

## APPENDIX 1.

### Employee Protection Register – Guidance on Elected Member Access

#### Background

The Employee Protection Register is managed by the Health and Safety Officer in HR and Payroll and its purpose is to protect employees of the Council. The register forms part of the Employee Protection and Lone Working Policy agreed by members in February 2011. Section 2 of the policy states it is the responsibility of the H& S Officer to:

- Revise and keep updated the employee protection register, a database containing information on persons or locations considered to present significant and verifiable risk to employee and ensure it remains relevant to employee needs.

#### Data Protection

Under the Data Protection Act 1998 the Employee Protection Register is a relevant filing system and involves the processing of customer data. Its use is strictly controlled, as registers such as these have the potential if not properly managed to be 'unlawful' under Data Protection. Data has to be verified as accurate otherwise it would be classed as unauthorised processing; **similarly each case is regularly reviewed to ensure it remains relevant.** 'Warning flags' are placed on departmental computer systems to alert supervisors of a potential issue at a property. The register is password protected and sent out on a need to know basis to a small number of middle managers dealing directly with the public.

In addition letters have to be sent to anyone who is placed on the register and letters are sent when they are removed from the register. Those on the register can appeal and challenge the decision; they can complain to the Information Commissioners Office (ICO) that their data is being processed unlawfully. Data on the register is subject to release if a subject access request is received from the named person. The register is maintained as an electronic document to secure the content. Employees can be disciplined for any unlawful breach of the register.

#### Elected Member Access

To protect their health and safety Members are encouraged to ask officers to check the register each and every time before visiting a property. There is no data protection issue if an officer checks a property address or person on the register on behalf of that Member. In general Members are only entitled to check addresses within the ward that they serve although Cabinet members with portfolios which require them to conduct site/home visits are entitled to check specified addresses across the whole register.

Access during normal working hours will be through Contact Centres via the phone or face-to-face. On being given an address the Customer Advisor will check the register and verbally provide any information pertinent to that property only. Customer Advisors should not allow members to view the register or provide a copy of the register to Members as this would breach Data Protection. Wherever possible the Contact Centre service should be the recommended access route. We accept though that some Members do visit customer properties out of normal working hours on short notice in emergencies. As such Members can contact Central Control who have 24/7 access to the register on 01246 242309. Contact to Central Control should only be used to make enquiries in an emergency as to not distract them from their core function of protecting vulnerable residents within our

community. In all other cases visits should be planned in advance to enable the Member to use the Contact Centre service.

Any information from the register that is verbally given to Members is provided in the strictest confidence and should not be shared with any other officer/member or any third party (including the police) without the approval of a senior officer (Head of Housing/ Assistant Director level or above). To do so maybe a breach of the Data Protection Act.

#### Member Feedback

If, during a visit, an elected member experiences any behaviour that causes concern (**e.g. abusive language/behaviour towards a member, threats of violence towards officers/members**) this should be reported to the Health and Safety Officer as soon as practical, **who will then assist Members in completing the appropriate paperwork.**

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