



GDPR and ESF

Department for Work and Pensions (DWP) ESF Managing Authority is the controller for all personal data required to help deliver the ESF programme under the terms of its ESF Funding Agreement. Some organisations may collect other/additional data about their participants that is not essential for delivering the ESF programme. The ESF Managing Authority is not the controller for such additional data. In this scenario, individual organisations must ensure they understand and are compliant with their responsibilities under GDPR as the data controller.

ESF Data Retention Periods

The requirements for data retention for ESF projects remain the same. All supporting evidence must be retained along with evidence relating to invoice(s), management information and all other documentation relevant to delivery of the subcontract (including state aid forms) until at least 31 December 2034.

The lawful basis for controlling or processing personal data under ESF

The DWP ESF Managing Authority, will be processing personal data in the ESF programme according to the following lawful basis - **Article 6 (1) (e) GDPR** 'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'.

The lawful basis for controlling or processing 'special category' data under ESF (e.g. health, ethnicity)

Article 9(2) (b) GDPR

This article of the GDPR provides DWP with the lawful basis for processing 'special category' (sensitive) data:

"processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of **employment and social security and social protection law** in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;"

ESF participants **cannot** claim the following rights in terms of ESF personal data:

- Right to erasure ("right to be forgotten")
- Right to portability of their data

However, individuals do have a right to object to their data being processed.

Privacy notices relating to ESF

Projects will need to make use of DWP's privacy notice as published in the DWP's personal information charter for all ESF personal data only. ESF participants should also be made aware of the contents of the DWP's personal information charter in relation to all ESF personal data held about them (and this should include a web link or similar to the full site). The URL for the DWP personal information charter is www.gov.uk/dwp/personal-information-charter