

HR Services Scotland Privacy statement

Privacy and Data Protection Statement

HR Services Scotland Limited are committed to the protection and security of your information and this policy is set out in compliance with Your rights under the General Data Protection Regulation, or GDPR, and the Data Protection Act 2018.

This Privacy is designed to set out how and why HR Services Scotland Ltd processes your personal data under these laws.

If you have a query about this Privacy Statement please contact the Data Protection officer at the contact details below.

How we use your personal data

HR Services Scotland Ltd collects personal data about you to fulfil the legal functions it is charged to deliver under the Trade Union and Labour Relations (Consolidated) Act 1992.

What we collect about you and how we do this depends on what HR Services Scotland Ltd services you might use, and how much personal data about you we need to provide these services.

These are explained below.

1. HR Services Scotland Helpline

If you call our Helpline (0800 652 2610), the call will not be recorded or monitored by us.

2. HR, Employment Law and Health and Safety Services

If you choose to use HR Services Scotland Ltd - we collect and use personal data to provide these services to you.

This data will include your name, address, workplace details and any other details relevant to the case. HR Services Scotland Ltd may also use and collect further data required for your case, including sensitive personal information (for example: medical information, trade union membership or racial/ethnic origin).

HR Services Scotland Ltd uses personal data partly to contact employees and employers to help resolve employment disputes. Your personal data may also be used by HR Services Scotland Ltd and external organisations that it employs for the additional purposes of checking that our services meet customer needs.

Information you provide during your case is regarded as protected by 'Legal Privilege'. This means we will not share your comments made during the case with the other side in your dispute, unless you give us clear permission to do so.

Personal data from a case is kept for 6 months after last contact with either the employer or employee, or 6 months from when the case has closed, whichever comes first. We keep this as, following the end, cases can still be taken forward to an Employment Tribunal within 6 months of case closure.

Employees' details and the employer's name are kept for a further 6 months before being deleted.

Telephone calls related to this service are not recorded. This is to ensure that cases remain confidential.

3. Training Services

If you choose to book onto or arrange to attend a training course offered by HR Services Scotland Ltd, we collect and use personal data to provide this service to you.

When you make a booking we may collect your name, address, telephone number, e-mail address and workplace details in order to process your request. You may also choose to provide us with any information on special needs that you may have (such as dietary requirements if food is provided at a training course). HR Services Scotland Ltd charges for its training services, we may retain personal data collected for this purpose for up to 7 years.

HR Services Scotland Ltd may use the personal data collected for the provision of training services to also provide you with HR Services Scotland's mailings for marketing purposes, to check that our services meet our customer's needs, or to inform you of changes to our services.

4. Use of personal data for internal HR Services Scotland Ltd research

We may use personal data collected as part of the services we offer to also conduct research into employment trends and on the performance of HR Services Scotland Ltd in meeting users' needs. You will be informed of this when signing up to use our services.

If you use our Helpline or use our Website, we may additionally ask if you are willing to take part in HR Services Scotland Ltd research, for example, as part of a user survey. If you agree we will collect personal data from you e.g. contact details, for this purpose.

Where we do use personal data for research purposes, as far as possible we will try to make this unidentifiable before we use it. This is to help ensure that your privacy is respected when personal data is used by HR Services Scotland Ltd for research purposes, or by those providing research services to us.

We may share personal data to be used for research purposes, such as your email address, with external research companies that have been employed by HR Services Scotland Ltd to carry out research and analysis on our behalf. Where this happens, we will ensure that the use of your personal data complies with the law and is kept secure at all times.

5. Making a Freedom of Information (FOI) or Subject Access Request

If you wish to make a FOI or Subject access request, your contact details and case history will be collected to process your request and will be kept for two years.

If you wish to make a complaint to the Information Commissioner's Office (ICO) regarding a decision on a FOI or Subject Access Request, HR Services Scotland Ltd is legally obliged to share your case records, which includes personal data, with the ICO in order to progress your complaint. You may withdraw your complaint at any time.

Sensitive Personal information

Some of the information you provide to us may be sensitive personal data, such as medical history, criminal convictions, trade union membership or racial/ethnic origin.

We will only ever use sensitive personal data where this is essential to provide advice on one of our statutory services such as performance management. We may also use medical information that you

provide to make reasonable adjustments to help you access our services, or to ensure dietary requirements can be met where needed.

Confidentiality, storage and security of personal data

HR Services Scotland Ltd view the confidentiality and privacy of those using its services as paramount. Any personal information you provide will be held securely and your personal information will not be sold or traded to any other organisation or company.

In order to carry out functions and respond to enquiries effectively, we may sometimes need to share information with Government departments, the emergency services, law enforcement agencies, and public authorities (such as the Employment Tribunal Service). However, we will only do this where it is permitted by law.

Where HR Services Scotland Ltd might share personal data with an external company or service that we employ as part of our work, we ensure that personal data that we may pass on to them will be held securely, and used by them only to provide the services or information that you have requested.

HR Services Scotland Ltd safeguards the information you provide to us using both physical electronic databases, and management procedures on the use of personal data. This data is only accessible to authorised personnel of HR Services Scotland Ltd.

All data is held in a secure data centre in the UK. Back up services are also provided in a separate secure data centre in the UK.

Lawful basis for processing

Under data protection law, HR Services Scotland Ltd must have a 'lawful basis' to justify collection, storage and use of your personal data. Where sensitive personal data is used, we also need to have a second lawful basis to justify our use of your sensitive data.

The purpose of most activities where HR Services Scotland Ltd processes personal data, relates to our legal duties under the Trade Union and Labour relations (Consolidated) Act 1992.

Our lawful basis for processing of personal data, including for marketing of our charged-for-training services, is therefore that it is necessary:

“for the performance of a task carried out in the public interest, or in the exercise of official authority vested in the data controller” (Article 6(1)(e) of the GDPR).

Where we process sensitive personal data, our additional lawful basis to do this depends on the service that HR Services Scotland Ltd requires this for.

For sensitive personal data that may be processed as part of our Helpline, HR, Employment Law and Health and safety services and to respond to FOI and Subject Access Requests, our lawful basis is where:

“processing is necessary for the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity” (Article 9(2)(f) of the GDPR).

Where sensitive personal data may be processed for research and analysis purposes, our lawful basis is where:

“processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes” (Article 9(2)(j) of the GDPR).

Your rights under the data protection law

You have a right to request a copy of the information that HR Services Scotland Ltd hold about you. You have a right to have any inaccuracies corrected.

You may also have the right to have your personal information erased; to restrict our use of your personal data; to object to our processing of your personal data; and to obtain and reuse your personal data for your own purposes across different services ('data portability').

You may also have rights in relation to automated decision making and profiling.

You have the right to complain to the national authority in the use of information, which in the UK is the Information Commissioner's Office.

Please address requests in writing (with a return email address where possible) to:

The Data Protection Officer
David Reilly
Translate IT Contract Ltd t/a Create Ts & Cs
Located and Registered at
22 Montrose Street
Glasgow
G1 1RE

Email: david@createtsandcs.com

Use of our website and Social Networking

When you visit our website, we collect your Internet Protocol (IP) address as a unique identifier. We also collect the following:

- data about how you use the HR Services Scotland Ltd Website
- information about your computer (including your IP address and browser type)
- demographic data
- if you visited the Website by clicking on a link from a different website, we collect the URL of that website
- information about your online activity on our website, such as the pages you have viewed.

Our website offers you the opportunity to 'like' or 'share' information about HR Services Scotland Ltd on your social media networks. We also maintain pages on some of the largest social media networks.

Sharing your personal data with a social media network may result in that information being collected by the social network provider or result in that information being made publicly available.

HR Services Scotland Ltd cannot control or endorse any policies or practices of external social media networks whose functionality you may access through our website. You should always read the privacy policy, and check your privacy settings on any social media network through which you might share information over.

Although HR Services Scotland Limited have put in place measures to protect your personal information which will continue to be monitored and updated, please be aware that data entered via the website can still be at risk. We shall accept no liability for data disclosed due to fraudulent events or illegal acts carried out by third parties such as hacking. Please be aware that any personal data you submit via this site is at your own risk.

Cookies are small pieces of data sent to your computer when you visit the Website and which enable us to collect information about you. They are stored in the cookie directory of your hard-drive, and do not necessarily expire at the end of your session. Session cookies are automatically deleted when you close your browser.

Our use of cookies also allows registered users of the Website to be presented with a personalised version of the Website, to carry out transactions and to have access to information about their account.

The HR Services Scotland Ltd website contains links to other websites, mainly other government departments, but also to those of other third parties. These websites are not covered by this Privacy Statement and HR Services Scotland Ltd is not responsible for the privacy practices within any of these other websites. You should be aware of this when you leave the website and we encourage you to read the privacy statements of other websites.

Data Transfers

Territories outside the European Economic Area (EEA) may not have laws which provide the same level of protection for personal information as those inside the EEA. However, if we process your personal information on servers or use third party service providers based in such territories, we will endeavour to ensure that your personal information is afforded the same level of protection as in the EEA.

Changes to this Privacy statement

If this privacy statement changes in any way, we will place an updated version on this webpage. If you do not agree with the changes we make please do not continue to use the website. Regularly reviewing this webpage ensures that you are always aware of what information we collect, how we use it and under what circumstances, if any, we will share it with other parties.