PN18-108 Managing Performance – Privacy Notice

**Your Data**

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

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

This information will be held by the Officer managing the process. If a People and Organisation Adviser is assigned to support that Officer, they will also have access to the information.

If the process results in a Performance Capability hearing, this will be chaired by a senior manager, who is not the employee’s line manager, and they will also have access to the information.

Where there is an appeal of the outcome of the Performance Capability hearing, the appeal could be heard either by a manager more senior to the one who made the decision or by the Council’s Appeals Sub Committee. The relevant information will be shared with those conducting the appeal.

If the appeal is considered by the Appeals Sub Committee, the Council will share relevant personal information 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.

Throughout the process, the Officers involved will arrange for any relevant documents to be retained in the appropriate personal file.

The length of time the information generated by this process is retained for 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:

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| --- | --- |
| **Performance Management Documents – Employee does not work with children or vulnerable adults** | **Duration Held for** |
| Any written documents produced as a result of following the Managing Performance policy and procedure. | 6 years post termination of employment |
| **Performance Management Documents – Employee who works with children or vulnerable adults** | **Duration Held for** |
| Any written documents produced as a result of following the Managing Performance policy and procedure. | 25 years post termination of employment |

**Your Rights**

All employees have legal rights about the way the Council handles and uses your data, including the right to ask for a copy of it, and to ask us to stop doing something with your data. More information about all of your rights is available on our website at: https://www.aberdeencity.gov.uk/your-data. You also have the right to make a complaint to the Information Commissioner’s Office, (www.ico.org.uk). They are the body responsible for making sure organisations like the Council handle your data lawfully. Aberdeen City Council is the Data Controller for this data. If you’ve got any queries about your data, get in touch with the Council’s Data Protection Officer by email: [DataProtectionOfficer@aberdeencity.gov.uk](mailto:DataProtectionOfficer@aberdeencity.gov.uk)

**The Legal Basis for processing your data**

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.