



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Press Release

Date: 4 June 2008

ICO issues new guidance on transfer of employee information

The Information Commissioner's Office (ICO) has today published new [guidance](#) to help organisations comply with the Data Protection Act when providing information about their employees under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE).

TUPE ensures that employees' terms and conditions of employment are preserved when a business or undertaking is transferred to a new employer. To achieve this, TUPE requires that certain information is provided to the new employer before the transfer takes place. This will include details of pay, contracted hours, holiday entitlement and any details of disciplinary or grievance action relating to that employee. The Data Protection Act does not prevent the transfer of this information as it is a requirement by law. However, both parties must comply with the Act when handling the information, for example ensuring it is accurate, up-to-date and secure.

Phil Jones, Assistant Commissioner at the ICO, said: "Organisations should consider their data protection obligations early in the transfer process and only transfer the information required by the new employer. Additionally, if not prevented by insider trading restrictions, employees should be told that their information is going to be passed on."

A [copy of the guidance](#) can be downloaded from the ICO website.

ENDS

If you need more information, please contact the Information Commissioner's press office on 020 7025 7580 or visit the website at: www.ico.gov.uk

Notes to Editors

1. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
2. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
3. Anyone who processes personal information must comply with eight principles, which make sure that personal information is:
 - Fairly and lawfully processed
 - Processed for limited purposes
 - Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept for longer than is necessary
 - Processed in line with your rights
 - Secure
 - Not transferred to other countries without adequate protection
4. The website also carries copies of other good practice and technical guidance notes in this series. These include:
 - a. Subject access and third party information
 - b. CCTV
 - c. Subject access and employment references
 - d. Pension trustees
 - e. Professionals' opinions
 - f. Buying and selling databases
 - g. Outsourcing
 - h. Exam guidance
 - i. Privacy Enhancing Technologies
 - j. Council tax information
 - k. Information on the electoral register