PN18-026 Managing Discipline – Privacy Notice

**Your Data**

The Council has a range of employee related [policies](http://thezone/AskHR/YourEmployment/your_employment.asp) including Managing Discipline. For those involved in managing, or being managed through this policy, more personal information is generated to document and support the decision making process. This notice explains how this information is used, managed and stored.

Your personal information will be contained in the various documents referred to in the policy.

If your case is considered by the Appeals Sub Committee, the Council will share information about you with the members of the Committee determining your appeal. The Committee Meeting Agenda, Minutes and accompanying papers are confidential and the meeting considered in private. The minute which is published will be anonymised.

The length of time the information generated by this process is retained in the employee’s personal file will depend on the outcome and whether or not you work with children and/or vulnerable adults. Detailed information can be found [here](http://internalblog/wiki/index.php?title=Employee_Contract_Management_(Employee_Files)_-_employees_who_do_not_work_with_children_or_vulnerable_adults) and is summarised below:

|  |  |  |
| --- | --- | --- |
| Outcome | Length of time retained | |
|  | Not working with Children/Vulnerable Adults | Working with Children/Vulnerable Adults |
| No finding of Misconduct | Destroyed immediately following outcome letter | 25 years from date of termination of employment |
| Verbal Warning | 6 months | 25 years from date of termination of employment |
| Written Warning | 1 year | 25 years from date of termination of employment |
| Final Written Warning | 1 year | 25 years from date of termination of employment |
| Dismissal | 6 years from date of termination of employment | 25 years from date of termination of employment |

The Council also retains a record of ‘spent’ or ‘expired’ warnings. This is a record of a warning, issued as an outcome of the Managing Discipline Policy & Procedure, which has expired. The Council does this in order to manage the contractual relationship with the employee and to ensure that repeated long-term misconduct of a similar nature is addressed.

The Council’s records of spent warnings are held separately to the Employee File by the Council’s People and Organisation cluster. Access to the record of spent warnings is only granted in accordance with the process outlined in the Managing Discipline Guidance.

The Council’s holds details of spent warnings for employees not working with children or vulnerable adults for 6 years post termination of employment, or for employees who do work with children or vulnerable adults, 25 years post termination of employment.

**Your rights**

Aberdeen City Council is the Data Controller for your information. You’ve got legal rights about the way the Council handles and uses your data, which include the right to ask for a copy of it, and to ask us to stop doing something with your data. Please contact the Council’s Data Protection Officer by email at DataProtectionOfficer@aberdeencity.gov.uk or in writing at: Data Protection Officer, Marischal College, Aberdeen, AB10 1AB. [See more information about all of the rights you have](https://www.aberdeencity.gov.uk/your-data). You also have the right to make a complaint to the [Information Commissioner’s Office](https://ico.org.uk/). They are the body responsible for making sure organisations like the Council handle your data lawfully.

**Our legal basis**

Whenever the Council processes personal data we need to make sure we have a basis for doing so in data protection law. We understand our basis in data protection law to be Article 6(1)(b) of the General Data Protection Regulation (GDPR) because processing your personal information is necessary for us manage our relationship with you, as your employer.

As part of this relationship, the Council is also likely to process special categories of personal data. The Council understands our legal basis for doing so as Article 9(2)(b) of the GDPR as processing is necessary for carrying out our obligations in the field of employment.