



## **Privacy Notice for employees, workers and contractors.**

### **1.0 What is the purpose of this document?**

The MoJ is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with data protection laws.

It applies to all employees, workers and contractors.

The MoJ is the controller for the personal information we process, unless otherwise stated. This means that we are responsible for deciding how we hold and use personal information about you.

We keep our privacy notice under regular review to make sure it is up to date and accurate. This notice applies to current and former employees, and candidates for new positions.

It is important that you read this notice, together with any other privacy notice that is provided 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.

### **2.0 The kind of information we hold about you**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where an individual cannot be identified (e.g. anonymous data). Employee numbers which uniquely identify an individual fall under the definition of personal data.

There are "special categories" of more sensitive personal data, which require a higher level of protection.

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

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Dates of birth, marriage and divorce.
- Gender.
- Marital status and dependants.
- Next of kin, emergency contact and death benefit nominee(s) information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.

- Start date, leaving date.
- Location of employment or workplace.
- Copy of driving licence, passport, birth and marriage certificates, decree absolute.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Full employment records for Civil Service employment (including contract, terms and conditions, job titles, work history, working hours, promotion, absences, attendances, training records and professional memberships).
- Compensation history.
- Performance and appraisal information.
- Disciplinary and grievance information.
- Secondary employment and volunteering information
- CCTV footage and other information obtained through electronic means such as swipe card records, and IP addresses.
- Information about your use of our information and communications systems.
- Photographs, videos.
- Accident book, first aid records, injury at work and third-party accident information.
- Evidence of how you meet the Civil Service nationality rules and confirmation of your security clearance. This can include passport details, nationality details and information about convictions/allegations of criminal behaviour.
- Evidence of your right to work in the UK/immigration status.

We will also collect, store and use the following special category and criminal offence data:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about your health, including any medical condition, health and sickness records.
- Genetic information and biometric data.
- Information about criminal convictions/allegations and offences

### 3.0 **How is your personal information collected?**

We typically collect personal information about employees, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We will sometimes collect additional information from third-parties including former employers, credit reference agencies or other background check agencies, including:

- His Majesty's Revenue and Customs HMRC
- Defence Business Services (DBS)
- Disclosure Barring Service (DBS)
- National Security Vetting Service
- Police Checking Service
- Other Government Departments
- Employee's doctors
- Medical and occupational health professional

We will collect additional personal information during job-related activities, for example your performance, throughout the period of you working for us.

#### 4.0 **How we will use information about you**

We will only use your personal information when permitted by law. Most commonly, we will use your personal information in the following circumstances:

1. Where it is necessary for performing the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is in the public interest to do so; or for official purposes; or in the exercise of a function of the Crown, a Minister of the Crown or the Government Legal Department.

There may be rare occasions where it becomes necessary to use your personal information to protect your vital interests (or someone else's interests).

#### 5.0 **Situations in which we will use your personal information**

We need all the categories of information in the list above ("The kind of information we hold about you") to enable us to perform our role as employer; to enable us to comply with legal obligations, to carry out our functions as a government department/function of the Crown; or where it is necessary to do so in the public interest.

The situations in which we will process your personal information are listed below.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK and to provide you with the security clearance appropriate for your role. For Civil Servants, to check eligibility to become and remain a Civil Servant.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Liaising with your pension provider, providing information about changes to your employment such as promotions, changing in working hours.
- General administration of the contract we have entered into with you.

- Business management and planning, including accounting, auditing and estate occupancy.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence and any other steps relating to possible grievance or disciplinary matters and associated hearings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Recording education, training and development requirements.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Determining your fitness to work, managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your business and personal use of our information and communication systems and to ensure compliance with our IT policies.
- To ensure 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.
- Equal opportunities monitoring.
- Dealing with Freedom of Information Act/Environmental Information Regulations requests.

Some of the purposes will overlap and there can be several grounds which justify our use of your personal information which can include adherence to our policies and processes, performance management and assessing wellbeing. We may also share your personal data with senior leaders in the organisation, as needed, consistent with the situations listed above.

## **6.0 If you fail to provide personal information**

If you fail to provide certain information when requested, we will not be able to fully perform the contract we have entered with you (such as paying you or providing a benefit), or we could be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

## 7.0 **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated or new purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we will, if necessary, process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 8.0 **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 will, if necessary, process special categories of personal information in the following circumstances:

1. Where we need to carry out our legal obligations or exercise our employment-related legal rights and in line with our data protection policy
2. Where it is in line with our data protection policy, it is substantially in the public interest to do so and necessary for:
  - a. performing our functions as a Government Department or a function of the Crown.
  - b. equal opportunities monitoring.
  - c. administering our pension scheme.
  - d. preventing or detecting unlawful acts.
3. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

In some circumstances, we will 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.

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

How we will use your sensitive personal information:

- We will use information relating to leave of absence; this can include sickness absence or family related leave, 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.
- 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 equal opportunity monitoring and reporting.
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

## 10.0 Do we need your consent?

We do 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 for one of the other reasons outlined in the box above: 'How we use particularly personal information'.

In limited circumstances, if the need arises, we will approach you for your written consent to allow us to process certain particularly sensitive data.

## 11.0 Information about criminal convictions

We will only use information relating to criminal convictions or alleged criminal behaviour where the law allows us to do so. This can arise when it is necessary for us to comply with the law or for another reason where there is a substantial public interest in us doing so.

Less commonly, we will, if necessary, use information relating to criminal convictions or alleged criminal behaviour 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 will only collect information about criminal convictions or allegations of criminal behaviour where 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/allegations as part of the recruitment process or if we are notified of such information directly by you during you working for us. We will use information about criminal convictions/allegations and offences in the following ways:

- cross-refer to relevant policies/processes/vetting procedures

We are allowed to use your personal information in this way where it is in line with our data protection policy and where one of the following reasons arises:

- Where we need to carry out our legal obligations or exercise our employment-related legal rights;
- Where it is substantially in the public interest to do so and necessary for performing our functions as a Government Department or a function of the Crown.

## 12. Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform our duty as an Employer, there are appropriate measures in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

### 13.0 **Data sharing**

We will in some circumstances have to share your data with third parties, including third-party service providers and other Civil Service bodies.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may, in some circumstances, transfer your personal information outside the UK.

If we do, you can expect an equivalent degree of protection in respect of your personal information.

### 14.0 **Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you; where it is in the public interest to do so or where it is necessary for the performance of our functions as a Government Department or a function of the Crown. This will, in some circumstances, involve sharing special categories of personal data and, where relevant, data about criminal convictions/allegations.

### 15.0 **Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within the Civil Service. Third-parties, such as Shared Service Connect Limited (SSCL), other government departments, employee benefit providers and travel services, support us to deliver activities including payroll, pension administration, benefits provision and administration, IT services, and security vetting.

### 16.0 **How secure is my information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies and the law. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### 17.0 **When might you share my personal information with other organisations within the Civil Service?**

We will share your personal information with other Civil Service organisations as part of our regular reporting activities on departmental performance, in the context of a business reorganisation or restructuring exercise, for system maintenance support and hosting of data; business planning/talent management initiatives, succession planning, statistical analysis; and general management and functioning of the Civil Service. Personal data is also shared with the Office for National Statistics, mainly for statistical purposes.

## 18.0 What about other third parties?

If required, we may need to share your personal information with a regulator, or to otherwise comply with the law.

## 19.0 Transferring information outside the UK

Although all data is stored and held on servers within the UK, some of your personal data may be accessed offshore by our services provider, Shared Services Connected Limited (SSCL). SSCL uses Centres of Excellence in the UK and in India to manage our back-office services.

Your personal data receives the same level of protection when processed offshore as it does onshore. This protection is delivered by the use of standard data protection clauses adopted by the European Commission and used in their entirety in the contract with SSCL. A copy of the model contract clauses are published on the [Commission website](#).

## 20.0 Data security

We have put in place measures to protect the security of your information. For more information on these measures please send a request to [peopleinfoteam@justice.gov.uk](mailto:peopleinfoteam@justice.gov.uk).

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions. We have procedures in place to manage any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## 21.0 Data retention

### For how long will you use my information?

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. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from: [\[Record retention and disposition schedules - GOV.UK \(www.gov.uk\)\]](#). 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 will anonymise your personal information so that it can no longer be associated with you, in which case we will use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws.



## 22.0 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 data protection law, you have rights which depend on our reason for processing your information.

- **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.
- **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 [peopleinfoteam@justice.gov.uk](mailto:peopleinfoteam@justice.gov.uk) in writing.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights).

### What we need from you

We sometimes 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.

If you wish to exercise your right to access, please contact:

The Disclosure Team  
Ministry of Justice  
5<sup>th</sup> Floor, Post point 5.22  
102 Petty France  
London  
SW1H 9AJ

[data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

## 23.0 **Right to withdraw consent**

In the limited circumstances where you have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact [peopleinfoteam@justice.gov.uk](mailto:peopleinfoteam@justice.gov.uk), once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes to which you originally agreed.

## 24.0 **Data Protection Officer**

We have a Data Protection Officer (DPO) who oversees compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact:

Data Protection Officer  
Ministry of Justice  
5th Floor, Post Point 5.20  
102 Petty France  
London  
SW1H 9AJ

[dpo@justice.gov.uk](mailto:dpo@justice.gov.uk)

You may also raise any concerns you have with how we have used your personal data with the ICO.

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

Helpline number: 0303 123 1113  
ICO website: <https://www.ico.org.uk>

## **Changes to this privacy notice**

We keep our privacy notice under regular review to make sure it is up to date and accurate. We may also notify you, in other ways, from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact [dpo@justice.gov.uk](mailto:dpo@justice.gov.uk)**