

EMPLOYEE DATA MONITORING POLICY

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EMPLOYEE DATA MONITORING POLICY

1 INTRODUCTION

- 1.1 This policy sets out the Council's approach to monitoring employees for the purposes of openness and transparency. It brings together a number of arrangements that are already in place.
- 1.2 The policy sets out the framework of monitoring across the Council clarifying how, when and why monitoring is carried out and providing employees with a regularly updated list of monitoring tools.
- 1.3 The Council recognises that employees have legitimate expectations of reasonable privacy and as monitoring has the capacity to intrude or interfere in employee's private lives it must be justified. Monitoring tools will be reviewed to ensure that the benefits of monitoring are justified taking into account the impacts it may have.
- 1.4 Monitoring is a necessary part of the employment relationship including health and safety. It is also a necessary part of crime or fraud detection and to ensure that the Council's property, facilities, and assets including information technology systems are used appropriately.
- 1.5 The policy seeks to make employees aware of what data the Council may monitor, how it may be monitored and the purposes for carrying out that monitoring. This policy complies with the principles of the Data Protection Act 1998 and the Information Commissioner's Code of Practice on Monitoring at Work.

2 SCOPE/WHO IS COVERED BY THIS POLICY?

This policy applies to all employees, agency workers, contractors and volunteers.

3 MONITORING PURPOSES

- 3.1 Systematic or occasional (including covert) monitoring may be undertaken for the following purposes:-
 - Prevention or detection of crime, disorder and fraud
 - Apprehension and prosecution of offenders
 - Unauthorised or inappropriate system use
 - Interest of public and employee safety
 - Protection of council property and assets
 - Performance (to achieve improvements)
 - Training (to identify training needs and assist in achieving improvements)
 - Disciplinary investigation

3.2 Examples include:-

Monitoring Activity	Uses
Recording telephone calls	Staff training or to deal with complaints from customers
CCTV	Check compliance with health and safety rules or prevention of crime
Vehicle trackers	To improve fuel consumption or route optimisation

3.3 If during the course of monitoring for one purpose other issues causing concern (which no reasonable employer could ignore) come to light they will also be reviewed and appropriate action taken. It is expected that these other issues will be dealt with separately unless all parties agree that they are dealt with together. Where there is a disagreement the Corporate Lead for HR Policy and Organisational Development will make the decision.

4 TYPES OF MONITORING

4.1 Monitoring is an activity which sets out to collect information about employees by keeping them under some form of observation. It involves the manual recording or automated processing of personal information.

4.2 The Telecommunications (Lawful Business Practice) (Interception of Communication) Regulations 2000 authorises a business (including a government department) to monitor and record communications for the purpose of preventing and detecting crime, and to ensure there is no criminality or foul play from its employees.

Systematic Monitoring

4.3 Systematic monitoring is where all employees or a group of employees are monitored as a matter of routine e.g. to establish a pattern of use for a service such as monitoring the work being undertaken by Building Services to inform service delivery needs.

4.4 This monitoring is for the benefit of employees and the organisation for the purposes of achieving improvements in business efficiency or protecting the employee or the organisation. It may or may not identify individuals.

4.5 Procedures and guidance are available to employees on the use of particular monitoring tools. These are available on the intranet and at specific Council locations as appropriate.

Occasional Monitoring

- 4.6 Occasional monitoring is a short term measure in response to a particular issue or need. The issue giving rise to the need for occasional individual monitoring will usually be identified through normal working practices and arrangements which indicate a requirement for further investigation. e.g. monitoring working hours for a group of employees in response to concerns about high work levels.
- 4.7 Any monitoring information that is collected in relation to an employee may be used in a disciplinary investigation, for example where there is inappropriate use of the internet or e-mail.
- 4.8 In exceptional circumstances, occasional monitoring may be covert i.e. carried out in a way that is designed to ensure those who are subject to it are unaware that it is taking place. This may be undertaken if required for criminal or disciplinary purposes and could include monitoring of telecommunications including e-mail, without the knowledge of the individual. In all cases prior authorisation for such monitoring must be sought as outlined in Paragraph 6.2.

5 MONITORING TOOLS

- 5.1 A list of the tools that the Council has at its disposal to monitor employees for any of the above purposes is available to all employees. It also shows the main purpose for the implementation of the tool and the service area(s) deploying it.
- 5.2 In the event that a new tool which has monitoring potential is introduced or changes are made to an existing tool the Corporate Lead for HR Policy and Organisational Development will consult with the Trade Unions and amend the list.
- 5.3 This will include a review to establish the purpose of the monitoring and to ensure that it has justifiable benefits for the Council taking into account the impacts that the monitoring may have.

6 AUTHORITY AND PROCESS FOR MONITORING

- 6.1 Systematic monitoring will take place in accordance with the procedures established for the particular tool. This will include identifying the person(s) responsible for the data, processing requirements, storage and retention periods. The procedures will be kept and maintained by the manager responsible for the particular tool.
- 6.2 Requests for occasional individual monitoring which may be covert must be made by the Head of Service (or nominated deputy) to the Corporate Lead for HR Policy and Organisational Development or Executive Director and will only take place, if following consideration, comparable benefits cannot be achieved

by other less intrusive methods. The Head of Business Improvement will be required to grant authority for access to information and communication tools.

- 6.3 When covert monitoring is authorised the officer responsible for that monitoring will be agreed with the Head of Corporate Lead for HR Policy and Organisational Development.

7 DATA PROTECTION/PRIVACY

- 7.1 Personal data collected in the course of monitoring activities will be processed fairly and lawfully in accordance with the Data Protection Act 1998, e.g. it will be:

- adequate, relevant and not excessive
- used for the purpose(s) stated in this policy unless monitoring reveals an activity no reasonable employer could ignore
- accessible only to appropriate staff on a need to know basis
- treated confidentially
- stored securely
- not kept for longer than necessary and will be securely destroyed once the issue(s) in question have been resolved.

- 7.2 Employees are notified of the nature of any monitoring that is taking place, unless covert monitoring is in operation. If any changes are made in regard to monitoring, employees will be notified.

- 7.3 Employees have a right to find out what personal information the Council holds about them. Personal data collected for monitoring purposes will be made available to employees if requested in line with the principles of the data protection requirements unless an exemption applies.

- 7.4 Employees should raise any concerns about data monitoring with their line manager in the first instance. If this is not appropriate they may contact a senior manager, Human Resources or Trade Union representative. If the issue is not resolved then employees can raise the concern using the Council's Grievance Procedure.

8 RELATED POLICIES

- 8.1 Employees are expected to ensure that they comply with all Council Policies and Procedures. Employees are responsible for their own conduct and ensuring they do not put the Council at risk or bring it into disrepute.

- 8.2 Other policies and procedures that have relevance to this policy include:-

- Employee Code of Conduct
- CCTV Monitoring Policy
- ICT Security Policy
- Email and Internet Use
- Disciplinary Policy and Procedure

- Performance Improvement Policy & Procedure
- Grievance Policy & Procedure
- Data Protection Policy
- Avoiding Bribery, Fraud and Corruption Policy
- Social Media Protocol
- Drivers Handbook

This list is not exhaustive.

9 REVIEW

- 9.1 The Chief Executive, as Head of Paid Service, has overall responsibility for employees and will receive regular information regarding this policy. The document will be regularly reviewed.