
Staff privacy notice - General Data Protection Regulation (GDPR)

Privacy Notice – Employment Records

What is a Privacy Notice?

A “privacy notice” is a statement issued by an organisation which explains how personal and confidential information about patients, service users, staff and visitors is collected, used and shared. This may also be called a privacy statement, fair processing statement or privacy policy. This privacy notice is issued by Wirral Community Health and Care NHS Foundation Trust (the Trust) as a healthcare provider, and covers the information we hold about applicants, employees (and former employees), workers (including agency, casual and contracted staff), apprentices, honorary contract workers, trainees, volunteers, students and those carrying out work experience. A separate privacy notice is available for information we collect about patients and other individuals that may use our services.

Data Controller

The Trust are registered as a Data Controller with the Information Commissioner’s Office (ICO) our registration number is Z2567487.

Address: Wirral Community Health and Care NHS Foundation Trust, Derby Road, Birkenhead, Wirral, CH42 0LQ Telephone: 0151 514 2888

Why are we issuing a Privacy Notice?

By issuing this privacy notice, we demonstrate our commitment to openness and accountability. We recognise the importance of protecting personal and confidential information in all that we do, and take care to meet our legal and other duties, including compliance with the following:

- Data Protection Act 2018
- Human Rights Act 1998
- Access to Health Records Act 1990
- Health and Social Care Act 2012, 2015
- Public Records Act 1958
- Copyright Design and Patents Act 1988
- Re-Use of Public Sector Information Regs 2004
- Computer Misuse Act 1990

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- Common Law Duty of Confidentiality
- NHS Care Records Guarantee for England
- Social Care Records Guarantee for England
- International Information Security Standards
- Information Security Code of Practice
- Records Management Code of Practice
- Accessible Information Standards
- General Data Protection Regulations 2018

How do we collect your information?

Your information could be collected in a number of different ways. This could be directly from you in person, via the telephone or on a form that you have completed ie, job application, contractual documentation or timesheet. Details may also come from an external source such as NHS jobs, your professional body, current or previous employers, the Disclosure and Barring Service, or government bodies like HM Revenue and Customs, the Department for Work and Pensions, or the UK Visas and Immigration.

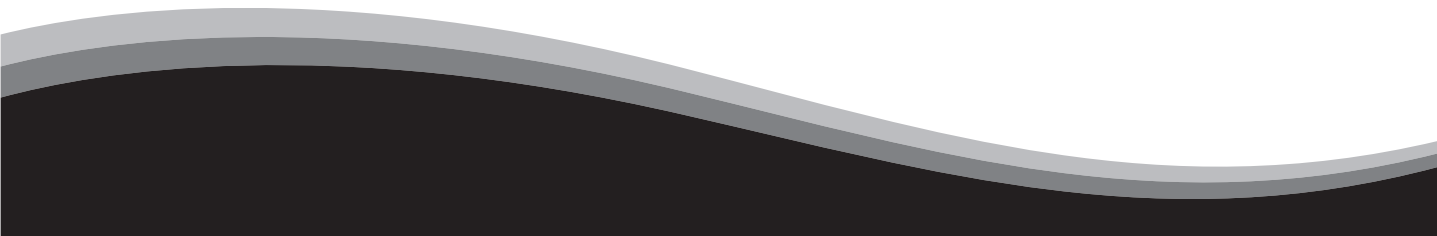
What types of personal or special category data do we handle?

In order to carry out our activities and obligations as an employer we handle data the following information:

- Personal demographics (including gender, race, ethnicity, sexual orientation, religion)
- Contact details such as names, addresses, telephone numbers and Emergency contact(s)
- Employment records (including professional membership, references, and proof of eligibility to work in the UK and security checks)
- Bank details and salary/wages, as well as pension, tax and national insurance details
- Medical information relevant to your employment, including physical health, mental health and absence history
- Information relating to health and safety at work
- Trade union membership
- Offences (including alleged offences), criminal proceedings, outcomes and sentences
- Information relating to employee relations (ie, disciplinary proceedings, grievances and complaints, tribunal claims, etc.)
- Visual images, personal appearance and behaviour, eg, CCTV images are used as part of the building security

Our staff are trained to handle your information correctly and protect your confidentiality and privacy. We aim to maintain high standards, adopt best practice for our record keeping and regularly check and report on how we are doing.

Your information is never collected or sold for direct marketing purposes. Your information is not processed overseas.



What is the legal basis for processing my information?

For entering into and managing contracts with the individuals concerned, for example our employees, the legal basis is UK GDPR Article 6(1)(b) – ‘processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract’.

Where we have a specific legal obligation that requires the processing of personal data, the legal basis under the UK GDPR is:

- Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject’.

For other processing of personal data about our employees, our legal basis under the UK GDPR is:

- Article 6(1)(e) – ‘...exercise of official authority...’.

Where we process special categories data for employment purposes the condition is:

- Article 9(2)(b) – ‘...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...’.

For the processing of information about the health of our workforce, the legal basis under the UK GDPR is:

- Article 9(2)(h) – ‘...processing is necessary for the purposes of preventive or occupational medicine... assessment of the working capacity of the employee...the provision of health or social care...’

How do we use your information and why is this important?

The Trust uses staff data for all purposes associated with the administration of the employer/employee relationship and to meet our legal obligations. The purposes for which we may use staff data include:

- Processing your recruitment application and correspond with you in relation to Trust vacancies
- Maintaining staff records
- Recruitment and selection
- Managing Human Resource employment matters (eg, promotion, training and development, conduct, attendance, appraisals, management progress, grievances, misconduct investigations, disciplinary actions and complaints)
- Administering finance (eg, salary, pension and staff benefits)
- Complying with visa requirements
- Providing facilities such as IT/system access, library services and car parking
- Monitoring equal opportunities
- Preventing and detecting crime, such as using CCTV and using photo’s on ID badges
- Providing communication about the Trust, news and events
- Maintaining contact with past employees

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- Provision of wellbeing and support services
- Compliance with legal obligations such as making external/statutory returns to NHS England, sharing information with HMRC and ensuring medicated vaccination status is maintained.
- Carrying out research, surveys and statistical analysis (including using third party data processors to carry out the national staff survey)
- To enrol you as a Foundation Trust member
- Carrying out audits
- To issue text message reminders of trust appointments ie, Occupational Health appointments or training reminders
- Meeting recording using MS Teams (please note that where meetings are being recorded an 'information banner' will be displayed on MS Teams) the meeting chair may also verbally inform the attendees

The Trust processes special category data for a number of administrative purposes:

- Equal opportunities monitoring
- Managing Human Resources processes such as administering sick pay and sick leave, managing absence, administering Maternity Leave and associated pay schemes
- Managing a safe environment and ensuring fitness to work
- Managing obligations under Equal Opportunities Legislation
- Provision of Occupational Health and Wellbeing service to individuals including that related to your Covid and Flu vaccination status.
- Payment of trade union membership fees

How do we share your information with third parties?

The Trust may disclose personal information with a variety of recipients including:

- Our employees, agents and contractors where there is a legitimate reason for them receiving the information
- Current, past or potential employers of our staff to provide or obtain references
- Professional and regulatory bodies (eg, Nursing and Midwifery Council (NMC), Health and Care Professions Council (HCPC), General Medical Council (GMC)) in relation to the confirmation of conduct including complaints, job description and information provided as part of the recruitment process.
- Government departments and agencies where we have a statutory obligation to provide information (eg, HMRC, NHS Digital, Department of Health and the Home Office)
- The Disclosure and Barring Service (DBS) and DBS Update Service where we require a DBS check for certain roles
- Third parties who work with us to provide staff support services (eg, counselling)
- Crime prevention or detection agencies (eg, the police, security organisations, department for works and pensions and local authorities)

- Internal and external auditors
- Debt collection and tracing agencies
- Courts and tribunals
- Trade union and staff associations
- Survey organisations for example for the annual staff survey

All disclosures of personal data are considered on a case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances and with the appropriate security controls in place. Information is only shared with where there is a “legal basis” for doing so or where you have consented to the disclosure of your personal data to such persons.

Sharing information with the NHS Business Service Authority

The Trust also shares employee records information with: NHS Business Services Authority. The information which you provide during the course of your employment (including the recruitment process) will be shared with the NHS Business Services Authority for maintaining your employment records, held on the national NHS Electronic Staff Record (ESR) system.

On commencement of employment with the organisation, your personal data will be uploaded into the ESR system. ESR is a workforce solution for the NHS which is used by the organisation to effectively manage the workforce leading to improved efficiency.

In accepting employment with the organisation, you accept that the following personal data will be transferred in accordance with streamlining staff movement principles, if you accept an offer with another NHS organisation, or your employment transfers or is seconded to another NHS organisation the following information will be shared:

- Personal data eg, name, DOB, address, NI Number, to enable the new NHS employer to verify who you are
- Employment Information eg, your position, salary, grade, employment dates, dates of any sickness (excluding absence reasons), to enable you to be paid correctly and the new employer to calculate appropriate NHS entitlements for annual leave and sickness
- Training compliance / competency dates, to reduce the need to repeat nationally recognised training and statutory and mandatory training

This information will be shared via the Inter Authority Transfer (IAT) which is the secure process where information is transferred from one NHS employer to another.

National Fraud Initiative

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, contact your Local Anti-Fraud Specialist.

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International Transfers

We outsource a limited number of administration and IT support services to external organisations.

These companies are based within the European Economic Area and all services are provided under specific contractual terms, which are compliant with UK data protection legislation.

Only organisations with a legitimate requirement will have access to your information and only under strict controls and rules.

We will not sell your information for any purpose and will not provide third parties with your information for the purpose of marketing or sales.

How long do we keep your information?

Your information is kept in accordance with the Records Management Code of Practice for Health and Social Care.

This is available from – [NHSX_Records_Management_CoP_V7.pdf](#) (england.nhs.uk)

Individual Rights

Data Protection law gives individuals rights in respect of the personal information that we hold about you. These are:

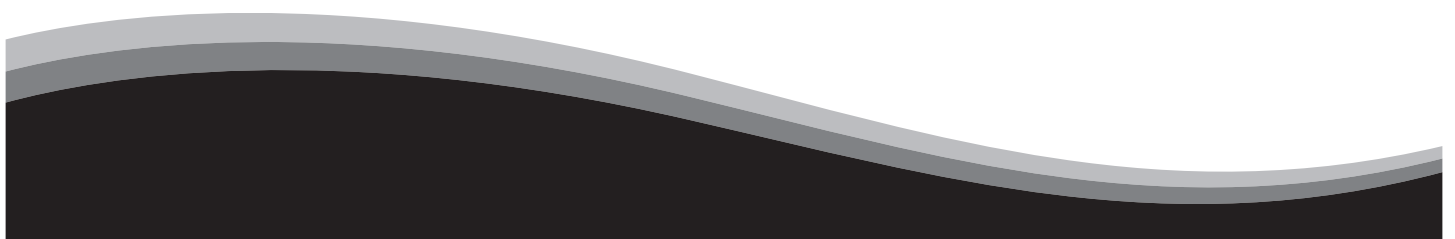
- To be informed why, where and how we use your information
- To ask for access to your information
- To ask for your information to be corrected if it is inaccurate or incomplete
- To ask for your information to be deleted or removed where there is no need for us to continue processing it
- To ask us to restrict the use of your information
- To ask us to copy or transfer your information from one IT system to another in a safe and secure way, without impacting the quality of the information
- To object to how your information is used
- To challenge any decisions made without human intervention (automated decision making)

How do I access my employment record?

You have the right to see your employment record and receive a copy. Any requests for access to your employment record should be forwarded on to: wcnt.HRDivision@nhs.net

Is there any automated processing of your information?

Automated decision making is the use of computer systems or definitions to apply rules to data in order to determine an outcome – credit ratings are an example of automated decision making. The Trust does not use automated decision making as all decisions have human intervention.



What if I have concerns about the use of my information?

Should you have any concerns or queries regarding the information we hold about you, please contact our Data Protection Officer:

Email: wcnt.dpo@nhs.net

Tel: 0151 514 2888

If you are still unhappy with the outcome of your enquiry you can write to:

The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Telephone: 01625 545700

If you would like this information in another format or language, please contact the Your Experience Team on freephone 0800 694 5530. Alternatively you can email wcnt.yourexp@nhs.net

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