



DIGNITY AND RESPECT POLICY – PRIVACY NOTICE

Last updated: March 2022

The Scottish Fire and Rescue Service (SFRS) is committed to protecting your personal information. This privacy notice explains how we use your information and how we protect your privacy. The processing of personal data is covered by the General Data Protection Regulation (GDPR) 2018 and Data Protection Act 2018.

We are a Data Controller for personal data. Our details have been registered with the Information Commissioner's Office (ICO) and our register number is Z3555625. The ICO's register can be viewed online at <http://ico.org.uk>.

Process owner: **People and Organisational Development (POD)**

This notice relates to the following categories of data subject: **Employees including fixed term staff (even if seconded to other organisations), job applicants, volunteers, students, Board members, workers of SFRS, e.g. agency staff, contractors, work experience placements and staff seconded to SFRS.**

Why is this information being collected?

We are committed to providing a supportive working environment where you feel accepted for who you are, valued for your contribution and work in an environment which is free from unlawful discrimination, bias, harassment or victimisation, in line with the provisions of the Equality Act 2010. This commitment is given to you irrespective of employment status, address, age, disability, sex, sexual orientation, religion or belief, ethnicity, race or nationality, pregnancy or maternity status, marital status, gender reassignment status or your social or economic circumstances.

The objectives of the policy are to promote a culture of dignity, integrity and respect and to clearly define the standards of behaviour required within the workplace, to signpost support and guidance in a culture where you have the confidence to raise concerns knowing they will be treated seriously. The policy supports the SFRS strategic direction and reinforces our commitment to having a positive workplace culture in an organisation which listens, learns and evolves.

What information is being collected?

All personal data stored or processed will be classed as Official-Sensitive.

Personal data:

Complainants:

- Name;
- Address;
- Contact telephone number;
- Email address;
- Role;
- Location of Work.

Special Category data:

- Nature of the complaint;
- Trade Union Membership (if provided).

How we collect and use the information about you?

When you report a concern to us, the information will be gathered through the course of fact finding or an investigation. The Policy and supporting Procedures have been developed to support the early resolution of your concerns. A formal route is offered

to address unresolved or significant complaints and to provide opportunities for organisational learning and development.

Information may also come to light through whistleblowing.

What is the lawful basis of processing this information?

Before we process your data, we need a legal basis for doing so. In this case, the basis for processing your personal data is to manage our relationship with you effectively, lawfully and appropriately whilst you are working for us.

This includes using information to enable us to comply with an employment contract and any legal obligations.

Conditions for processing personal and special category data

- Processing is necessary for the performance of a contract to which the data subject is party or to take steps at the request of the data subject prior to entering into a contract – Art. 6(1)(b);
- Processing is necessary for compliance with a legal obligation to which the controller is subject – Art 6(1)(c) – The Protection of Vulnerable Groups (Scotland) Act 2007;
- The data subject has given explicit consent to the processing of those Personal Data for one or more specified purposes – Art. 9(2)(a);
- Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law – Art. 9(2)(b).

Who will my information be shared with?

Only with those whose duties require it, i.e. those involved with the fact finding / investigation.

We will only share your information with a trade union representative where there has been explicit written consent given by you.

We will not share information about you with third parties without your consent unless the law allows us to do so; therefore, where it is alleged that a criminal offence has been committed, we may inform Police Scotland where necessary.

Employment law, case law and any relevant Codes of Practice will be complied with in terms of processing any of your information. Any sharing of your information will be shared securely in compliance with GDPR / Data Protection legislation.

All information will be stored securely on an electronic platform or hard copies will be held in a secure locked filing cabinet by the investigating officer, chair of hearing and appointed HR Adviser if necessary.

Anonymised information may be used for organisational learning and development and in informing future policy and/or procedural changes.

How long do we hold your information for?

The duration of processing any case is pre-determined within the policy; however, allowances may need to be made if it is a particularly complex case.

If there is a case to answer, these records are not expunged; so, whilst the case expires, the records are not manually removed; however, the details of the case cannot be referred to again. There is no process in place to remove these as it is the sanction that ends not the document although it is not used for further issues.

Therefore, only if a case is substantiated would the information then be transferred to an electronic personal record file (PRF) which is retained for 6 years following employment with us.

Access to the electronic PRF is restricted to POD Admin who have responsibility for the uploads and can also be accessed by other members of the HR-OD team within their remit.

If there is no case to answer, information will be destroyed immediately.

If you wish to see a report you believe you have been named in, you have a right to see any parts of the report that contains information about you, or that is reliant on information that you have provided. However, you will not be allowed to see private information belonging to other individuals. If there is more than one individual involved in the case (e.g. more than one witness), the data would be redacted.

It will be processed in line with the data protection legislation upon request to SFRSInfoGov@firescotland.gov.uk.

Automated decision-making?

The information we have collected will not be used to make any automated decisions about you.

Requesting access to your personal data and your rights

Under data protection legislation, you have many rights regarding your personal data. You have the right to:

- be informed of how we will process it;
- request a copy of what we hold about you;
- have it deleted (where we do not have a legal requirement to retain it);
- have it rectified, restricted;
- object to us using it;
- data portability (in certain circumstances).

Where we are processing data based on your consent, you have the right to withdraw that consent at any time.

To act on any of the above rights or if you have any concerns about how we are using your personal information, please contact the Information Governance Manager (contact details below).

However, if you are unhappy with the way we have processed your information or how we have responded to your request to exercise any of your rights in relation to your data, you can raise your concerns direct with the Information Commissioner's Office, Tel. No. 0303 123 1113 or in writing to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

For more information about your rights:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

To complain to the Information Commissioner's Office:

<https://ico.org.uk/concerns/>

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If you would like to discuss anything in this privacy notice, please contact:

Carol Wade, Information Governance Manager / Data Protection Officer

Email: carol.wade@firescotland.gov.uk

Review date: March 2024