PN167 - Managing Substance Misuse – Privacy Notice

**Your Data**

The Council has a range of employee related [policies](http://thezone/AskHR/YourEmployment/your_employment.asp) including the Managing Substance Misuse Policy and Procedure.

For those involved in managing, or being managed through this policy, more personal information is generated to consider, investigate and document the process and to make appropriate decisions.

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

**Occupational Health**

If you are referred to Occupational Health for assessment under the policy, some personal information will be shared with the Council’s Occupational Health provider to allow them to perform an assessment. Your medical records will be kept confidential by the Occupational Health provider and will not be disclosed to Aberdeen City Council. However, the Occupational Health provider will issue occupational health reports as a result of any assessments required under Policy. The Occupational Health provider issues a separate privacy notice advising how your data is handled.

**Capability Hearing**

If you are unable to return to your substantive post due to your substance misuse, a capability hearing will be arranged. This will be chaired by a senior manager, who has had no prior involvement with the case, and they will have access to information relevant to the hearing. A People and Organisation Adviser will accompany the senior manager to the hearing and they too will have access to the information relevant to the hearing.

**Appeal**

If you appeal the outcome of the 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.

**Other Policies**

If you are found to have a substance misuse problem but do not accept treatment or support, or if it is found that you do not have a substance misuse problem, then you may be subject to the Council’s Attendance, Disciplinary or Performance Management policies, whichever are relevant. These policies have their own privacy notices that explain how data generated by these policies are treated.

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

**How long we will keep your information for**

How long information generated by the Managing Substance Misuse Policy & Procedure is retained is as follows:

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

The Council’s Retention & Disposal Schedule sets out the retention periods for any information about you which won’t be destroyed at the same time as your employee file.

**Your rights**

Aberdeen City Council is the Data Controller for this 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 on 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. You also have the right to make a complaint to the Information Commissioner’s Office. They are the body responsible for making sure organisations like the Council handle your data lawfully.

Please note if your complaint is not about data protection but instead is about an employment matter, then this should be raised initially with your line manager and if necessary through the Council’s grievance procedure.

**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.