2H Logo-federation-pagev31**Two Harbours Healthcare**

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| Name of Policy: | **Employee Privacy Statement** | | |
| Author: | Ann Klust | Date last revised: | February 2020 |
| Reviewed | Rachel Stratton | Date reviewed: | October 2022 |
| Next Review Date: | October 2025 |  |  |

1. **Introduction**

In accordance with the General Data Protection Regulation (GDPR), we have implemented this privacy notice to inform you, our employees, of the types of data we process about you. We also include within this notice the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.

This notice applies to current, and former employees, workers and contractors.

1. **Data Protection Principles**

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

1. Processing is fair, lawful and transparent
2. Data is collected for specific, explicit and legitimate purposes
3. Data collected is adequate, relevant and limited to what is necessary for the purposes of processing
4. Data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
5. Data is not kept for longer than is necessary for its given purpose
6. Data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
7. We comply with the relevant GDPR procedures for international transferring of personal data
8. **Types of Data Held**

We keep several categories of personal data on our employees in order to carry out effective and efficient processes. We keep this data in a personnel file relating to each employee and we also hold the data within our computer systems.

Specifically, we can hold the following types of data:

1. Personal details such as name, address, phone numbers
2. Name and contact details of you next of kin
3. Your photograph
4. Your gender, marital status, information of any disability you have or other medical information
5. Right to work documentation
6. Information on your race and religion for equality monitoring purposes
7. Information gathered via the recruitment process such as that entered into a CV or included in a CV cover letter
8. References from former employers
9. Details on your education and employment history etc
10. National Insurance Numbers
11. Bank account details
12. Tax codes
13. Driving licence
14. Criminal convictions
15. CCTV footage
16. Information relating to your employment with us, including
    * Job title and job descriptions
    * Your salary
    * Your wider terms and conditions of employment
    * Details of formal and informal proceedings involving you such as letter of concern, disciplinary and grievance proceedings, your annual leave records, appraisal and performance information
    * Internal and external training modules undertaken
    * Information on time off from work, including sickness absence, family related leave etc
    * IT equipment use including telephone and internet access
17. **Collecting Your Data**

You provide several pieces of data to us directly during the recruitment period and subsequently upon the start of your employment.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references or credit reference agencies.

Personal data is kept in files or within the Surgery’s IT systems.

1. **Lawful Basis for Processing**

The law on data protection allows us to process your data for certain reasons only. In the main, we process your data in order to comply with a legal requirement or in order to effectively manage the employment contract we have with you, including ensuring you are paid correctly.

The information below categorises the types of data processing we undertake and the lawful basis we rely on.

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| **Types of data processing** | **Lawful basis** |
| Carry out the employment contract that we have entered into with you, e.g. using your name, contact details, education history, information on any disciplinary or grievance procedures involving you | Performance of the contract |
| Ensuring you are paid | Performance of the contract |
| Ensuring tax and National Insurance is paid | Legal obligation |
| Carrying out checks in relation to your right to work in the UK | Legal obligation |
| Making reasonable adjustments for disabled employees | Legal obligation |
| Making recruitment decisions in relation to both initial and subsequent employment, e.g. promotion | Our legitimate interests |
| Making decisions about salary and other benefits | Our legitimate interests |
| Ensuring efficient administration of contractual benefits to you | Our legitimate interests |
| Effectively monitoring both your conduct, including timekeeping, attendance and your performance, viewing CCTV footage to help us in this instance and to undertake procedures where necessary | Our legitimate interests |
| Maintaining comprehensive up to date personnel records about you to ensure, amongst other things, effective correspondence can be achieved and appropriate contact points in the event of an emergency are maintained | Our legitimate interests |
| Implementing grievance procedures | Our legitimate interests |
| Assessing training needs | Our legitimate interests |
| Implementing an effective sickness absence management system including monitoring the amount of leave and subsequent actions to be taken including the making of reasonable adjustments | Our legitimate interests |
| Gaining expert medical opinion when making decisions about your fitness to work | Our legitimate interests |
| Managing statutory leave and pay systems such as maternity leave and pay etc | Our legitimate interests |
| Business planning and restructuring exercises | Our legitimate interests |
| Dealing with legal claims made against us | Our legitimate interests |
| Preventing fraud | Our legitimate interests |
| Ensuring our administrative and IT systems are secure and robust against unauthorised access | Our legitimate interests |

1. **Special Categories of Data**

**6.1** Special categories of data are data relating to your:

1. Health
2. Sex life
3. Sexual orientation
4. Race
5. Ethnic origin
6. Political opinion
7. Religion
8. Trade union membership

**6.2** We carry out processing activities using special category data:

1. For the purpose of equal opportunities monitoring
2. In our sickness absence management procedures
3. To determine reasonable adjustments

**6.3** Most commonly, we will process special categories of data when the following applies:

1. You have given explicit consent to the processing
2. We must process the data in order to carry out our legal obligations
3. We must process data for reasons of substantial public interest
4. You have already made the data public
5. **Failure to Provide Data**

Your failure to provide us with data may mean that we are unable to fulfil our requirements for entering into a contract of employment with you. This could include being unable to offer you employment or administer contractual benefits.

1. **Criminal Conviction Data**

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage, however, may also be collected during your employment. We use criminal conviction data to determine your suitability, or your continued suitability for the role. We rely on the lawful basis of our legitimate interests to process this data.

1. **Who We Share Your Data With**

Employees within our company who have responsibility for recruitment, administration of payment and contractual benefits and the carrying out of performance related procedures will have access to your data which is relevant to their function. All employees with such responsibility have been trained in ensuring data is processing in line with GDPR.

Data is shared with third parties for the following reasons: for the administration of pensions, tax, National Insurance, HR advice, Occupational Health advice, contractual obligations.

We may also share your data with third parties as part of a Surgery restructure, or for other reasons to comply with a legal obligation upon us. We will have a data processing agreement in place with such third parties to ensure data is not compromised. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

We do not share your data with bodies outside of the European Economic Area.

1. **Protecting Your Data**

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such.

1. **Retention Period**

We only keep your data for as long as we need it for, which will be at least for the duration of your employment with us, though in some cases, we will keep your data for a period after your employment has ended. Some data retention periods are set by the law. Retention periods can vary depending on why we need your data, as set out below:

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| Received | Statutory retention period |
| Children/young adults | Until the child reaches 21 |
| Retirement Benefits Schemes | 6 years from the end of the scheme |
| Statutory Maternity Pay (calculations, certificates, medical evidence) | 3 years after the end of the tax year in which the period ends |
| Wage/salary (overtime, bonuses, expenses) | 6 years |
| National minimum wage | 3 years after the end of the consequent pay reference period |
| Working hours | 2 years after they are made |

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| Received | Retention period |
| Application forms and interview notes | 6 months to a year |
| Assessments under health and safety regulations and records of consultations with safety representatives and committees | Permanently |
| HMRC approvals | Permanently |
| Money purchase details | 6 years after transfer or value taken |
| Parental leave | Until child is 18 (birth/adoption) |
| Pension scheme investment policies | 12 years from the ending of any benefit payable under the policy |
| Pensioners records | 12 years after end of benefit |
| Personnel files, training records (disciplinary records, working time records) | 6 years after end of employment |
| Redundancy details, calculations of payments, refunds, notification to the Secretary of State | 6 years after date of redundancy |
| Statutory Sick Pay records, calculations, certificates, self-certificates | At least 3 months after the end of the period of sick leave, but 6 years after the employment ceases advisable |
| Time cards | 2 years after audit |
| Trade Union agreements | 10 years after end |
| Works Council minutes | Permanently |

1. **Antibody Testing Programme for NHS Staff**

**12.1 Why is this programme taking place?**

A voluntary antibody testing programme for NHS staff is being carried out at the request of NHS England and NHS Improvement to provide information on the prevalence of Covid-19 in different regions of the country and help better understand how the disease spreads. Covid-19 is a new disease and our understanding of the body’s immune response to it is limited. The benefit of processing this information is that it will enable understanding of the virus to grow as new scientific evidence and studies emerge. If you choose to take part in the programme, you will learn whether you have had the virus that causes Covid-19 in the past and whether you have developed antibodies to the virus. The research into the prevalence of the Covid-19 virus will enable the Practice to develop infection control measures and safe working practices for the future.

**12.2 What information will be collected?**

If you agree to take part in the programme you will be provided with information about the programme and a consent to treatment form. The personal and special category data collected from you will include date of the blood test, name, mobile phone number, NHS number, ESR number, job role, ethnic group, health details relating to whether you believe you have had Covid-19, the symptoms experienced and whether you have been hospitalised, and whether you are on any immunosuppressant medication and the drug details if applicable.

**12.3 Lawful basis**

The lawful basis for the testing and sharing your personal data with the Practice and your registered GP under GDPR is Article 6(1)(e) processing is necessary in order to protect the vital interests of the data subject or of another natural person.

The additional condition for processing special category health data under GDPR is Article 9(2)(g) processing is necessary for reasons of substantial public interest, which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject.

The lawful basis for sharing personal information nationally and with the Covid-19 Research programme is the Notice under Regulation 3(4) of the Health Service Control of Patient Information Regulations 2002 issued by the Secretary of State for Health and Social Care 20/03/20 (COPI).

**12.4 Who will your information be shared with?**

Results will also be shared with the Practice, your GP, Public Health England and other NHS providers for Public Health and Healthcare purposes. The anonymised result will also be reported as part of national reporting requirements. Some or all personal information may also be shared with a Covid-19 research programme to help in the search for a treatment and vaccine for Covid-19.

**12.5 How long will this information be kept for?**

The Practice will keep a record of all staff, whether they have been tested and whether the result was positive. This documentation will be retained by the Practice for [*insert details*]. It is possible that this record will become a ‘record of historical importance’ – if this is the case it will be retained by the Practice for 20 years, after which transfer to a local place of deposit will be considered.

Test results will be shared with your registered GP who will enter them into your health record and retain in accordance with the retention schedule set out in the Records Management Code of Practice for Health and Social Care 2016.

1. **Automated Decision Making**

Automated decision-making means making decisions about you using no human involvement, e.g. using computerised filtering equipment. No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

1. **Employee Rights**

You have the following rights in relation to the personal data we hold on you:

1. The right to be informed about the data we hold on you and what we do with it
2. The right of access to the data we hold on you.
3. The right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as ‘rectification’
4. The right to have data deleted in certain circumstances. This is also known as ‘erasure’
5. The right to restrict the processing of data
6. The right to transfer the data we hold on you to another party. This is also known as ‘portability’
7. The right to object to the inclusion of any information
8. The right to regulate any automated decision-making and profiling of personal data
9. **Consent**

Where you have provided consent to our use of your data, you also have the right to withdraw that consent at any time. This means that we will stop processing your data.

1. **Making A Complaint**

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner Officer (ICO). You can contact the ICO at Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or by telephone on 0303 123 1113 (local rate) or 01625 545 745.

Our Data Protection Officer is:

Rachel Stratton

Federation Manager

Two Harbours Healthcare Ltd