

Privacy Notice for job applicants, members of staff and former members of staff

This leaflet explains why information is collected about you and the ways in which the information may be used. It describes how we safeguard your information and how long records are kept.

Why we collect personal information about you

The Workforce and OD Directorate hold job applicant and staff records securely for East & North Hertfordshire NHS Trust. This is to manage the recruitment process and employment relationship, and to meet its obligations as an NHS employer. The Trust is committed to being transparent about how it collects and uses that data to meeting its data protection obligations. Personal information will be held in compliance with the General Data Protection Regulation 2018.

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.

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 demographics (including gender, race, nationality, ethnicity, sexual orientation, religion)
- Contact details such as names, addresses, telephone numbers and Emergency contact(s)
- Employment history and pre-employment checks (including professional membership, references and proof of eligibility to work in the UK)
- Bank details and National Insurance number
- Pension details
- Medical information including physical health or mental condition that you have shared with your manager (occupational health information)
- Information relating to health and safety
- Trade union membership, where staff advise us they are a trade union member for representation purposes
- Information about your criminal record
- Employment Tribunal applications, complaints, accidents, and incident details
- Training records
- Terms and conditions of your employment
- Details of periods of leave taken by you, including holiday, sickness absence, family leave, special leave and the reasons for the leave
- Details of any disciplinary or grievance procedures in which you have been involved including any warnings issued to you and related correspondence
- Assessments of your performance, including appraisals, performance reviews and related correspondence

How do we collect personal data?

The Trust collects your personal data in a variety of ways. For example, data can be collected through application forms, CVs, your passport or other identity documents such as your driving licence, from forms completed by you at the start of or during employment (such as benefit nomination forms), from correspondence with you, or through interviews, meetings or other assessments.

Why does the Trust process personal data?

The Trust needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer payments and benefits.

In some cases, the Trust needs to process data to ensure that it protects an employee's vital interests or that it is complying with the organisation's legal obligations or public interest requirements. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.

Processing personal data allows the Trust to:

- Run recruitment and promotion processes
- Maintain accurate employment records and contact details (including who to contact in the event of an emergency)
- Operate and keep a record of disciplinary and grievance processes
- Operate and keep a record of employee performance and related processes
- Obtain occupational health advice, to ensure it complies with duties in relation to individuals with disabilities and meets its obligations under health and safety law
- Operate and keep a record of all types of leave, to allow effective workforce management, to ensure that the trust complies with duties in relation to leave entitlement and to ensure that employees are receiving the pay or other benefits to which they are entitled
- Provide employment references on request for current or former employees
- Respond to and defend against legal claims
- Maintain and promote equality and diversity in the workplace

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities).

Where the Trust processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring.

Sharing your information

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 any Court Orders which may be imposed
- Our obligations as an NHS employer

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.

The Trust may share your information with external companies to process your data on our behalf in order to comply with our obligations as an employer.

For example, 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. The Trust will share names of staff and their managers with our partner organisation, *Absence Assist*, to facilitate the reporting process for staff sickness absence.

The Trust asks new staff (not including doctors) if they would like to be registered with *NHS Professionals*, who manage some of our Trust bank staffing services. Where staff agree to this arrangement, we will pass your details to NHS Professionals so that you can be offered bank work in the Trust and partner organisations.

As an NHS employer, the Trust is required to run the national staff survey on an annual basis for our staff. The Trust uses an external provider to conduct the survey; in 2018/19 this will be Quality Health. Staff personal data is provided to this organisation so they can analyse the make-up of the workforce and so they can send the questionnaire out to staff. Staff NHS email addresses will be used for the purpose of distributing the on-line version of the survey. Home addresses may be used for the purpose of sending the survey to staff who are away from the workplace (for example staff on maternity leave).

Quality Health will process staff personal data on behalf of the Trust, and any processing activity will take place in the UK. As such, this activity will be covered by the General Data Protection Regulation and Data Protection Act 2018. The legal bases for processing personal data for staff survey purposes under this legislation are ' for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller' (Article 6(1)(e)) and ' the management of health or social care systems' (Article 9(2)(h)).

Staff personal data will be kept for a maximum period of three months by Quality Health after the survey has closed before it is securely destroyed.

For any subject access requests in relation to personal data held about you by Quality Health Ltd, please email info@quality-health.co.uk.

The Trust will sometimes be required to respond to requests from other organisations to provide information about staff, for example in relation to benefits queries from the Department of Work and Pensions or the NHS Counter-Fraud Service. Likewise, the Trust will exceptionally need to share information about staff with other bodies, for example if we need to raise a concern about an employee with a professional body such as the General Medical Council, or if we needed to report a safeguarding concern about an employee to the Disclosure and Barring Service.

How long do we keep your information?

The information collected in relation to unsuccessful * job applicants is kept electronically for 13 months from the date of application. The record is then deleted. Information provided to Health at Work Service by candidates who then do not take up an offer of employment is kept electronically for six months from the date of application and is then deleted.

*This includes applicants who do not take up an offer of employment.

The main staff personal file is kept for six years after the employee leaves the Trust, in line with Department of Health requirements. One year after the employee has left, any paper file will be archived in secure off-site storage facilities. The personal file is usually destroyed six years after the employee leaves the Trust, although summary information is still available on the Electronic Staff Record. Employee Relations Advisory Service case files are usually kept electronically for 10 years, and are then destroyed.

Minor records of the sort that would normally be held in the line manager's departmental file are normally retained for at least two years.

Right to Object

In certain circumstances you may have the right to object to the way we process your data.

Contact and Access to records

If you have any questions regarding the information we hold on you, or if you wish to access the personal records held about you by the Trust, please contact the Workforce and OD team via hradmin.enh-tr@nhs.net.

Workforce and OD Directorate
Wiltron House
Rutherford Close
Meadway Business Park
Stevenage
SG1 2EF
email: hradmin.enh-tr@nhs.net.

If you have a concern about the way we are collecting or using your personal information, you should raise your concern with us in the first instance or directly to the [Information Commissioner's Office](#).