

Data Protection and HR related emails and documents

Guidance for staff

This guidance is for managers and staff who need to process personal data relating to other staff.

Data protection and human resources records

While HR will manage the central HR file and related records, including emails, most managers will keep local copies of emails and other records for convenience.

HR records mainly contain personal data because they are usually about an individual staff member. As such, they need to be kept secure. The HR system as it develops will take on a greater role of keeping information about staff, but it is likely that there will still be emails that support the information kept in systems, particularly those relating to complaints and grievances.

Where to keep HR related emails and documents

HR related emails and documents need to be kept in a secure place that can only be accessed by a manager and, if required, their line management.

OneDrive is therefore one place to keep HR related documents as it can only be viewed by the relevant manager, unless other people are given access which you may have to do if you are going to share HR related documents on a regular basis or because of a particular issue like a grievance. Access can be restricted down to a particular document. If storing documents in SharePoint, the folder should be accessible only by the manager and their line management. .

Emails can be kept in your personal email account, but shouldn't stay in shared mailboxes unless the other people with access to that shared mailbox should have access to those emails.

It is recommended that paper is scanned and filed with electronic documents, but if you do keep paper files, these should be kept in a locked drawer or cupboard that only you have access to.

How to keep HR related emails and documents

HR related emails and documents should be filed so that all emails/documents relating to one individual are together. So set up a folder per staff member and put everything relating to that staff member into that folder.

Why is this important?

- It should make finding documents and emails about that staff member quicker.
- Staff information needs to be kept for up to 6 years after they leave. It is easier to make that deletion, if you know all the information about that staff member is in one folder.
- Staff can make requests for information about themselves and expect a response within one month (subject access requests). It is easier to respond to such a request if you know the information is in the one place and not scattered all over your inbox.
- If you have an assistant helping you manage your Inbox, they should know not to look at folders relating to other staff members without your instruction. It will make it easier for them to resist temptation if your Inbox and Sent Items are cleared into an individual staff member's folder.
- It is best to write one email per individual regarding personnel matters so that you can easily file by individual. It also saves having to redact information for subject access requests.

How long to keep HR related emails and documents

One of the requirements of data protection is that personal data is not kept longer than needed. HR related emails and documents need to be kept for up to 6 years after the staff member has left. However, some staff files need to be kept permanently (Band 8 and higher) due to having historic value. If you hold material that HR does not, it will need to be merged with HR's file before archiving. Archived HR files are only made available to third parties if the individual is dead or if the information requested is old and unlikely to harm the individual if released or we have the permission of the individual to make it available.

When and who can I share HR related emails and documents with

This depends on why you need to share the information. As a general principle, does the person requesting the information actually need it for a particular piece of work? If so, you can share, but usually unless it is your line manager, your HR partner or the individual themselves, you should not share staff information. More specific situations are set out below.

Sick leave: Generally you should not share detailed information about staff illnesses with other staff in your team unless you have the staff member's permission, but you can confirm they are on sick leave. You can share more detailed information if necessary with your line manager or your HR partner.

Disability information: The School has a responsibility to make the necessary arrangements for staff and students that declare a disability under the Equality Act. The School also has a responsibility to treat special categories data like disability data as confidential. However, the General Data Protection Regulation through Article 9(2)(b) allows for the processing of special categories data if required by employment law. So if a staff member declares a disability 'unofficially', you can still share the data you need to about that disability with the relevant parts of the School to ensure that the staff member has the necessary support we are legally required to give them. This does not have to be a particular medical condition, but give an idea of the adjustment needed e.g. a staff member will need help getting down from the 10th floor. Doesn't matter if this is due to arthritic knees, a bad heart or lungs, vertigo, etc. All you need to share is what sort of

adjustment is needed.

Grievances and complaints: basic information about the fact of the grievance or complaint can be shared with any third parties you are interviewing as part of an investigation into a grievance or complaint. It is best practice to share interview notes with interviewees so they can confirm or correct them (this meets data protection principle 4, accuracy).

Subject access requests: staff are entitled to make a request for information about themselves and receive a response within one month, unless there is a lot of material to process where we can take two extra months. We have to check that information about other individuals is not included as that is the other individual's personal information. There may be times we can keep a third party's details in, for example 'Person X was standing next to me when event Y happened' means that if you redact Person X's details the staff member will know who you are referring to but if Person X's involvement is unknown to the staff member making the request we have to redact their details which can include 'she', 'he', 'him' and 'her'. With grievances and complaints, you can sometimes get requests from both sides and may have to release different redacted sets of information to each side based on what they could reasonably know.

References: the Data Protection Act 2018 has revised the exemption for references so that we do not have to release these at all. As such, you can promise to referees that references will be kept completely confidential.

Review schedule

| Review interval | Next review due by | Next review start |
|-----------------|--------------------|-------------------|
| 3 years | 31/07/2027 | 01/07/2027 |

Version history

| Version | Date | Approved by | Notes |
|---------|------------|-------------|---------------|
| 1.0 | 06/09/2018 | | |
| 1.1 | 01/07/2024 | IGMB | Minor updates |

Contacts

| Position | Name | Email | Notes |
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Communications and Training

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|---|------------|
| Will this document be publicised through Internal Communications? | Yes |
| Will training needs arise from this policy | No |
| If Yes, please give details | |