

## **Gloucestershire Health and Care NHS Foundation Trust Applicant and Staff Privacy Notice**

**This also applies to Herefordshire Mental Health and Learning Disability Services**

This Privacy Notice explains how and why the Trust, as a Data Controller, collects and uses information about prospective, current and former staff employed by the Trust.

The term 'staff' includes job applicants, employees, workers, (including agency, casual and contracted staff), volunteers, trainees, apprentices, and those carrying out work experience. This notice is supported by other notices on the staff intranet which explain in more detail how your information is handled in relation to specific functions such as training, or library membership.

This Privacy Notice provides a summary of:

- What information we collect about you
- Why we collect your information
- What legal basis we rely on to handle your information
- Whom we might share your information with
- Where and for how long we keep your information
- What rights you have in connection with that information
- How the Trust ensures information is used appropriately
- What to do if you have concerns about the use of your information

### **1. What information do we collect about people who work for us?**

Information which this Trust collects and holds about you may include the following:

- Contact details such as names, addresses, telephone numbers
- Emergency contact(s)
- Education and training records, including any exemptions from mandatory training
- Employment records (including professional membership, references and proof of eligibility to work in the UK, and training and employment records from other NHS bodies where applicable)
- Bank details
- Pension details
- Personal demographics (including gender, race, ethnicity, sexual orientation, religion)
- Medical and other occupational health information including physical or mental health condition
- Information relating to health and safety
- Trade union membership
- Offences (including alleged offences), criminal proceedings, outcomes and sentences and any information that may appear on a DBS certificate
- Employment Tribunal applications, complaints, accidents, and incident details

### **2. Why do we collect your information?**

The Trust collects this information for the purposes of:

- the administration of prospective, current and past employees including self-employed, contract personnel,

temporary staff or voluntary workers, including payment of salaries

- the recruitment and selection process;
- planning and management of the Trust's workload or business activity including work planning/rostering;
- occupational health;
- administration of agents or other intermediaries;
- pensions administration;
- disciplinary matters, staff disputes, employment tribunals;
- staff training and development;
- ensuring staff are appropriately supported in their roles;
- vetting checks;
- assessing the Trust's performance against equality objectives as set out by the Equality Act 2010.

Your information may also be collected for other purposes that you should be aware of, such as CCTV recordings used for crime prevention, or if you make a complaint/enquiry or if you complete a survey.

### **3. What is our legal basis for using your information?**

The Trust will not collect, hold or otherwise process your information unless it has a legal basis to do so.

The legal bases we rely on to process the types of information above are:

- For the performance of a contract;
- To comply with legal obligations

### **4. Whom might we share your information with?**

The Trust will make some statutory and routine disclosures of personal data to third parties where appropriate. These third parties include:

- Pension schemes – including NHS Business Services Authority, and providers of any private pension you may subscribe to
- Gloucestershire Financial Shared Services (for payroll purposes)
- Trade unions
- Potential employers (for example where a reference is requested)
- New employers within the NHS (where an employee moves to another post within the NHS we will forward employment and training records to that employer)
- Benefits Agency as required by the Social Security Administration Act 1992
- Child Support Agency as required by the Child Support Information Regulations 2008 (no.2551)
- UK Visas and Immigration
- HM Revenue and Customs (HMRC)
- Disclosure & Barring Service
- Central government, government agencies and departments
- NHS Counter Fraud
- Professional and regulatory bodies including the Nursing and Midwifery Council, Health and Care Professions Council and the General Medical Council
- Educational, training and academic bodies
- Financial institutions (for example, your bank)

There are exceptional circumstances whereby the Trust may share information about you without your knowledge, for example, in an emergency where you or someone else might suffer substantial harm or

distress, where it relates to a 'communicable disease' or a serious crime, or if information is required by law (such as a court order).

#### **5. Where is my information stored, and how long is it kept for?**

All your information is stored in the UK. Most of that information is stored electronically on the Electronic Staff Record (ESR) system, or on other systems (such as payroll) operated by the partner organisations with which we share your information, or other systems such as e-rostering systems, e-expenses systems, our occupational health system e-OPAS, and our training and development system. Other information will be held in hard copy, such as in your personal file which your manager will hold.

We keep your information only for as long as it is needed for the purpose for which it was collected.

You can find further information about how long the Trust must keep various types of information here (this will take you to a website provided by the Information Governance Alliance – see 'Records Management Code of Practice for Health and Social Care 2016').

#### **6. What are my rights?**

The Data Protection Act gives you certain rights in respect of the information we hold about you. However, the Trust may refuse your request (in full or in part) where there is a legal basis to do so, and you will be notified of this.

See below for further information about each of your rights.

#### **7. How can you request a copy of information that we hold about you?**

You are entitled to a copy of information that we hold about you. Normally this is available to you free of charge, but we may charge a reasonable fee to cover administrative costs such as copying, or if you request another copy of the same information.

We must provide you with the requested information (where it is appropriate to do so) within 1 month once we have sufficient details to be able to process the request. However, we may extend this period for a further 2 months if the request is particularly complex. We may also refuse to respond to requests which are bulky, complex or repetitive.

If you work for the Trust, to get a copy of the information we hold about you, you should ask your line manager. If you are an unsuccessful applicant for a post within the Trust, or you no longer work for the Trust, you should write to the HR Team at [recruitment@ghc.nhs.uk](mailto:recruitment@ghc.nhs.uk)

#### **8. Object to the Trust using your personal data**

You have the right to object to us using/sharing your information, however, there is no automatic right to prevent us using/sharing your information.

Objections will be considered and you will be notified of our decision and the reason for it.

If we have asked for your consent to collect and use some of your information, you have the right to withdraw that consent at any time.

If you want to object to our using your information, you should contact your line manager, or write to the HR Team at [recruitment@ghc.nhs.uk](mailto:recruitment@ghc.nhs.uk)

## 9. Ask to have your personal data corrected

You are entitled to have personal data corrected if it is inaccurate or incomplete.

We must respond to your request to correct data within 1 month. However, we may extend this period by up to a further 2 months for complex requests.

We may refuse the request if we believe the information is accurate/complete or there is a legal basis to do so. If that is the case, you will be notified of this. You have the right to complain to the Information Commissioner's Office and to seek correction by order of a Court.

If you believe your information is inaccurate or incomplete, you should contact your line manager to ask for it to be corrected, or write to the HR Team at [GHCWorkforceTeam@ghc.nhs.uk](mailto:GHCWorkforceTeam@ghc.nhs.uk)

## 10. Block the use of your personal data

You can ask us to block the use of your personal data in some circumstances:

- Where you think your personal data is incorrect.
- Where you have objected to us using your personal data.
- When our use of your personal data is unlawful but you don't want us to erase your data completely.
- If we no longer need the personal data but you need us to keep it in connection with a legal claim?

Where use of your information is blocked temporarily (for example while we check whether it is accurate) we will inform you when that block is lifted.

If you want to block the use of your information, you should contact your line manager, or write to the HR Team at [GHCWorkforceTeam@ghc.nhs.uk](mailto:GHCWorkforceTeam@ghc.nhs.uk)

## 11. Ask to have your personal data erased

This is more commonly known as the 'right to be forgotten'. You may ask to have your data erased where:

- It no longer needs to be kept by us (when it has gone beyond the minimum retention period)
- Where you withdraw your consent or object to the use of your data and there is no requirement for us to retain the data
- It has been used unlawfully
- There is a legal obligation that we must comply with

We may refuse your request (in full or part) where there is a legal basis to do so. If that is the case, you will be notified of this.

To ask for your data to be erased, you should contact your line manager, or write to the HR Team at [GHCWorkforceTeam@ghc.nhs.uk](mailto:GHCWorkforceTeam@ghc.nhs.uk)

## 12. How you can be sure we handle your information properly

It is a legal requirement to ensure that all information about you is kept confidential.

The Trust has to complete a Data Security and Protection declaration for NHS Digital every year, and the Trust Board also has to make a declaration to its regulator, NHS Improvement, that the Trust complies with the National Data Security Standards.

The Trust has policies and procedures to make sure that staff know how to handle your information properly, and keep it confidential.

Our staff only look at your information when it is absolutely necessary.

Staff have to complete data security training once a year to make sure that they understand what is required of them. Staff also have regular training so that they understand how to use computerised record systems.

However your information is stored, we ensure that there are adequate organisational and technical security measures in place (such as policies and procedures, secure electronic storage, and electronic access controls) to keep that information confidential, and that access to this information is strictly limited to those people who need it.

### **13. What to do if you have concerns about the use of your information**

You should speak to your line manager in the first instance. You can also contact the Trust's Data Protection Officer at:

[information-freedom@ghc.nhs.uk](mailto:information-freedom@ghc.nhs.uk)

If we can't resolve your concern, you have the right to lodge a complaint with the Information Commissioner's Office.