

## **Your data – SPT and our former employees**

As your employer, SPT collects, retains and uses certain information about you which is your personal data, and sometimes falls within the definition of special category personal data.

It is unlikely that SPT will collect personal data from former employees after they have left our employment, but we will hold the information that was collected before and during, and at the conclusion of the employment relationship.

Below is our notice to you setting out how and why we process your personal information:

### **The types of information SPT collects and hold about its employees, which will include former employees, includes the following:**

- Your photograph
- Your full name
- Your date of birth
- Your home address
- Your national insurance number
- Your personal telephone number
- Your personal email address
- Your emergency contact information
- Your next of kin
- All of the vetting, assessment and candidate information connected with your application(s) for roles with SPT and the recruitment process, including your CV (for more information, our Privacy Notice for Applicants for Posts is also available on the Data Protection page on SPT's website)
- Whether you can drive, your licence details, your driving record, including any convictions and endorsements, and driving insurance information
- Information about your disability status, relationship/marital status, sexuality, gender, nationality, ethnic background and religious beliefs
- Your bank account details
- Information and documentation relating to your offer and acceptance of employment with SPT and the termination of your employment with SPT, including any Confidentiality Agreements or Compromise Agreements and all other documentation and information relating to the establishment and conclusion of the employment relationship
- Your salary and information relating to your pension
- Information about your pension contributions, pension entitlement and national insurance contributions
- Your tax information
- Information relating to student loans, Child Care Vouchers, Cycle to Work Scheme and Travel Loans
- Information relating to your shift pattern
- Information about your education and qualifications
- Information relating to your training and development
- References provided and which relate to you
- Your previous salary, current salary, and salary expectations
- Information relating to your criminal convictions record
- Information about your performance, including records relating to disciplinary, capability, absence management and grievance investigations and proceedings and appeals
- Information as to complaints made by you or about you and in which you were involved, including records relating to investigations, actions and appeals

- Information relating to investigations, complaints, claims, disputes and any other proceedings concerning you
- Information about gifts and hospitality
- Other work/jobs you undertake
- Your attendance and time keeping
- Your leave information, including annual, flexi, special, bereavement and unpaid leave
- Your flexi- time records if you are or have been on the flexi- time system
- Your sickness and other absence record, including fit notes, return to work records, medical appointment information
- Information about your health and well-being, including medication/treatment you are taking/receiving, any conditions you have, whether you have a disability and your occupational health information
- Information relating to your health and safety at work, e.g. any accidents / injuries / incidents alleged or reported
- Information relating to your use of work equipment, including Digital hardware and devices and PPE
- Information relating to your use of social media
- Information about how you use SPT assets and technology, including your use of internet, telephone, hardware, and email facilities, e.g. numbers dialled, calls received, messages sent and received, items saved, websites visited
- Your images on SPT's CCTV systems (please see our CCTV notice for more information about this)
- Tel. calls that SPT may record (please see our Recorded Calls notice for more information about this)

### **Why we collect and hold information about you and how and why we use it**

We need to hold a lot of information about you as our employee and we use it and share it appropriately after our employer-employee relationship has ended in certain circumstances for a number of reasons.

As your former employer, SPT needs to keep and process information about you, which includes special category personal information such as your medical information, for normal contractual employment purposes, and to allow SPT to comply with legal obligations to which it is subject.

The information we hold and process about you will be kept and used to enable us to run the organisation and manage our employer-employee relationships effectively, lawfully and appropriately, during the recruitment process, whilst you are working for us, at the time when your employment ends, and after you have left SPT.

This includes using information we hold to enable us to comply with legal requirements, to pursue the legitimate interests of SPT and to protect and defend SPT's legal position.

### **Set out below are ways that SPT use your information, and where we'll share it outwith SPT:**

We will only use your personal information when the law allows us to.

Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the obligations in a contract we have entered into with you, such as the employment contract, or a settlement/compromise agreement. Some of the contractual obligations in these contracts continue after your employment has terminated,

such as the duty to observe confidentiality. Sometimes your information will have been used by and shared with our contractors within the European Economic Area, which is covered by the GDPR as well, in delivering the services for which we are in contract with them.

2. Where we need to comply with a legal obligation.
3. Where we need to use your data in the exercise of our official authority or to perform a specific task in the public interest that is set out in law. SPT is the Regional Transport Partnership for the West of Scotland area, as set out in the Transport (Scotland) Act 2005, and is the operator of the Glasgow Subway, and manages and operates a number of bus stations throughout the Strathclyde Area.
4. We may also use your personal information in the following situations:
  - a) Where we need to protect your interests (or someone else's interests);
  - b) Where it is needed in the public interest or for official purposes.

To expand a little on these situations, SPT may process your data for the following purposes:

- Paying you and deducting tax and National Insurance contributions and other lawful deductions.
- Providing you with any employee related benefits to which you are entitled after the termination of your employment.
- To reimburse you for expenses incurred in the course of your employment.
- Liaising with your pension provider and the trustees/administrators of pension schemes.
- Administering any contract we have entered into with you.
- Business management and planning, including accounting and auditing.
- Gathering evidence for possible grievance or disciplinary hearings.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including health and safety investigations and claims in respect of loss, injury, damage and accidents at work.
- To prevent and detect fraud.
- To ensure SPT network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Publicising SPT's activities (e.g., group photos of events, site visits, etc).
- To allow SPT to provide references relating to you
- To allow SPT as a public body to deliver best value by ensuring we hold records appropriately to allow adequate investigation/defence of all complaints/claims/proceedings/disputes.
- To comply with our obligations relating to monitoring and reporting on equality, diversity and discrimination.
- SPT is obliged to participate in the National Fraud Initiative in Scotland and in terms of this passes information on staff (primarily payroll data) to Audit Scotland for data matching to detect fraud or possible fraud. Details of this exercise can be found on Audit Scotland's website at <http://www.audit-scotland.gov.uk/our-work/national-fraud-initiative>.
- To allow SPT to share appropriate and proportionate information with our Group Life Assurance provide. In accordance with our Group Life Assurance provider's arrangements,

your personal information may be transferred, processed, and stored by their affiliates and service providers located in countries in which the privacy laws may not be as robust as the GDPR, which applies in the UK and in the European Economic Area (EEA). Where your personal data is transferred, processed, and stored outside of the UK or EEA by our Group Life Assurance provider, your personal data will be protected by a framework recognised as providing an adequate level of protection for personal information, for example, Standard Contractual Clauses, Binding Corporate Rules or EU-US Privacy Shield Framework.

- Information will generally be released to the police and other criminal/regulatory agencies/authorities on request in relation to specific investigations, provided that SPT is satisfied that legitimate grounds exist for doing so. This may include SEPA, the Health and Safety Executive, the NHS and the Office of the Rail Regulator.
- Information will also be released to government agencies able to compel disclosure, such as the Child Support Agency, if we receive an appropriate request.
- Information that we hold about you may be released in legal actions/cases relating to you, for example to insurers, solicitors and advocates, where this release is lawful.
- Information that we hold about you will be provided to courts and tribunals in relevant cases and may be shared with SPT's external legal advisers.
- It will also be released in response to any order/request from a tribunal/court with competent jurisdiction to make such an order/request.
- It may also be released in response to investigations by external regulators such as Audit Scotland, the UK and Scottish Information Commissioners and Scottish Public Services Ombudsman.
- Depending upon the nature of your role, information about you may be received from and shared with relevant professional bodies, such as ICAS or RICS.
- Where workplace assessment for qualifications is undertaken personal data may be shared with the appropriate qualifications authority, for example the Scottish Qualifications Authority and City and Guilds, for the processing of results and issuing of qualifications.
- Your personal details may be shared with SPT's insurance provider for the purposes of insurance policies held by SPT.
- SPT is also subject to freedom of information ("FOI") legislation and the environmental information legislation ("the EIRs"). We sometimes receive requests for information which cover information about members of staff. Such requests are assessed carefully and we will only release staff information in response to FOI requests, or under the EIRS, if doing so is compatible with our obligations under data protection law.
- If you are the author of a Partnership/Committee report or named as the contact point in that report, your name, service and work telephone number will be published within the report on SPT's website unless the matter is considered without the press and public present.
- SPT will share your personal information with third parties, such as contractors and customers, about you in an employment context where it is necessary and proportionate to do so in order to allow services and goods to be provided to and by SPT, e.g. your name, your job title, your SPT email address and your SPT tel. number.
- To allow SPT to provide reference information in relation to you
- Information that we hold about you may be released in legal actions/cases relating to you, for example to insurers, solicitors and advocates, where this release is lawful.
- Information that we hold about you will be provided to courts and tribunals in relevant cases and may be shared with SPT's external legal advisers. It will also be released in response to any order/request from a tribunal/court with competent jurisdiction to make such an order/request.

Information about you will also be released where it is lawful to do so under the data protection law.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

## How we process “special categories” of more sensitive personal information

Where we have information about you that is more sensitive, for example:

- Information about your race or ethnicity, religious beliefs, marital status, sexual orientation and political opinions;
- Trade union membership;
- Information about your health, including any medical condition, medication/treatment you are taking/receiving, and your health and sickness records; and
- Information about criminal convictions and offences.

these “special categories” of particularly sensitive personal information attract higher levels of protection in the law.

We need to have further justification for retaining and using this type of personal information, and we will only do so where there is a legal basis for doing so.

We may process special categories of personal information belonging to you in the following circumstances:

- Where we need to carry out our legal obligations or exercise rights in connection with employment.
- Where it is needed in the public interest: for example, we will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equality and diversity monitoring and reporting. Where possible, we would seek to anonymise this data.

It may also be released in response to investigations by external regulators such as Audit Scotland, the UK and Scottish Information Commissioners and Scottish Public Services Ombudsman.

It may be released in response to a request from a regulatory/investigatory authority such as the police, the Crown Office and Procurator Fiscal’s Office, and the Health and Safety Executive.

- Where using your data is necessary to protect your vital interests or the vital interests of another natural person where you are physically or legally incapable of giving consent.
- Where using your data is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

Information that we hold about you may be released in legal actions/cases, for example to insurers, solicitors and advocates, where this release is lawful. Information that we hold about you will be provided to courts and tribunals in relevant cases and may be shared with SPT’s external legal advisers. It will also be released in response to any order/request from a tribunal/court with competent jurisdiction to make such an order/request.

- Where the data we are using has been manifestly made public by you.
- In limited other circumstances, with your explicit written consent.

- However, we do not need your consent to use special categories of your personal information in accordance with our written notice to you here.
- In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

**Your rights and how to exercise those rights.**

Our data protection page on the internet sets out your new rights under the new data protection legislation, and how you can exercise those rights, and you can find that here: