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 legislation 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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Article 6 (1) (c) of GDPR states 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.