North Tees and Hartlepool NHS Foundation Trust (the “TRUST”) is a ‘Data Controller’ under Data Protection Legislation, including but not limited to the General Data Protection Regulation (Regulation (EU) 2016/679) (the “GDPR”), and the Data Protection Act 2018 *(currently in Bill format before Parliament).*

This means we are legally responsible for ensuring that all personal data that we hold and use is done so in a way that meets the current and future data protection principles. We must also notify the Information Commissioner about all of our data processing activity.

This Trust is registered to the Information Commissioner’s Office; ***registration number Z1142263***

During the course of its employment activities, North Tees and Hartlepool NHS Foundation Trust (NTHFT) collects stores and processes personal information about prospective, current and former staff.

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

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

**What types of personal data do we handle?**

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

* Personal details such as name, address, telephone number(s), date of birth;
* Personal demographics (including gender, race, ethnicity, sexual orientation, religion);
* Medical information including physical health or mental condition (occupational health information);
* Emergency contact(s), e.g. next of kin details;
* Education and training;
* Biometric data (including facial recognition used for clock in/out systems);
* Employment details (including job role, place of work, references and proof of eligibility to work in the UK, references and security checks);
* Information relating to the validity of an individual’s passport;
* Membership of professional bodies and/or trade union(s);
* Bank details, e.g. in order to pay your salary;
* Pension details;
* Offences (including alleged offences), criminal proceedings, outcomes and sentences;
* Employment tribunal applications, complaints, accidents and incident details;
* Visual images, e.g. photographs on staff notice boards or CCTV monitoring;
* Records of Trust systems use (e.g. audit trails of system access);
* Supervision and appraisal documentation, including performance information for the purposes of capability reviews;
* Sickness absence and annual leave details;
* Information relating to staff who are members of the Trust’s car parking scheme, including entry/exit times. This information is issued to the Trust by Parking Eye and North Tees and Hartlepool Solutions.
* Information relating to investigations of a disciplinary nature, which includes witness statements, notes of meetings, outcomes of the investigations and sanctions (where relevant);
* Information relating to health and safety;

**What is the purpose of processing data?**

We only collect and use your information for the lawful purposes of administering the business of the Trust. These purposes include:

* Staff administration and management (including payroll and performance);
* Pensions administration;
* Administration of salary sacrifice schemes;
* Business management, modelling and planning;
* Accounting and Auditing;
* Accounts and records;
* Crime prevention and prosecution of offenders;
* Education;
* Verification of identity, including passports and processing of DBS applications;
* Health administration and services;
* Provision of occupational health and wellbeing services;
* To support the work of the Joint Forum;
* To keep images to identify you either as part of the various security access systems, including CCTV, or as part of an overall briefing system for senior managers;
* We may use footage from CCTV for training purposes but would pixelate individuals so they are non-identifiable;
* To allow the Trust policies to be implemented and acted upon when appropriate;
* Information and databank administration;
* Sharing and matching of personal information for national fraud initiative;
* To comply with the Transfer of Undertakings Protection of Employment (TUPE) Regulations;

The Trust may use your information in order to gather evidence for disciplinary and other staff processes. The use of this information will always be proportionate in relation to the evidence being sought.

**What is our legal basis for processing?**

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

We do not rely on consent to use your information as a ‘legal basis for processing’ for the above purposes. We rely on specific provisions made under Article 6 and 9 of the General Data Protection (GDPR) regulations.

* For personal data we use Article 6(c) of the GDPR where processing is necessary for compliance with a legal obligation to which the Trust as controller is subject in order to comply with employment legislation
* For special categories (sensitive) data we use Article 9(b) of GDPR where the processing is necessary for the purpose of carrying out the obligations and exercising specific rights in the field of employment and social security and social protection law.

Additional purposes and legal basis:

***ESR Streamlining*** – Our legal basis for this purpose (as described further in the sharing section of this document) is Article 6(f) Legitimate Interests - NHS organisations in utilising the streamlining programme, have a legitimate interest in the effective and efficient transfer of employees from one NHS organisation to another by the transfer of certain personal data.

***Trust Marketing*** - To keep images that appear in Trust or other publications or websites to market and promote the Trust – the legal basis for this is per Article 6 (a) – Consent. You should be aware that once you have approved your image to appear in a publication we may not be able to completely retrieve this image if you change your mind about its use. Your image may appear again at a later date unless you specifically indicate otherwise.

**The legal basis for any other use will be explained at the point of collection within the relevant statutory provisions.**

**How do we keep information safe?**

We are committed to keeping your information secure and have operational policies and procedures in place to protect your information whether it is in a hardcopy or electronic format.

All of the Information Systems used by our Trust are implemented with robust information security safeguards to protect the confidentiality, integrity and availability of your personal information. The security controls adopted by the Trust are influenced by a number of sources including the 10 National Data Guardian Standards and guidelines produced by NHS Digital and other Government standards.

Your information is stored in both paper (personnel files held by Human Resources and/or your line manager) and also electronically on ESR. Other temporary files may be created as a result of investigations, disciplinary investigations, occupational health reviews or complaints but these will usually be kept separately from the personnel file or destroyed in line with the agreed destruction criteria. If a sanction is applied, it will be noted on the personnel file.

Everyone working for the NHS is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised and consented to, unless it is required or permitted by the law. 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.

We also protect your information by following data protection laws:

* General Data Protection Regulation (GDPR)
* Data Protection Act (DPA) 2018

The GDPR and DPA are the laws that primarily determine how we can use your personal data. However, there are other laws that are followed if we need to process your information:

* The Human Rights Act 1998
* Freedom of Information Act 2000
* Computer Misuse Act 1998
* Audit Commission Act 1998
* Regulation of Investigatory Powers Act 2000

If you post or send offensive, inappropriate or objectionable content anywhere on [www.nth.nhs.uk](http://www.nth.nhs.uk) or on the Trust’s Facebook, Twitter or any other Trust social media page, or otherwise engage in any disruptive behaviour we may use whatever information is available to us, about you, to stop such behaviour.

**Do we process information overseas?**

Data collected will not be sent to countries where the Laws do not protect your privacy to the same extent as the law in the UK, unless rigorous checks on the security and confidentiality of that data are carried out in line with legal requirements.

Your information is not currently processed overseas and we do not transfer personal information to a country outside of the European Union (EU) and this is checked on a regular basis. If it is found that we intend to share information outside of the EU, appropriate and suitable safeguards will be put in place, which you will be told about.

**How long do you we retain information?**

Employment data will be retained in compliance with the Records Management Code of Practice for Health and Social Care 2016 which details retention periods for employment records. This is available on the NHS Digital website at <https://digital.nhs.uk/information-governance-aliance> or on the Trust’s SharePoint site.

**Who do we share information with and why?**

There are a number of reasons why we share information. This can be due to:

* Our obligations to comply with legislation;
* Our duty to comply with any Court Orders which may be imposed;

Any disclosures of personal data are always made on 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 those agencies and bodies who have a "need to know" or where you have consented to the disclosure of your personal data to such persons or where we have another legal basis to share.

We will not routinely share any information about you to anyone outside the Trust without your consent. However, there are circumstances where we must or can share information about you owing to a legal/statutory obligation.

We may obtain and share personal information with a wide variety of other bodies, which may include, but is not limited to:

* Her Majesty’s Revenue and Customs (HMRC);
* Department for Work and Pensions (DWP);
* Disclosure and Barring Service (DBS);
* Home Office;
* Child Support Agency;
* Regulatory bodies, e.g. NMC, GMC;
* Law enforcement agencies including the Police and the Serious Organised Crime Agency;
* NHS Business Services Authority - National NHS Electronic Staff Record (ESR) system.

We may also use the information we hold about you to detect and prevent crime or fraud and where appropriate and where we have a legal basis share with relevant agencies. We may also share this information with other bodies that inspect and manage public funds.

To enable effective staff administration North Tees and Hartlepool NHS Foundation Trust may use external companies to process your data on our behalf in order to comply with our obligations as an employer. Our partner data processors are legally bound to respect your confidentiality, and comply with our security operating procedures.

***Electronic Staff Record* -** 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* -** 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.

***Data Processors*** - as a Trust we have entered into contracts with other organisations to provide services for us. These range from software companies to provide our Electronic Patient Records to contractors who provide specialist clinical services that help provide a better service to you as a patient. These contractors may hold and process data including patient information on our behalf.

These contractors are known as ‘***Data Processors’*** and subject to the same legal rules and conditions for keeping personal information confidential and secure. We are responsible for making sure that staff in those organisations are appropriately trained and that procedures are in place to keep information secure and protect privacy. These conditions are written into legally binding contracts, which we will enforce if our standards of information security are not met and confidentiality is breached.

**What are your rights as an individual?**

Data Protection law gives individuals rights in respect of the personal information that we hold about you and these apply in circumstances where the relevant conditions are met.

These rights are, the right:

1. To be informed why, where and how we use your information.
2. To ask for access to your information.
3. To ask for your information to be corrected if it is inaccurate or incomplete.
4. To ask for your information to be deleted or removed where there is no need for us to continue processing it.
5. To ask us to restrict the use of your information.
6. 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.
7. To object to how your information is used.
8. To challenge any decisions made without human intervention (automated decision making)

For further information on your rights please visit the ICO website [www.ico.org.uk](http://www.ico.org.uk) or contact the Trust Data Protection Officer.

**How can I access my information?**

You can request access to the information that the Trust holds about you and you should do this by approaching your line manager in the first instance. They will provide you with guidance on the Trust’s processes.

Your request, once agreed with you, will be completed within 30 calendar days. However, if your records are extensive we may take longer to process your request but will inform you from the outset, and in any case within 30 days.

To submit a formal written request, please contact:

Human Resources Department-Subject Access Requests

Floor 3, North Wing

University Hospital of North Tees

Hardwick Road

Stockton-On-Tees

TS19 8PE

As well as receiving a copy of the information that the Trust holds and processes, you are also entitled to the following:

* To be told whether any personal data is being processed.
* Given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people.
* Given a copy of the personal data together with its source (where this is available).

# Data Protection Officer

The Trust’s Data Protection Officer (DPO) is responsible for ensuring that the Trust complies with the GDPR. The DPO is the person to contact if you would like to know more about how we use your information, if you require information in any accessible format or language, you wish to make a complaint or if (for any reason) you do not wish to have your information used in any of the ways described. The DPO contact details are:

Data Protection Officer

Information Governance Department

University Hospital of North Tees

Hardwick Road

Stockton-On-Tees

TS19 8PE

Telephone: 01642 624470

Or email to information.governance@nth.nhs.uk

# Making a Complaint

Should you wish to lodge a complaint about the use of your information, please contact our Human Resources Department.

Human Resources Department

Floor 3, North Wing

University Hospital of North Tees

Hardwick Road

Stockton-On-Tees

TS19 8PE

You have the right to lodge a complaint if you are not content with the outcome of your confidentiality and data protection complaint and/or concern raised with the Trust.

Post: The Information Commissioner’s Office,

Wycliffe House, Water Lane,

Wilmslow,

Cheshire,

SK9 5AF

Helpline: 0303 123 1113 (Local Rate) or +44 1625 545 745 (outside UK)

Online: [www.ico.org.uk](http://www.ico.org.uk)

# Further Information

Should you have any further queries on the uses of your information, please speak to the Human Resources Department or our Data Protection Officer.

# Changes

It is important to point out that we may amend this Privacy Notice from time to time.