

Fair Processing Notice for staff: Data Matching Exercise to address unpaid debts owed by staff

Here at Midlothian Council (“the Council”), we take your privacy seriously. As we collect and process personal information about you, we are registered as a ‘data controller’ under the Data Protection Act (ICO registration Z6284453). Under the Data Protection Act, you have a right to know how the Council collects, uses, and shares your personal data.

We promise to collect, process, store and share your data safely and securely.

Purpose of this Notice

This Fair Processing Notice explains how the Council will process your personal data as part of a data matching exercise. This exercise is being undertaken to identify and address unpaid debts owed by staff, including Council Tax, Council Housing rent (current and former), sundry debt, and overpaid Housing Benefit, where no repayment arrangements have been made.

Unpaid monies owed to the Council pose financial and reputational risks, call into question the integrity of staff, and may increase the risk of fraud. Staff have a duty to repay monies owed to the Council. Therefore, this data processing is deemed a necessary and proportionate means to achieve the legitimate aim of collecting monies owed by staff to the Council.

Coordination and Handling of Information

The data matching exercise will be coordinated by the Council’s Internal Audit team. All information will be handled sensitively, with access to personal data strictly controlled. Access will be limited to appropriately authorised individuals and will depend on their role and responsibilities. Staff will be informed of the exercise through:

- Notifications on payslips.
- Weekly staff newsletters.
- Information cascaded from the management team.

What Personal Data Will Be Processed?

The following categories of personal data will be used:

- **Employee Data:** Name, address, date of birth (DOB), National Insurance (NI) number, email address.
- **Account Data:** Council Tax account reference, rent account reference (current and former), sundry debt account reference, and housing benefit account reference.

Legal Basis for Processing

The Council is processing this data under the following lawful bases:

- **Public Task:** The processing is necessary for the performance of a task carried out in the public interest and in the exercise of official authority vested in the Council (Article 6(1)(e) of UK GDPR).
- **Compliance with a Legal Obligation:** The processing is necessary for compliance with legal obligations under the following legislation:

- Local Government (Scotland) Act 1973.
- Local Government Finance Act 1992 and related regulations.
- Local Government in Scotland Act 2003.
- Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001.

Additionally, employees have a contractual duty to repay monies owed to the Council, making this processing necessary for the performance of their employment contract under Article 6(1)(b) of UK GDPR.

This processing supports the Council's obligation to promote financial stability and safeguard the Council from financial risk.

How Will the Data Be Used?

Data will be matched between internal systems to:

- Identify outstanding debts owed by employees.
- Confirm whether repayment arrangements are in place.
- Facilitate appropriate actions to recover outstanding monies, including engaging with employees to arrange repayment.
- Offer support to employees.

No decisions affecting your employment will be made solely based on the results of the data matching exercise.

Data will be processed only for this purpose and will not be used for any unrelated activities.

Who Will Your Data Be Shared With?

Your data will only be shared internally within the Council and strictly on a need-to-know basis, including:

- Internal Audit Team.
- Relevant Finance and Revenues Teams.
- Human Resources Team.

No data will be shared with external parties unless required by law or by your explicit consent.

Data Retention

Your personal data will be retained only for as long as necessary to complete the data matching exercise and to resolve any identified issues. Records of this exercise will be kept in line with the Council's data retention schedule and will be deleted on completion of the exercise unless ongoing support is being provided to individual staff members.

Your Rights

Under UK GDPR and the Data Protection Act 2018, you have the following rights regarding your data:

- **Right to Access:** Request access to the personal data we hold about you.
- **Right to Rectification:** Request corrections to any inaccurate or incomplete data.
- **Right to Object:** Object to the processing of your data under certain conditions.
- **Right to Erasure:** Request deletion of your data in specific circumstances.

To exercise your rights, please contact the Council's Data Protection Officer.

Contact Details

This notice is designed to provide clarity and transparency about the data matching process. If you have any questions, please contact the Council's Data Protection Officer.

You can contact the Data Protection Officer in writing or by email at:

Data Protection Officer
Midlothian Council
Midlothian House
Bucleuch Street
Dalkeith EH22 1DN

Email: dpo@midlothian.gov.uk

You can also contact Council offices, or individual Council services. Please visit the Council's website for further information.

For any more questions regarding how long your personal data is kept, or how and why your data is used by Midlothian Council, please contact the Data Protection Officer.

Complaints

If you are dissatisfied with the Council's handling of your personal data, you can contact the Information Commissioner's Office (ICO):

- Website: www.ico.org.uk
- Phone: 0303 123 1113

We will continually review and update this privacy notice to reflect changes in our services, and to comply with changes in law.