Consultation:

**Employment practices and data protection: keeping employment records**

Start date: 12 December 2023

End date: 5pm on 5 March 2024

The Information Commissioner’s Office (ICO) is producing an online resource with topic-specific guidance on employment practices and data protection. We are releasing our drafts of the different topic areas in stages and adding to the resource over time. A draft of the guidance on keeping employment records is now out for public consultation.

The draft aims to provide practical guidance about how to comply with data protection law when keeping records about your workers, and to promote good practice.

The public consultation on the draft guidance will remain open until **5pm on 5 March 2024**. We may not consider responses that are received after this deadline. The ICO welcomes feedback on the specific questions set out below.

You can email your response to: employmentguidance@ico.org.uk

Or you can print and post to:

Employment Practices Guidance Team

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

If you would like further information on the consultation, please email the team at employmentguidance@ico.org.uk.

**Privacy Statement**

For this consultation we may publish the responses received from organisations or a summary of the responses. We will not publish responses from individuals acting in a private capacity. 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 a freedom of information 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 information please see our [privacy notice](https://ico.org.uk/global/privacy-notice/responding-to-our-consultation-requests-and-surveys/).

Your views on our draft guidance

Q1 How far do you agree or disagree that the draft guidance is clear and easy to understand?

[ ]  1 – Strongly agree

[ ]  2 – Agree

[ ]  3 – Disagree

[ ]  4 – Strongly disagree

[ ]  5 – Unsure/don’t know

Please give reasons for your choice:

Q2 How far do you agree or disagree that the draft guidance adequately covers the key issues involved in keeping employment records, and the data protection implications of these?

[ ]  1 – Strongly agree

[ ]  2 – Agree

[ ]  3 – Disagree

[ ]  4 – Strongly disagree

[ ]  5 – Unsure/don’t know

Please explain your choice. If you disagree, strongly disagree, or are unsure, please outline what additional areas you would like to see covered:

Q3 How far do you agree or disagree that the draft guidance contains the right level of detail?

[ ]  1 – Strongly agree

[ ]  2 – Agree

[ ]  3 – Disagree

[ ]  4 – Strongly disagree

[ ]  5 – Unsure/don’t know

Please explain your choice. What, if any, changes or improvements would you like to see?

Q4 How easy or difficult is it to find information in the draft guidance?

[ ]  1 – Very easy

[ ]  2 – Easy

[ ]  3 – Difficult

[ ]  4 – Very difficult

[ ]  5 – Unsure/don’t know

Please explain your choice. What, if any, changes or improvements would you like to see?

Q5 Please provide details of any cases, examples, scenarios or online resources involving keeping employment records that would be useful for us to include in the guidance.

Q6 Please provide any other suggestions for the draft guidance on keeping employment records:

Understanding our impact

As part of our work on [measuring impacts](https://ico.org.uk/about-the-ico/our-information/measuring-our-impact/), we would like to understand more about how you think this guidance might impact you, your organisation or wider society.

Q7 Are you responding to this consultation on behalf of an organisation?

[ ]  Yes

[ ]  No

If no, please skip to Q13.

Q8 Who in your organisation would you expect to read the guidance? (Please provide job titles or roles and how many people in those roles would be expected to read it, not people’s names)

Q9 To what extent (if at all) do data protection issues affect strategic or business decisions within your organisation?

[ ]  Data protection is a major feature in most of our decision making

[ ]  Data protection is a major feature but only in specific circumstances

[ ]  Data protection is a relatively minor feature in decision making

[ ]  Data protection does not feature in decision making

[ ]  Unsure/don’t know

Q10 Do you think the draft guidance on keeping employment records would result in additional costs or benefits to your organisation? (These could be financial or non-financial and might include staff time)

Please select the most relevant option below:

[ ]  cost(s) or burden(s)

[ ]  benefit(s)

[ ]  both

[ ]  neither

[ ]  Unsure/don’t know

if you answered neither or unsure/don’t know, please skip to Q13

Q11 Please describe the types of additional costs or benefits you might incur?

Q12 If possible, please provide a rough estimate of the costs or benefits you are likely to incur and briefly outline how you have calculated these?

Q13 Please provide any additional evidence or information you would like us to consider on the potential impact of the guidance on you, your organisation or wider society in the box below. This could include a description, links to other sources, or contact details where we can reach you to discuss further.

About you

Q14 How did you find out about this consultation?

[ ]  ICO website

[ ]  ICO Twitter account

[ ]  ICO Facebook account

[ ]  ICO LinkedIn account

[ ]  ICO staff member

[ ]  ICO newsletter

[ ]  Colleague from your organisation

[ ]  Person outside of your organisation

[ ]  Other

If other please specify:

Q15 Who are you responding as? (please tick all that apply)

[ ] an organisation or person employing workers

[ ] a recruitment agency

[ ] a representative of a professional, industry or trade association

[ ] an organisation representing the interests of employees, workers, self-employed (eg charity, employment advocacy organisation)

[ ] an employment rights professional body or advice service

[ ] a trade union

[ ] an academic

[ ] a supplier of employment technology solutions (eg monitoring software or HR systems)

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

[ ] an ICO employee

[ ] other

If other please specify:

If you are responding only as an individual acting in a private capacity, please skip to Q 18

Q16 Please provide the name of your organisation:

Q17 What is the size of your organisation?

[ ] Micro-organisation (less than 10 members of staff)

[ ] Small or medium organisation (10-249 members of staff)

[ ] Large organisation (250 members of staff or above)

[ ] Not applicable or not sure

Q18 Finally, 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 an email address:

Thank you for taking the time to complete this survey.

Please email your response to: employmentguidance@ico.org.uk

Or you can print and post to:

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