NHS
Blood and Transplant

Human Resources

Policies and Procedures

Manager's Guidance for
Handling & Storing Employment Records

UCD/HRO/023

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Introduction
This guidance is intended to help managers comply with relevant legislation and follow best practice when handling records about their staff. NHSBT aims to balance the needs of the organisation with the legitimate expectations of staff, that their personal information will be handled properly.

The Data Protection Act 1998 places responsibilities on organisations and gives rights to individual data subjects.

What are employee records?
Managers may be required to create, use and store employee records pertaining to attendance at work.

Employment records include any information from which individual employee(s) can be identified and which may affect their privacy. The information may be home address or phone number, details of attendance at work, sickness absence or any health related matter, conduct, capability, training or any other information relating to their employment.

Employees' personal information will exist in numerous forms and formats, including structured paper files, unstructured notes, databases, spreadsheets, calendars and e-mails. All are subject to the Data Protection Act, which gives the employee the right to access them.

Why is this guidance important?
Following this guidance will:

- Help to create an open and transparent environment where staff have trust and confidence in employment practice, and managers are equipped to store and handle employee records in an appropriate manner.
- Facilitate good housekeeping through regular disposal of outdated information, thereby freeing up time and resources and ensuring that valuable information can be more easily found.
- Safeguard against unnecessary and avoidable complaints of poor practice regarding personal information.
- Help to ensure that NHSBT is compliant with all relevant legislation including the Data Protection Act 1998, the Human Rights Act 1998 and the Freedom of Information Act 2000.

Creating employee records

- Ensure information recorded is objective, factual and evidence based. Never record opinions or beliefs about named individuals if you would not be willing and able to substantiate them.
- To avoid risk of misinterpretation or misrepresentation, remember that employees have a right of access to emails/paperwork and notes held about them. Avoid unprofessional or inflammatory comments.
- Consider whether the information you are recording is about an informal or a formal issue. If it is formal the issue should be discussed with HR and held centrally in the HR file.
- When recording information in shared calendars or diaries avoid referring to named individuals or specifying the issue being discussed, e.g. 'Joe Bloggs Capability Meeting'. Use generic references such as 'Private Meeting - HR' instead.

Storing Records

- Determine an appropriate secure location to hold records. This could be a secure electronic filing system using access restriction, password protection or encryption. Manual files should be kept in a locked cabinet. Passwords and keys should only be accessible by staff who require access to fulfil their managerial responsibilities.
- Regularly review who has access to employee records in your department and remove access where there is no longer a legitimate reason for it.
- Keep records in a systematic way e.g. alphabetical order to guide the searcher to where a named record can be found without having to look through others.
- Ensure information held on file is accurate, regularly reviewed and kept up to date.
- Ensure that all staff who have access to employment records are up to date in mandatory training on information governance, and undertake further training as necessary on local department arrangements.
- Store records relating to sickness absence and injury separate from other employment records so these are only accessed when managing sickness absence and attendance at work.
- Carry out regular housekeeping on employee records and destroy outdated or irrelevant information in a timely manner i.e. in confidential waste bins provided or by shredding immediately.

Using and Moving Records

- Follow NHSBT information security policy, remote working policy, etc.
- When transmitting confidential personal information always employ the most secure method available e.g. in the case of external emails use password protection and encryption. It is also advisable to use sending and checking receipt. Always use secure fax or recorded delivery for postage. If mailing records always use robust envelopes, reinforced

where necessary, and address clearly to a named individual or specific department. Double-envelope especially sensitive information.

- If employment records are taken off site e.g. laptops being taken to meetings or to access from home, ensure staff are aware of their responsibilities for retaining confidential or sensitive information securely.
- Set up a system for recording when files are removed from the system, to provide an audit trail of when and who removed the file and when it was replaced.

Disclosure of personal information

- Only disclose records about a named individual [in consultation with HR] where it is necessary for legal proceedings or the member of staff has given explicit consent to do so.
- If in doubt about which approach to take ask your HR representative or contact a member of the Information Governance and Security team.

When an employee leaves

- When an employee leaves the department any outdated or irrelevant information should be destroyed via confidential waste or shredding immediately
- If the employee is moving to another department their file should then be passed to the receiving manager
- If the employee is leaving NHSBT their file should be passed to HR for archiving

Subject Access Requests

If you are approached by a member of your staff who wants to see the information you are holding about them, you may do so directly and informally. However, do not do this if there is a risk of disclosing information about third parties, e.g. if the records include allegations of misconduct. Some other types of records are also exempt from disclosure. If in doubt, advise the employee to make a formal Subject Access Request in writing to HR, so that the records can be properly evaluated before release.

Remember that it is an offence to destroy or alter records in order to avoid disclosing them.

Further information can be found on the following sites:

NHSBT Information Governance webpage
http://nhsbtweb/resources/information_governance/index.asp

Information Commissioner's Office website
http://www.ico.gov.uk/for_organisations/data_protection/topic_guides/employment.aspx