEF EXECUTIVE

ABSTRACT

This report gives an update on the measures taken to ensure that the Council complies with the requirements of the Data Protection Act 1998 as it applies to employment records.

1. RECOMMENDATION

The Committee note the terms of this report for its interest.

2. BACKGROUND

At its meeting of 19 June 2003 the Committee approved for its interest Report No 714/03 which described measures taken, or to be taken, by the council to ensure compliance with the general requirements of the Data Protection Act 1998 and in particular those requirements relating to employment records. The appendix to that report contained an Action Plan setting out what the council had done or had yet to do to ensure compliance. This report gives an update on progress with that Action Plan which is again attached as an appendix to the report with an additional column indicating the status of the various actions.

The Committee is asked to note that all the actions have been completed or are in progress.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the terms of this report.

4. HUMAN RIGHTS IMPLICATIONS

The Council's practices in respect of employment records and the changes to these outlined in this report are compatible with an individual's rights under the European Convention of Human Rights.

5. CONSULTATION

All Chief Officers have been consulted on the terms of this report.

A B Watson
Chief Executive

HR/PerServMan

NOTE No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

**DATA PROTECTION CODE: EMPLOYMENT PRACTICES EMPLOYMENT RECORDS
SCHEDULE OF ACTIONS NECESSARY FOR COMPLIANCE**

ISSUE	ACTION	RESPONSIBILITY	PROGRESS
Managing Data Protection	Revise Personnel Advisory Bulletin No 28 (Personal Files and Employee Information).	Personnel Services Manager	Completed
	Review personal data collection and retention practice to ensure compliance with the guidance.	All Chief Officers	Completed
Collecting and Keeping Employment Records	Prepare employee information sheet on implications of Data Protection Act.	Personnel Services Manager	Completed
	Issue information sheet to existing employees.	Personnel Services Manager/ Director of Finance	Completed
	Include issue of information sheet in all induction procedures for new starts.	All Chief Officers	Completed
	Carry out accuracy check on personal data currently held on Payroll/Personnel system.	Personnel Services Manager/ Director of Finance	In progress.
	Carry out two yearly check on personal data held.	Director of Finance	Will be implemented following accuracy check referred to above.
	Review IT procurement policies in line with the Code's requirements.	Director of Information Technology	Completed
Security	Review arrangements for manual and electronic filing to ensure that these are secure.	All Chief Officers	Completed
	Identify staff authorised to access employee files and review procedures for the removal and retention of these files.	All Chief Officers	Completed
	Amend the confidentiality clause in the Conditions of Service booklet.	Personnel Services Manager	Completed
	Incorporate revised confidentiality clause in teachers' conditions of service.	Director of Education	Completed
	Ensure employees receive all training necessary to enable them to discharge their responsibilities for dealing with personal data.	Personnel Services Manager and all Chief Officers	Completed. Training now included within Open Course Programme

ISSUE	ACTION	RESPONSIBILITY	PROGRESS
	Amend Disciplinary Procedure to include breaching the confidentiality of Council information as an example of an offence which would normally be regarded as gross misconduct.	Personnel Services Manager	Completed
Pension and Insurance Schemes	Seek confirmation from Dundee City Council that their arrangements for the administration of the Local Government Pension Scheme comply with the terms of the Data Protection Act.	Director of Finance	Completed
Employees' Access to Information about Themselves	Amend existing guidance on dealing with employee requests to see personal data held about them, by the introduction of a new Personnel Advisory Bulletin, revised procedures and new proforma.	Personnel Services Manager	Completed
References	<p>Develop and agree a policy on dealing with requests for employment references and prepare a new Personnel Advisory Bulletin explaining this.</p> <p>Amend the Recruitment and Selection Manual to include guidance on the use and retention of references for the selection purposes by the Council and applicants' rights of access to these references.</p> <p>Amend Exit Interview procedures and proforma to include question re employee's consent to giving references.</p>	<p>Personnel Services Manager and all Chief Officers</p> <p>Personnel Services Manager</p> <p>Personnel Services Manager</p>	<p>Completed</p> <p>Completed</p> <p>Completed</p>
Disclosure Requests	Prepare a procedural note on the disclosure of employee information to third parties.	Director of Law & Administration	Completed
Disciplinary, Grievance and Dismissal	Revise Disciplinary Procedure and standard disciplinary letters to clarify status of "spent" disciplinary warnings.	Personnel Services Manager	Completed
Outsourcing Data Processing	Prepare and issue style contracts and conditions to be used if outsourcing the processing of personal data.	Director of Law & Administration	Completed