

General Data Protection Regulations (GDPR)

Are you concerned the processing of monitoring information may be a breach of the EU General Data Protection Regulation (GDPR) which comes into force on 25 May 2018?

Processing [monitoring information](#) is done to comply with the Fair Employment legislation¹ and the consent of individual applicants or employees is not required.

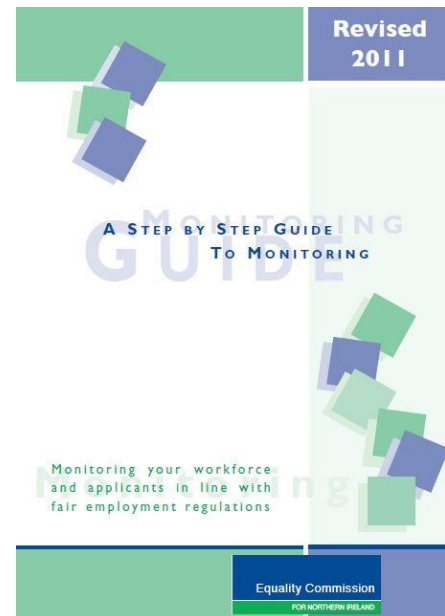
Employers are obliged to keep written information relating to monitoring for a period of 3-years after the application is made or 3-years after an employee leaves employment, whichever is longer.

The Commission's Step by Step Guide sets out the information that registered employers are required to process including a copy of the monitoring questionnaire.

A free copy of the Step by Step Guide is [available online](#) or email edenquiries@equalityni.org for a hard copy publication.

The Information Commissioners Office (ICO) can provide further information on the GDPR and has an online checklist for employers <https://ico.org.uk/for-organisations/resources-and-support/data-protection-self-assessment/records-management-checklist/>.

Advice & Compliance
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ⁱ [Article 6 \(1\) \(c\) of GDPR](#) states that that in relation to the processing of personal data consent is not required from an individual where the processing is in order to comply with a legal obligation.

[Article 52 of the Fair Employment and Treatment \(Northern Ireland\) Order 1998](#) requires registered employers to prepare for each year and serve on the Commission a monitoring return which contains such information about the employees of the employer and those applying for employment in the concern as may be prescribed in the Regulations.

[The Fair Employment \(Monitoring\) Regulations \(Northern Ireland\) 1999](#) set out in Schedule 1 the prescribed information. [Regulation 17](#) obliges an employer to keep written information relating to monitoring for a period of 3 years after an employee leaves employment. [Regulation 18](#) relates to applicant monitoring information and obliges the employer to retain that information for a period of 3 years after the application is made.