

Payroll and GDPR

Background on GDPR...

GDPR effective May 25th 2018 for any EU company that process personal data - even if the processing takes place outside of the EU.

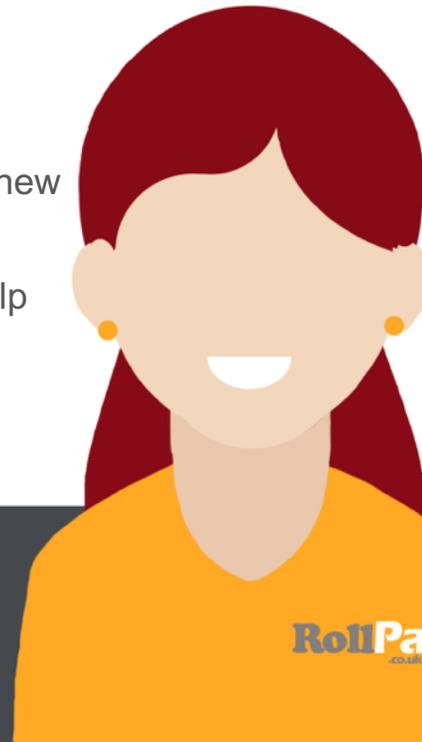
Whilst GDPR is new it's only really updating the current legislation set in the Data Protection Act of 1998 to bring it inline with the changes in technology and how we now handle personal data.

We're going to cover in this guide;

- **Data Controller or Processor**
- **Emailing payslips**
- **Data subject rights explained**

GDPR is going to change the way payroll is processed.

RollPay assumes responsibility for all our clients with the new Legislation. If you're unsure if you're meeting your GDPR obligations please contact us today to see how we can help you.



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Data Controller or Processor?

Which one are you?

Well you could be both... you should consider the below points and whether it applies to your internal payroll and data processing or that of your clients.

Data Processor - RollPay is a data processor and as such takes full responsibility for this role for all our clients. The data processor is a person or organization who deals with personal data as instructed by a controller for specific purposes and services offered to the controller that involve personal information.

Data Controller - The controller is simply the organization or person who disposes of personal data for lots of different reasons including payroll. This will more than likely be the 'end employer' for the majority of our clients.

Consent explained

Do you need consent from employees to provide them with a payslip?

You are legally required to provide an employee with a written pay statement on or before payday (Employment Rights Act 1996), this legal requirement precedes the need for employees to consent to you processing their data for the purposes of producing a payslip.

You'll need to demonstrate you've been GDPR Compliant in the event of an investigation by the ICO.



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Payslips

Payslips contain personal information so GDPR will apply to the delivery of payslips

Security of personal data

Article 32

Security of processing

1. Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, including inter alia as appropriate:

The key part of the legislation here is **“appropriate technical and organisational measures to ensure a level of security appropriate to the risk”** is without question open to interpretation.

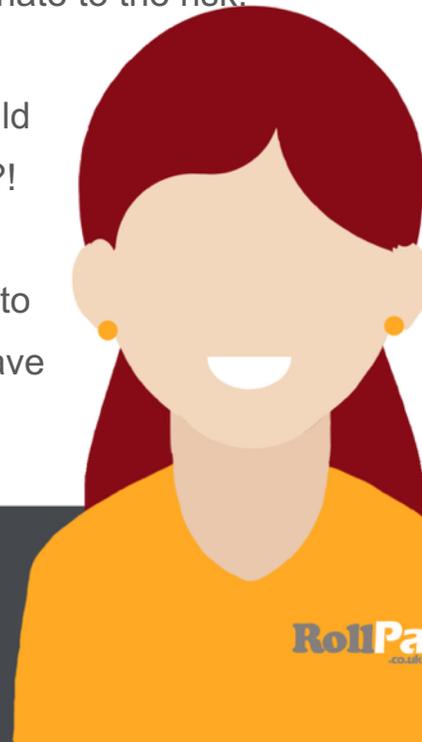
So, can you continue to email payslips?

There's nothing in the legislation to suggest you cannot, you just must show that you've taken a reasonable amount of security appropriate to the risk.

Could you password protect the payslip for example?

Would that be a reasonable amount of security? How would you then send the password to that employee? email it...?!

In the event of any breach or audit by the ICO you'll need to be able to demonstrate that you or your data processor have been compliant with GDPR.



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The 8 rights explained...

Data subjects rights (for RollPay this means the employees we process)

Under the regulations there are rights that must be adhered to for data subjects.

When RollPay process the payroll for your clients this data subject would be the end employers employees.

Right to access - the right to know whether data concerning him or her are being processed and if so, access it.

Right to be informed - in general, the GDPR asks controllers to inform data subjects on who has got their data, where feasible.

Right to Rectification - when personal data is inaccurate, controllers need to correct it.

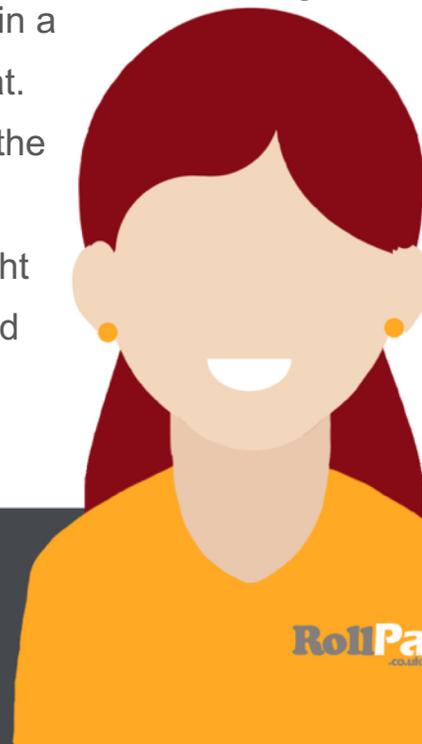
Right to erasure - if personal data has been made public there is a right to erasure.

Right to restrict processing - to limit the processing of his/her personal data.

Right to data portability - the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format.

Right to object - data subjects can say they don't want the personal data processing to be done or going on.

Rights on automated processing - the data subject right not to be subject to a decision based solely on automated processing, including profiling.



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RollPay Services ...



Industry leading White label payroll

Outsourcing to RollPay - Under the GDPR regulations RollPay take full responsibility as a data processor giving you complete peace of mind that your obligations are being met.

Our white label service is a cloud based payroll processing service.

We act as a silent partner so your clients never need to know of our involvement. It's secure and off site based in the cloud.



An entire team at your disposal

All payroll is produced in our Derbyshire office - fully branded to your business.

With none of our branding it maintains your professional image without the cost of employing a payroll clerk or expensive payroll software.



your own phone number with correct area code and email



payroll expertise including umbrella, CIS, PAYE, Bureau



we process all payroll, including payslips, RTI, auto enrolment

Talk to us today to see how we can help you meet your GDPR obligations 0800 1310131 or sales@rollpay.co.uk



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