



Marsaxlokk Local Council Employment Privacy Policy

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1. Introduction

In terms of the Local Councils Act (CAP 363) of the Laws of Malta, the Marsaxlokk Local Council (hereinafter referred to as the 'Local Council') is a statutory local government authority, hence a public authority under the GDPR, having a distinct legal personality and capable of entering into contracts, of suing and being sued, and of doing all such things and entering into such transactions as are incidental or conducive to the exercise and performance of its functions as are allowed under the Act.

2. Scope and Purpose

This policy describes how the Local Council, as a data controller and employer, collects and uses personal information about its employees during and after their employment, in accordance with the General Data Protection Regulation and the Data Protection Act.

This policy applies to current and former employees, workers but not employees with a contractor who performs any task assigned to it by the Local Council.

3. Information held about employees

The information the Local Council hold about its employees, is personal data, or personal information. This means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection. Examples of the categories of personal information the Local Council will collect, store and use about its employees include:

- Personal contact details such as name, title, address, telephone numbers and personal email addresses and Identity Card
- Date of birth
- Gender
- Next of kin and emergency contact information
- National Insurance number
- Bank account details, payroll number and tax status information
- Information such as salary, start date, annual leave, working hours, work title, job roles, pensions and benefits information)
- Location of employment or workplace.
- Copy of driving licence (if required)

- Recruitment information (including copies of right to work documentation, references, documents verifying identity/qualifications and other information included in an application form, CV or covering letter or as part of the application process)
- Performance information
- Disciplinary and grievance information
- Information obtained through electronic means such as e-ID card
- Information about your use of our information and communications systems
- Photographs

The Local Council may also collect, store and use the following "special categories" of more sensitive personal information:

- Trade union membership
- Information about your health, including any medical condition, health and sickness records, and disability
- Genetic information and biometric data
- Information about criminal convictions and offences, or related security measures
- Work absence information such as number of absences and reasons
- Data for monitoring and reporting purposes such as equalities data reporting to demonstrate compliance, reporting of which will be of anonymised data only

4. Why the Local Council collects and use this information?

The use and collection of data is required by the Local Council:

- To make a decision about your recruitment and confirm your suitability for employment
- To determine the terms on which you work for us
- To check you are legally entitled to work in Malta
- To pay employees' and deduct tax and National Insurance contributions
- To administer employees' pension benefits
- To administer employment contract
- To make decisions about salary reviews, compensation and continued employment

- To conduct performance reviews, manage performance, manage sickness absence and fitness to work
- To make arrangements for the termination of the employment relationship
- To enable the development of a comprehensive picture of the workforce and how it is deployed
- To inform the development of recruitment and retention policies
- To comply with health and safety obligations

5. The lawful basis on which the Local Council process this information

The personal data of employees will be processed only when there is a legal basis to do so.

Processing of your personal data will only take place in one or more of the following circumstances:

1. To perform the contract, the Local Council have entered into with its employees.
2. Where the Local Council need to comply with a legal obligation.
3. Where it is necessary in the public interest.
4. Where point 3 does not apply, where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
5. Where the Local Council need to protect your interests (or someone else's interests).
6. In limited circumstances, with the employees' explicit written consent.

The legal basis for collecting special categories of data, include the following circumstances:

1. In limited circumstances, with the employee's explicit written consent.
2. Where the Local Council need to carry out its legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with the Local Council data protection policy.
4. Where it is needed to assess the employees working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, the Local Council may process this type of information where it is needed in relation to legal claims or where it is needed to protect the employee/s interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

6. Consent

If the Local Council has consent to use the employee's personal information for any particular reason, the employee has the right to remove the employee's consent at any time by contacting the Data Protection Officer. Details can be found in Section 11 of this policy.

7. Collecting this information

Whilst the majority of information the employee provide is mandatory, some of it is provided to the Local Council on a voluntary basis.

In order to comply with data protection legislation, the Local Council will inform its employees whether they are required to provide certain information to the Local Council or if the employees have a choice in this.

The Local Council will not collect more information than it needs to fulfil our stated purposes and will not retain it for longer than is necessary. Employees will receive mandatory training in data protection.

8. Storing information

The Local Council holds the employees' personal data for a reasonable period in accordance with legal requirements after the termination of their employment with the Local Council.

9. Sharing information

The Local Council shares information about employees with external agencies only when necessary and where the law and its policies permit the Local Council to do so, for example for tax and national insurance payments, the prevention or detection of crime. The Local Council may share personal data of employees with the trade unions and organisations which provide and administer employee benefits.

Where a third party is to process personal data on the Local Council 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.

10. International data transfers

Employee related personal data held directly by the Local Council is not routinely transferred to countries outside the EEA. However, certain data processed by third parties on behalf of the Local Council may be transferred, for instance organisations based outside the EEA or operating on a global

basis may need to transfer or store the employees' data outside the EEA.

In such circumstances, the Local Council will put in place additional protections on the employees' personal information if it leaves Malta ranging from secure way of transferring data to ensuring the Local Council have a robust contract in place with that third party. Links to each organisation's privacy notice will also be supplied where this occurs.

11. Employees' rights regarding their personal information

Under data protection legislation, employees' have the right to request access to information about them that Local Council hold, also known as a Subject Access Request. Employees will not have to pay a fee to access their personal information (or to exercise any of the other rights listed below).

However, the Local Council may charge a reasonable fee if a request for access is clearly unfounded or excessive. Alternatively, the Local Council may refuse to comply with the request in such circumstances.

As an Employee, you also have the right to:

- Request correction of the personal information that the Local Council hold about you. This enables them to have any incomplete or inaccurate information the Local Council hold about you corrected.
- Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- Object to processing of your personal information where the Local Council are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where the Local Council are processing your personal information for direct marketing purposes.
- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal information to another party.

To make a Subject Access Request or to verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that the Local Council transfers a copy of your personal information to another party, please contact the Data Protection Officer at the contacts provided in this policy (Section 11) who will refer your request to the Executive Secretary of the Local Council.

Refer to the Subject Access Request Procedure for further information.

10. Further Information

If an employee would like to discuss anything in this privacy notice, they are to contact the Data Protection Officer. Details can be found in Section 11 of this Policy.

For independent advice about data protection, privacy and data sharing issues, employees can contact the Information and Data Policy Commissioner. Details can be found in Section 11 of this Policy.

11. Contact Details

Data Protection Officer

c/o Marsaxlokk Local Council
2 Vittorio Cassar Street,
Marsaxlokk MXK 1051

Telephone: +356 7957 3417

Email: DPO@boomconsultancy.eu

Data Controller

The Executive Secretary
Marsaxlokk Local Council
2 Vittorio Cassar Street,
Marsaxlokk MXK 1051

Telephone: +356 2165 2525

Email: marsaxlokk.lc@gov.mt

The Information and Data Protection Commissioner

Level 2, Airways House,
High Street,
Sliema, SLM 1549
Telephone: +356 2328 7100
Email: idpc.info@gov.mt

12. Approvals and sign offs

This policy comes into effect on 15 May 2019.

Document Control	
Approved By	Executive Secretary
Date approved	30 April 2019
Next review date	30 January 2020

This policy will be reviewed on an ongoing basis. The DPO is responsible for initiating each review.

13. Version control

Version	Date	Changes made by	Details
1.0	26 April 2019	DPO	Employment Privacy Policy