



# **Kunsill Lokali Hal Tarxien**

## **Employees' Privacy Notice**

Policy Control

<b>Drafted by:</b>	[INSERT NAME]
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<b>Date Approved:</b>	[INSERT DATE]
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Version Control

Version No.	Date	Changes made by	Changes Details
1.0	[INSERT DATE]	[INSERT DESIDNATION]	Employees' Privacy Notice

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## 1 INTRODUCTION

In terms of the Local Councils Act (CAP 363) of the Laws of Malta, the Ħal Tarxien Local Council (hereinafter referred to as the 'Local Council' "we", "us" or "our" in this privacy notice) 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

The Local Council is committed to protecting the privacy and security of all employees' and contractors', personal information.

This privacy notice describes how the Local Council collects and uses personal information about all employees (referred to as "you", "your" in this privacy notice) during and after your working relationship with us, in accordance with the Data Protection Legislation (referred to as "DPL" in this privacy policy).

It applies to all employees.

The Local Council is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

## 3 DATA PROTECTION PRINCIPLES

We will comply with DPL. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.

4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

#### 4 INFORMATION ABOUT EMPLOYEES

Personal data, or personal information, 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.

We will collect, store, and use the following categories of personal information about you:

- 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

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Commented [Ad 212]: We need to discuss this further

## 5 PURPOSE FOR PROCESSING

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

## 6 LAWFUL BASIS FOR PROCESSING

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:

- To perform the contract, the Local Council have entered into with its employees.
- Where the Local Council need to comply with a legal obligation.
- Where it is necessary in the public interest.
- 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.
- Where the Local Council need to protect your interests (or someone else's interests).
- In limited circumstances, with the employees' explicit written consent.
- The legal basis for collecting special categories of data, include the following circumstances:
  - In limited circumstances, with the employee's explicit written consent.
  - Where the Local Council need to carry out its legal obligations and in line with our data protection policy.
  - 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.

- 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.

## 7 HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations and in line with our Privacy Standard.
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about members or former members during legitimate business activities with the appropriate safeguards.

### **Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- [LIST ANY OTHER.]

### **Do we need your consent?**

The Local Council does not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. 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. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## 8 INFORMATION ABOUT CRIMINAL CONVICTIONS

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our Privacy Standard.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

We **envisage OR do not envisage** that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working with us. We will use information about criminal convictions and offences in the following ways:

- **LIST**.

We are allowed to use your personal information in this way to carry out our obligations **SPECIFY**.

## 9 AUTOMATED DECISION-MAKING

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

## 10 CONSENT

**Commented [Ad 213]:** Our understanding is that you have no legal obligation to process such information. Hence this should be "do not envisage". If otherwise, please let us know. Maybe you wish to discuss further.

**Commented [Ad 214]:** You may wish to discuss this further

We do not rely on consent to process employees' data. In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, such as when we seek your consent for the purpose of uploading your images on the council's website or social media pages, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Executive Secretary or the Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## 11 COLLECTING THE DATA

Whilst the majority of information the employee provide is mandatory due to legal or contractual obligations, 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 to do this. We collect personal information about you through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider.

We will collect additional personal information during job-related activities throughout the period of you working with us. 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.

## 12 DATA RETENTION

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, of the Local Council we will retain and securely destroy your personal information in accordance with applicable laws and regulations and the Local Council's Records Management Policy & Retention Guidelines.

### 13 DATA SHARING

We may have to share your data with third parties, including third-party service providers. We require third parties to respect the security of your data and to treat it in accordance with the law, including that they process 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 the data.

We do not envisage transferring your personal information outside the European Economic Area.

When necessary or when we are obliged to by law, we may share information about employees with external agencies, for example for tax and national insurance payments, and 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.

### 14 RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

#### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

#### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- Request **access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- Request **correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we 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 we 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 we 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.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Company's Data Protection Lead in writing.

**No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

**What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

**15 FURTHER INFORMATION**

The Local Council has appointed a Data Protection Officer to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Protection Officer.

Data Protection Officer  
c/o Hal Tarxien Local Council,  
73 Triq Santa Marija,  
Hal Tarxien, TXN 1704  
Telephone: +356 2166 6688  
Email: [dataprotection.tarxien@gov.mt](mailto:dataprotection.tarxien@gov.mt)

Data Controller  
The Executive Secretary  
Hal Tarxien Local Council,  
73 Triq Santa Marija,

Hal Tarxien, TXN 1704  
Telephone: +356 2166 6688  
Email: [tarxien.lc@gov.mt](mailto:tarxien.lc@gov.mt)

You have the right to make a complaint at any time to any supervisory authority. The supervisory authority in Malta is the Office of the Information and Data Protection Commissioner.

The Information and Data Protection Commissioner  
Level 2, Airways House,  
High Street,  
Sliema, SLM 1549  
Telephone: +356 2328 7100  
Email: [idpc.info@idpc.org.mt](mailto:idpc.info@idpc.org.mt)