

Employment Law Plus

- Practical and commercial solutions to HR challenges

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Informing DS about your processing:

- Requires proscribed information (13 points) to be given by DC to DS
- Proscribed information differs depending on whether data obtained from DS or elsewhere

When?

- Where PD collected from DS: when obtained
- Where PD not collected from DS:
 - When use it to communicate with DS
 - When disclose it to third party
 - Within a reasonable period
 - Long stop of one month

But

- No requirement to notify if DS already has the information
- So what may be the best way of dealing with this in practice?

Information to be provided to data subject

Includes:

- Purposes of processing
- Legal basis for processing
- Where the legal basis is “legit interest”, the legit interest
- Categories of personal data (where info not obtained from DS)
- How long will keep it (or criteria for decision)
- Who you will give the data to

To provide information to data subject

Audit data you process and likely to process

- What categories does it fall into?
- Where does it come from?
- Who do you share it with?
- How long do you need to keep it?
- Identify legal basis for processing
- If “legit interest”, what is the interest?
- etc

To provide information to data subject

Legal bases for processing non sensitive data:

- Necessary to perform contract with DS or to enter contract with DS
- Necessary for DC to comply with legal obligation
- Necessary to protect vital interests of DS or someone else
- Necessary for legit interests of DC/TP (relative)

Legal bases for processing sensitive data:

- Necessary to carry out obligations and exercise rights of DC in field of employment law
- Necessary for establishment, exercise or defence of legal claims

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