

Lead Employer Trust

Management of Employee Personal File & Information

POLICY INFORMATION SHEET

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Summary of Changes

Date of Change	Changes made	Location of changes	Changes approved	Version Control
11 th March 2014	Remove all references to Northern Deanery. Change to Health Education North East (HENE)	Pages: 7	17 th January 2014	Now version 2
10 th February 2015	Update to incorporate GP Practices	Pages: 8	May 2015	Version 3
January 2017	Review of document	All pages	31 st January 2017	Version 4
March 2018	Update in accordance with General Data Protection Regulation (GDPR)	All Pages		Version 5
January 2020	General Update	All Pages		
February 2021	Page 5 – Changes form on file removed as don't exist	Page 5		Version 6
May 2023	Equality Impact Assessment	Page 11	30 th May 2023	Version 6
December 2023	Annual Review	All Pages		Version 7

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1. INTRODUCTION

The General Data Protection Regulation 2018 (GDPR) regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. Two important aspects of the GDPR which are relevant to Personal Files are:-

- the restrictions it places on employers 'processing' personal data, and
- the rights given to individuals where they are 'data subjects' (i.e. employees)

To ensure that the Lead Employer Trust (LET) acts in accordance with the requirements of the General Data Protection Regulation 2018 (GDPR) and The Employment Practices Data Protection Code, the LET should adhere to the following guidance in relation to personal files/personal information.

2. WHAT INFORMATION SHOULD BE HELD

[2.1 Prior to Appointment/During Recruitment](#)

- Person Specification
- Application Form (Part 1&2)
- Authorisation to Recruit
- Interview documents (Score sheets)
- Offer letter
- Acceptance of post
- Confirmation of acceptance letter
- Copies of GMC rechecks from website
- Work health assessment questionnaire and work health assessment where necessary
- 3 references
- Contract of Employment
- Staff appointment form
- Copies of qualifications (only where essential to post as defined in the person specification)
- Evidence of Professional Registration (GMC/GDC)
- Copy of passport and front cover
- Evidence of foundation competencies (for those entering at CT or ST1)
- Evidence of any additional competencies required (e.g. core training for those entering above CT/ST1, ALS etc)
- IELTS if applicable (or other evidence of English Language Skills)
- Two forms of identification
- Proof of current address
- Evidence of eligibility to take up UK employment (e.g. Visa stamp or biometric card with the accompanying home office letter)

[2.2 Post Appointment \(all of the above plus the below\)](#)

- Copies of any amendments to Terms and Conditions (e.g. extensions of contract)
- Amendments to personal details
- Capability letters, etc. regarding performance
- Letter of suspension if relevant
- Outcome letter following any disciplinary/grievance hearing – **please note that any other associated documentation such as investigatory notes will be held centrally by the Deputy Head of HR and should not be contained on the personal file.**
- Annual documentation checks for overseas employees
- Resignation/Dismissal Letter
- Leaver Form

2.2 File Notes

Please note that if someone from the LET HR department wishes to make a 'file note' following a discussion with an employee on any issue, such as poor performance, failure to follow policies, etc. any such record **should be signed and dated by both the manager and employee concerned**, with a copy of the file note given to the employee for their retention. **If an employee objects to such a file note being placed on their file, this should be escalated to the People Services Manager or Deputy Head of People Services for advice.**

3. SICKNESS AND ABSENCE RECORDS

The Code clearly distinguishes between 'absence records' which simply record the amount of absence with no sensitive data included (e.g. Joe Bloggs has 3 days sickness absence) and 'sickness and accident records' which record the cause or nature of any illness or accident (e.g. Joe Bloggs has 3 days sickness absence due to viral infection).

Access to details of an employee's health or reasons for absence must be restricted to those with a genuine need for the information, as a result, due to the nature of the LET, as an HR function, sickness absence records can be kept on personal files, along with copies of any Occupational Health reports return to work discussion forms, and any letters detailing Sickness Absence Reviews and other meetings. Information on employee's health should not be accessed when only information on the absence or the circumstances of an accident at work is required. The LET HR department are aware when they are accessing both sickness/injury absence records when it is and is not necessary to access the whole sickness or injury records.

NOTE: Where employees have a disability, then any disability-related sickness absence should be recorded separately to other non-disability related absences.

4. RETENTION OF DOCUMENTS ON THE PERSONAL FILE

The GDPR states that personal information regarding employees must not be kept "for longer than is necessary" but equally should not be deleted "where there is a real business need to retain it".

The GDPR also states that data destruction must be secure and therefore all documents removed should be disposed of **through confidential waste only**.

The Department of Health's Records Management: NHS Code of Practice is a guide to the required standards of practice in the management of records for those who work within or under contract to NHS organisations in England. It is based on current legal requirements and professional best practice. The Code specifies the minimum periods for retention of records. The LET can decide to keep records longer than the recommended minimum period.

The LET should follow the relevant retention periods as stated below and remove documents from the personal file at the appropriate expiry date.

Record Type	Normal Retention Period
<ul style="list-style-type: none">Person Specification	3 years following termination of employment
<ul style="list-style-type: none">Resignation/Dismissal LetterLeaver Form	6 years after individual has left (a summary to be retained for 30 years or until individual's 70 th birthday, whichever is the later)
<ul style="list-style-type: none">Annual documentation checks for overseas employees	Duration of employment

<ul style="list-style-type: none"> • Sickness Records • Capability letters, etc. regarding performance • Letter of suspension if relevant • Outcome letter following any disciplinary/grievance hearing 	
<ul style="list-style-type: none"> • Application Form (Part 1&2) • Authorisation to Recruit • Interview documents (Score sheets) • Offer letter • Acceptance of post • Confirmation of acceptance letter • Copies of GMC rechecks from website • Work health assessment questionnaire and any health assessment • 3 references • Contract of Employment • Staff appointment form • ESR form for appointment • Copies of qualifications (only where essential to post) • Evidence of Professional Registration (GMC/GDC) • Copy of passport and front cover • Evidence of foundation competencies • Evidence of any additional competencies required (e.g. core training for ST3/4) • Record of employment history • IELTS if applicable • Two forms of identification • Proof of current address • Evidence of eligibility to take up UK employment (e.g. Visa stamp and home office letter) • Copies of any Change Forms • Amendments to personal details • Copies of any amendments to Terms and Conditions 	<p>6 years after employment has terminated or until 70th birthday, whichever is the later.</p>

- Disciplinary warnings (i.e. First Written Warning, for twelve months) should not be removed from the personal file at their expiry date (i.e. after the twelve months), but should be clearly marked as **'spent'** and will not be relied upon in future disciplinary action, other than as possible evidence of a pattern of behaviour.
- On leaving employment, it is vital that the correct reason for leaving employment is recorded on the file (in particular to avoid claims of constructive dismissal).
- Finally, the personal file should be retained for **six years** after the employee has left employment, however notifications of awards relating to accident or injury at work should be retained for **twelve years** following the end of employment.

5. SECURITY OF PERSONAL FILES/INFORMATION

Storage

The Code recommends that personal files are securely stored in one safe place, in locked filing cabinets or drawers. Personal data should not be taken out of the LET premises wherever

possible. Where this is absolutely necessary i.e. when travelling between sites or to another site the following day, the employee must ensure that this information is kept secure at all times.

Access

The files should only be accessible by those who have a genuine need for the information. The Code also states that those who have access are trained in the need for confidentiality and are aware of the requirements of the GDPR Subject Access Request Procedure, where employees can request access to the information held on their personal file.

Disclosing Personal Information

Extreme care must be taken to prevent the unauthorised disclosure of personal information by ensuring employees are aware of the implications of not positioning equipment carefully, using time-out and screen-blanking features and poor password management. Every employee has the right of access to their personal information; this includes all paper and electronic media. This can be obtained by the employee or a solicitor on behalf of the employee

When sharing personal information between the LET, Host Training Organisations and Health Education England North East, this should be restricted to those with a genuine need for the information (Training Programme Director, Medical Staffing Contact, Specialty Training Coordinator) and the information should be kept limited from the LET outward, as the employer the LET would require all personal information to be shared with them. Where possible any information exchange should be shared with the employee.

6. GRANTING ACCESS TO EMPLOYEES TO THEIR PERSONAL INFORMATION

Under the GDPR, and the Freedom of Information Act 2000, employees have the right to gain access to any personal information held about them by the employer. This applies to both manual and electronic information, and includes the employee's personal file, and also any separate sickness records, disciplinary records, performance review notes, and e-mails and so on.

If an employee or ex-employee wishes to view their personal file or any other such information the LET may hold on them they should submit their request to the Deputy Head of HR, who will ask them to put their request in writing by letter or e-mail with a signature before extracting the information to be released. All access requests must be completed within a timescale of 40 calendar days by law.

This is particularly important as the information must be checked beforehand to establish whether it is exempt from disclosure or whether it reveals the identity of a third party. The identity of anyone making a request must also be checked to ensure that information is only given to the person entitled to it, as this has been one method used by those trying to gain information about individuals to which they are not entitled.

Please note that individuals do not have the right to demand to view their personal file or other information 'immediately' and that all requests must be referred to the Deputy Head of HR. The LET is required to respond to the applicant within 40 calendar days of receipt of an authorised request.

7. MONITORING AND REVIEW

The Head of HR for the Lead Employer Trust is responsible for monitoring the application of this policy and to ensure that the procedure is reviewed no later than three years from the date of issue. The Procedure may be amended at any time in light of legislative changes

The LET HR department will randomly audit personal files for compliance with this policy.

8. LEGISLATION/REFERENCES/RELEVANT POLICIES

- **General Data Protection Regulation 2018 (GDPR)Freedom of Information Act 2000**
- **Information Commissioners Office Data Protection – Employment Practices Code & Supplementary Guidance**
- **Department of Health Code of Practice – Records Management April 2006**

EQUALITY IMPACT ASSESSMENT

Preliminary Assessment Form

v1/2009

The preliminary impact assessment is a quick and easy screening process.

It should:

- Identify those policies, procedures, services, functions and strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Division/Department

LET HR Department

Title of policy, procedure, function or service

Management of employee personal file and information

Type of policy, procedure, function or service

- Existing
- New/proposed
- Changed



Q1 - What is the aim of your policy, procedure, project or service?

To provide guidance to the LET HR and Payroll teams on the correct management of personal files and information.

Q2 - Who is the policy, procedure, project or service going to benefit?

All LET Employees

Q3 - Thinking about each group below, does, or could the policy, procedure, project or service have a negative impact on members of the equality groups below?

Group	Yes	No	Unclear
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Age		X	
Disability		X	
Race		X	
Gender		X	
Transgender		X	
Sexual Orientation		X	
Religion or belief		X	
Marriage & Civil Partnership		X	
Pregnancy & Maternity Leave		X	
Relationships between groups		X	
Other socially excluded groups		X	

If the answer is “Yes” or “Unclear” you **MUST** complete a full EIA

Q4 – Does, or could, the policy, procedure, project or service help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	X		
Disability	X		
Race	X		
Gender	X		
Transgender	X		
Sexual Orientation	X		
Religion or belief	X		
Marriage & Civil Partnership	X		
Pregnancy & Maternity Leave	X		
Relationships between groups	X		
Other socially excluded groups	X		

Q5 – Do you have any feedback data from equality groups that indicate how this policy, procedure, project or service may impact upon these groups?

Group	Yes No Impact	Yes Impact	No	Unclear
Age			X	
Disability			X	

Race			X	
Gender			X	
Transgender			X	
Sexual Orientation			X	
Religion or belief			X	
Marriage & Civil Partnership			X	
Pregnancy & Maternity Leave			X	
Relationships between groups			X	
Other socially excluded groups			X	

Q6 – Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, procedure, project or service?

Yes		No	X
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If you have answered “Yes” now follow the EIA toolkit and complete a full EIA form

Q7 – How have you come to this decision?

No indication that equality groups would be adversely affected by this policy.

Q8 – What is your priority for doing the full EIA

High	Medium	Low
		X

Q9 – Who was involved in the EIA?

HR Department, Lead Employer Trust

This EIA has been approved by:

Head of Human Resources for the LET

Date: 27.12.2023

Contact number:

0191 275 4769

Please ensure that this assessment is attached to the policy document to which it relates.

