



## Privacy Notice - Employment Records

### 1. What is a privacy notice?

A Privacy Notice is a statement by the Trust to staff that describes how we collect, use, retain and disclose personal information which we hold. It is sometimes also referred to as a Privacy Statement, Fair Processing Statement or Privacy Policy.

This Privacy Notice includes applicants, employees (and former employees), workers (including agency, casual and contracted staff), volunteers, trainees and those carrying out work experience.

This privacy notice is part of our commitment to ensure that we process your personal information/data fairly and lawfully.

A separate Privacy Notice is in place for Occupational Health Information.

### 2. Why issue a privacy notice?

Barnsley Hospital NHS Foundation Trust recognises the importance of protecting personal and confidential information in all that we do and takes care to meet its legal and regulatory duties. This notice is one of the ways in which we can demonstrate our commitment to our values and being transparent and open.

This notice also explains what rights you have to control how we use your information.

### 3. Security of Information

During the course of its employment activities, Barnsley Hospital NHS Foundation Trust collects, stores and processes personal information about prospective, current and former staff in both electronic and paper formats.

We recognise the need to treat staff personal and sensitive data in a fair and lawful manner. No personal information held by the Trust will be processed unless the requirements for fair and lawful processing can be met.

This data is used by limited staff in the course of their work for legitimate reasons and is not processed, transmitted or stored outside of the UK.

We take our duty to protect personal information and confidentiality very seriously. We are committed to complying with all relevant legislation and to take all reasonable measures to ensure the confidentiality and security of your personal data for which we are responsible.



At Trust Board level, we have appointed a Senior Information Risk Owner who is accountable for the management of all information assets i.e. computer systems and any associated risks and incidents.

The Trust also has a Data Protection Officer who assists the organisation by providing independent specialist advice on data protection obligations and impact assessments as well as the primary contact for data subjects which includes staff members.

#### **4. Legal basis for processing Data**

The General Data Protection Regulation (GDPR) 2018 requires the Trust to process:

Personal data under 6(1)(e) "Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Trust (Data Controller)"

#### **5. What types of personal data do we process?**

In order to carry out our activities and obligations as an employer we handle data in relation to:

- Personal demographics (including gender, race, ethnicity, sexual orientation, religion and disability)
- Contact details such as names, addresses, telephone numbers and Emergency contact(s)
- Employment records (including professional membership, qualifications, references and proof of identity and eligibility to work in the UK)
- Bank details
- Photographs
- Pension details
- Occupational health questionnaire regarding your fitness to work
- Information relating to health and safety
- Trade union Information
- Disclosure and Barring Service Information
- Employment Tribunal Information, complaints, accidents and incident details
- Access to Records requests
- Training Records
- Employee relations records including sickness absence, disciplinary and grievance details.

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.



## 6. What is the purpose of processing data?

We may use a variety of means, including questionnaires, forms, direct questioning, requests from third parties. Information may be collected by telephone, face-to-face, paper or electronic means, for the following purposes:

- Staff administration and management (including payroll, attendance and performance, and staff feedback via questionnaires or SMS texts)
- Security passes
- Workforce planning
- Pensions administration
- Business management and planning
- Accounting and Auditing
- Accounts and records
- Crime prevention and prosecution of offenders
- Education and Training
- Health administration and services
- Information and databank administration
- Sharing and matching of personal information for national fraud initiative

We have a legal basis to process this as part of your contract of employment (either permanent or temporary) or as part of our recruitment processes following data protection and employment legislation.

## 7. Sharing your information

No confidential information held by the Trust will be disclosed without your consent with the exception of:

- Where the disclosure is required by law (for example if ordered by a judge or a presiding officer of a court using a court order; to the HSE under the Health & Safety at Work etc Act 1974; for statutory requirement to notify certain infectious diseases; to the NHS Counter Fraud Service to detect and prosecute Fraud)
- Where the disclosure is in the public interest (for example where a worker's health endangers others and the worker refuses to disclose information which would allow potential harm to be avoided)

Where disclosure of personal data is necessary for the above reasons, this will always be assessed on a case-by-case basis, using the minimum information necessary for the specific purpose and circumstances and with the appropriate security controls in place.



## 8. Use of Third Party Companies

In order to comply with our obligations as an employer and to provide efficient staff administration Barnsley Hospital NHS Foundation Trust may share your data to very specific third party organisations for clearly identified purposes including:

- Recruitment and selection
- Payroll and pensions and salary sacrifice scheme
- Medical Revalidation, appraisal and support
- Disclosure and Barring Service checks
- Roster management, job planning and exception reporting
- National mandatory reporting requirements
- Staff surveys and feedback processes including SMS text messages
- Education and training
- Occupational Health and Well being
- Employee Relations casework management

Where data is shared with third parties there is always a local contract or national agreement between the provider and the Trust. A senior manager has been identified to act as a lead person (Information Asset Owner) for each contract with responsibility for ensuring that your information is managed in a fair and lawful manner.

The list of organisations will change and processes are in place to ensure that these organisations are recorded and that they fully comply with their legal obligations to manage your information throughout its lifecycle.

On commencement of employment with the Trust, your personal data will be uploaded to the Electronic Staff Record (ESR). ESR is a workforce solution for the NHS which is used by the Trust to effectively manage the workforce leading to improved efficiency and improved patient safety.

Streamlining - In accepting employment with the Trust, you accept that the personal data will be transferred under the streamlining programme if your employment transfers to another NHS organisation:

Streamlining is the process by which certain personal data is transferred from one NHS organisation to another when your employment transfers. NHS organisations have a legitimate interest in processing your data in this way in establishing the employment of a suitable workforce. The streamlining programme is a data sharing arrangement which is aimed at improving efficiencies within the NHS both to make costs savings for Trusts but also to save you time when your employment transfers to another NHS organisation.



## 9. Prevention and Detection of Crime and Fraud

We may use the information we hold about you to detect and prevent crime or fraud. We may also share this information with other bodies that inspect and manage public funds.

We will not routinely disclose any information about you without your express permission. However, there are circumstances where we must or can share information about you owing to a legal/statutory obligation.

## 10. Individuals Rights

Data Protection laws give individuals rights in respect of the personal information that we hold about you.

Anyone including patients, staff, visitors or contractors who has personal information recorded by the Trust either directly or indirectly has specific rights under current and future legislation. These include:

### 10.1 Under the Data Protection Act - 6th Principle:

- a right of access to a copy of their personal data;
- a right to object to processing that is likely to cause or is causing damage or distress;
- a right to object to decisions being taken by automated means;
- a right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to claim compensation for damages caused by a breach of the Act.

### 10.2 Under the General Data Protection Regulation (GDPR)

- a right to confirmation that their personal data is being processed and access to a copy of that data which in most cases will be free of charge and will be available within one month (which can be extended to two months in some circumstances)
- Who that data has or will be disclosed to;
- The period of time the data will be stored for; [Records Management Code of Practice for Health and Social Care 2016](#)
- a right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed. The right to be forgotten and erasure of data does not apply to an individual's health record or for public health purposes;
- Data Portability – data provided electronically in a commonly used format;
- The right to lodge a complaint with a supervising authority.

Please visit the Trust website for further details on this. Should you have any further queries on the uses of your information, please speak to our Data Protection Officer: [tom.davidson3@nhs.net](mailto:tom.davidson3@nhs.net) or the Information Governance Team [information.governance@nhs.net](mailto:information.governance@nhs.net)



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