



ACCESS TO PERSONNEL FILES POLICY

Version 1.1	
Last reviewed	26/06/2020
To be reviewed by	26/06/2022
Specific changes	Changes to legislation name and changes to department name and wording



ACCESS TO PERSONNEL FILES

1.0 INTRODUCTION

~~Since October 2001 personnel records, whether held in paper, microform or computerised format, are subject to data protection legislation as detailed in the Data Protection Act 1998. The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR).~~ The Council must comply with strict regulations on the disclosure of and access to such data and this Policy is necessary to facilitate compliance with these regulations.

2.0 SCOPE OF THE POLICY

This Policy applies to all employees of South Lakeland District Council.

3.0 PRINCIPLES

- 3.1 All staff who have access to personnel files have a duty to maintain the confidentiality of information held on such files.
- 3.2 No information held on the personnel files should be disclosed to unauthorised third parties.
- 3.3 All personnel files will be securely held within ~~the HR-Group~~.

4.0 ACCESS TO PERSONNEL FILES

4.1 *Employee Access to Personnel Files*

Employees wishing to view their own personnel file must submit a written request for access to ~~the Human Resource Services Manager~~.

~~The HR Group~~ will provide the employee with a date and time when they are able to view their personnel file. This date will be within 10 days of receipt of the request. Identity must be confirmed when attending to see the personnel file. Employees will be accompanied by a member of ~~the HR Group~~ when attending an appointment to view their personnel file.

No employee is allowed to remove any item appropriately stored in any personnel file and may be subject to formal action if they do so.

Copies of any documents may be made if required and the Council reserves the right to charge for this service in line with the legislation.

4.2 Management Access to Personnel Files

Personnel files of employees may be accessed by those in a management position only in the course of performing their job functions and on a need to know basis.

Managers are entitled to access the personnel files of those for whom they are managerially responsible.

Personnel files should not normally be removed from ~~the HR Group~~ but if a Manager does need to remove a file they must sign for the file and return it within 48 hours.

All files taken from ~~the HR Group~~ must be stored in a secure location.

4.3 Disclosure of Employee Information to Outside Sources

There may be occasions when 'outside bodies' i.e. solicitors, tribunals, insurance companies request details or copies of information held on an individual's file. Information will only be provided to those bodies who have sought the employee's permission or have the Statutory right to such information.

The Council reserves the right to charge for this service.

5.0 INFORMATION THAT WILL NOT BE SUBJECT TO ACCESS

Under the Data Protection Act ~~2018~~1998, employees are not entitled to access information in relation to:

- a) Information that identifies any third party without the consent of that third party (this includes confidential references provided to the Council by others).
- b) Information of a medical nature, except when cleared by a 'health professional' who must confirm that the information to be disclosed does not contain anything which could cause serious physical and/or mental harm to the employee or any other person. Such material will not be disclosed to the employee without medical clearance.

c) personal data processed for management forecasting or planning if disclosure would prejudice the running of the business (such as plans for a forthcoming reorganisation);

d) records of the employer's intentions in relation to negotiations with the data subject if this would prejudice the negotiations; and

e) information that is subject to legal professional privilege

6.0 INCORRECT INFORMATION ON THE PERSONNEL FILE

If an employee disagrees with any information that is held on their personnel file, they must immediately notify either their manager or a member of ~~the HR Group~~. The employee may ask for the information to be corrected, deleted or they may write a file note disagreeing with the said item. The final decision regarding revising, deleting or adding a file note rests with ~~the Human Resource Services Manager~~.

Appendix 2

7.0 REVIEW

The policy will be reviewed on a regular basis in the light of operating experience and/or changes in legislation.