ICO call for views on employment practices

The Information Commissioner is calling for views on data protection and employment practices to help us shape our upcoming guidance products.

We previously published detailed employment practices guidance, including [the employment practices code](https://ico.org.uk/media/for-organisations/documents/1064/the_employment_practices_code.pdf), [supplementary guidance](https://ico.org.uk/media/for-organisations/documents/1066/employment_practice_code_supplementary_guidance.pdf) and the [quick guide](https://ico.org.uk/media/for-organisations/documents/1128/quick_guide_to_the_employment_practices_code.pdf). Much has changed since we published our guidance both in terms of data protection law and the way everyone works.

We are planning to replace our existing guidance with a new, more user-friendly online resource with topic-specific areas. We want to make sure that our new guidance addresses the changes in data protection law, reflects the changes in the way employers use technology and interact with staff and meets the needs of the people who use our guidance products.

The Commissioner is seeking input from relevant stakeholders, including employers, professional associations, those representing the interests of staff, recruitment agencies, employment dispute resolution bodies, workers, volunteers, and employees, as well as suppliers of employment technology solutions. We will use the responses we receive to inform our work in developing this resource. Where we use the term ‘worker’ in this call for views, we are referring to employees, contractors, volunteers, gig and platform workers – as all of these relationships will be covered by our guidance.

You can email your response to [employmentguidance@ico.org.uk](mailto:employmentguidance@ico.org.uk)

Alternatively, print off the document and post to:

Employment Practices Call for Views

Regulatory Assurance

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire, SK9 5AF

If you would like further information on the call for views, please email us at [employmentguidance@ico.org.uk](mailto:employmentguidance@ico.org.uk)

Please send us your views by midnight on **28 October 2021**.

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**Privacy statement**

For this call for views we may publish the responses received from organisations or a summary of the responses. We will not publish responses from individuals. If we do publish any responses, we will remove email addresses and telephone numbers from these responses but apart from this we will publish them in full. Please be mindful not to share any information in your response which you would not be happy for us to make publicly available.

Should we receive an FOI request for your response we will always seek to consult with you for your views on the disclosure of this information before any decision is made.

For more information about what we do with personal data please see our [privacy notice](https://ico.org.uk/global/privacy-notice/).

**Questions**

Q1 We are considering using the content of our existing guidance ‘[The employment practices code](https://ico.org.uk/media/for-organisations/documents/1064/the_employment_practices_code.pdf)’ as the basis on which to produce updated guidance on data protection issues in employment practices.

We are proposing to create employment practices guidance to address changes in data protection legislation and the implications for employment practices, including developments in relevant case law. We think that the new guidance should retain the following topic areas from the code:

* Recruitment, selection and verification
* Employment records
* Monitoring at work
* Information about workers’ health

We also propose to provide other support and resources (including updated data protection and TUPE guidance).

Do you agree with the proposed approach?

Yes

No

Q2 If no, please explain why?

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Q3 Do you have any suggestions about what topic areas the guidance should cover and what areas in particular we should focus on?

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Q4 What changes to data protection law since we published our employment practices code do you think we should focus on in the employment practices guidance? Please provide your answers in relation to each of the following topic areas:

4a) Recruitment, selection and verification

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4b) Employment records

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4c) Monitoring at work

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4d) Information about workers’ health

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4e) Anything else?

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Q5 Apart from recent changes to data protection law, are there any other developments that are having an impact on employment practices that you think we should address in future employment practices guidance? Non-exhaustive examples of such developments could include other legal changes, technological developments, cultural changes, and the impact of the Covid-19 pandemic. Please provide your answers in relation to each of the following topic areas:

5a) Recruitment, selection and verification

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5b) Employment records

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5c) Monitoring at work

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5d) Information about workers’ health

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5e) Anything else?

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Q6 What issues about the following topic areas would you like to see guidance on?

6a) Recruitment, selection and verification

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6b) Employment records

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6c) Monitoring at work

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6d) Information about workers’ health

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6e) Anything else?

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Q7 Are there any case studies or scenarios that you would like to see included in the employment practices guidance? Please provide your answers in relation to each of the following topic areas:

7a) Recruitment, selection and verification

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7b) Employment records

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7c) Monitoring at work

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7d) Information about workers’ health

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7e) Anything else?

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Q8 Do you have any other suggestions for future employment practices guidance?

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**About you**

Q9 Are you answering these questions as?

An organisation/person employing workers

A representative of a professional/industry/trade association or body

An organisation representing the interests of employees, workers, self-employed, etc (eg charity, employment advocacy organisation)

An employment rights professional body or advice service

A trade union

A recruitment agency

 An academic

A supplier of employment technology solutions (eg monitoring software, records management systems, etc.)

An individual acting in a professional capacity

An individual acting in a private capacity (eg someone providing their views as a member of the public)

An ICO employee

Other

If you answered ‘other’ please specify:

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Q10 Please provide the name of the organisation that you are representing.

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Q11 How would you describe your organisation?

Micro-organisation (no more than 10 members of staff)

Small and medium organisation (no more than 250 members of staff)

Large organisation (more than 250 members of staff)

Not applicable

Q12 We may want to contact you about our employment practices guidance and some of the points you have raised. If you are happy for us to do this please provide your email address:

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Thank you for taking the time to share your views and experience.