

## Privacy Notice for Employees

### What is a Privacy Notice?

A privacy notice is a statement that describes how Guy's and St Thomas' NHS Foundation Trust collects, uses, retains, discloses and destroys personal information about you. The notice will include details of the types of data we collect and hold about you, the reasons why we collect this data, how your data will be used and with whom it will be shared.

This privacy notice is intended for employees of the Trust as well as bank workers, employees who have left the organisation, staff on honorary contracts, staff seconded into and out of the organisation, students and people undertaking work experience at the Trust.

### Types of information that we collect and hold:

The Trust collects and processes a range of information about you including:

- Your personal details such as your name, address, telephone numbers, personal email address and date of birth, next of kin details in order to administer your employment, manage our business and ensure that we can contact you in an emergency
  - Terms and conditions of your employment
  - Your national insurance number, tax and bank details, in order to pay you and details of your pension in order to enrol you onto the relevant scheme
  - Information about your skills, qualifications, employment history, experience and (where relevant) professional membership, training history in order to verify your skills and to comply with our legal obligations
  - Your nationality and immigration status to confirm your eligibility to work in the UK
  - Information about your remuneration, including entitlement to benefits
  - Trade union membership
  - Information about your criminal record
  - References
  - Medical information relevant to your employment, including physical health, mental health and absence history - in order to monitor sick leave and take decisions about your fitness to work as well as whether or not you have a disability for which the Trust needs to make reasonable adjustments
  - Information relating to your health and safety at work, and any incidents or accidents
  - Equal opportunities monitoring information, including information about ethnicity, gender, health, religion or sexual orientation, in order to monitor our compliance with equality legislation
  - Details of your working patterns (days of work and working hours) and attendance at work to ensure correct pay
  - Details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, 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 (including tribunal claims) and related correspondence
  - Assessments of your performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence;
  - Possible visual images, personal appearance and behaviour, for example if CCTV images are used as part of building security and ID badges
-

The Trust collects this information in a variety of ways, for example:

- Application forms or CVs and personal statements
- Personal records/documents such as your passport, driving license or other identity documents
- Forms completed by you at the start or during employment (such as new starter form, ID checks, OH referrals, PDR records)
- Correspondence with you (emails; HR Portal transactions)
- Interviews or other assessments
- In person (through meetings or over the telephone)
- Questionnaires or registration forms
- Timesheets
- From third parties (previous employer, NHS jobs, pensions agency, information from employment background checks providers, the Disclosure and Barring Service, professional bodies, medical and GP records, government bodies like HM Revenue and Customs, the Department for Work and Pensions, or the UK Visas and Immigration).

### **How do we store your data?**

We take our duty to protect your personal information and confidentiality seriously. We are committed to taking all reasonable measures to ensure the confidentiality and security of personal data for which we are responsible, whether electronic or on paper. The Trust will store data in a range of different places, including in your personnel file (hard copy and electronically), in the Trust's HR management systems (HR Portal, ESR) and in other IT systems (including the e-manpowers, bank systems, Trust's email system). We have a duty to ensure data is kept safe and secure therefore all of our records are restricted so that only those individuals who have a need to know the information can get access. This might be through the use of technology or other environmental safeguards.

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.

Everyone working for the NHS is subject to the Common Law Duty of Confidentiality. This means that any information that you provide to us in confidence will only be used in connection with the purpose for which it was provided, unless we have specific consent from you or there are other special circumstances covered by law.

We will only retain information for as long as necessary. Records are maintained in line with the Trust's Staff Record Policy which determines the length of time records should be kept.

### **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 relevant benefits such as your pension and insurance entitlements.

In some cases, the Trust needs to process data to ensure that it is complying with its legal obligations. 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.

In other cases, the Trust has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the Trust to:

- run recruitment and promotion processes
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights
- quality monitoring (such as staff surveys)
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental 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
- ensure effective general HR and business administration
- provide references on request for current or former employees
- respond to and defend against legal claims
- provide details of available bank shifts
- national fraud initiatives
- maintain and promote equality 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.

### **Who will have access to it?**

To support you in your employment and to enable us to meet our legal responsibilities as an employer, sometimes we will need to share your information with others.

In general, access to your personal data is restricted to those who have a need to access it in order to carry out their duties. Sometimes we are required by law to disclose or report certain information, which may include details which identify you. For example, sending statutory information to government organisations such as HM Revenue and Customs, or releasing information to the police or counter fraud. Where mandatory disclosure is necessary only the minimum amount of information is released. There may also be occasions when the Trust is reviewed by an independent auditor, which could involve reviewing randomly selected staff information to ensure we are legally compliant. Some personnel files are also stored by external

---

companies for archiving and storage purposes with appropriate security and assurance processes in place.

We will also share your personal data with external third parties in some circumstances such as:

- Medical regulators such as the GMC, and government authorities such as HMRC or the police, if we are required to do so by law or if the regulator or authority requests it and we regard that request as reasonable
- Our insurers, legal advisers or other third parties who need access to it in the context of managing, investigating or defending claims or complaints
- Suppliers who need it to provide a service to us, such as our lawyers, third party benefit scheme (salary sacrifice)

Furthermore, in accepting employment with the Trust, you accept that certain personal data will be transferred under the streamlining programme if your employment transfers to another NHS organisation. This enables the transfer of information such as your dates of service, factual references, salary details as part of a data sharing arrangement aimed at improving efficiencies within the NHS both to make costs savings for Trusts but also to save you time when your employment transfers.

## **Access to records**

Under the General Data Protection Regulation, you have the right to request access to the information that we hold about you. Please refer to our Staff Records Policy for further information.

Any formal requests for access should be addressed to our Information Governance Team. We aim to comply with requests for access to personal data as quickly as possible. We will ensure that we deal with requests within 30 days of receipt unless there is a reason for delay that is justifiable.

You also have the right to know:

- What personal data we hold about you
- The purposes of the processing
- The categories of personal data concerned
- The recipients to whom the personal data has/will be disclosed
- How long we intend to store your personal data for
- If we did not collect the data directly from you, information about the source

If you believe that we hold any incomplete or inaccurate data about you, you have the right to ask us to correct and/or complete the information and we will strive to update/correct it as quickly as possible; unless there is a valid reason for not doing so, at which point you will be notified.

## **Lawful condition under which your personal data is being processed**

Article 9 (b) of the General Data Protection Regulation states that processing of special categories of personal data is lawful if the “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 in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;”

---

This is the lawful basis on which the Trust will process the personal data of staff for workforce related matters.

## What are we governed by?

The key pieces of legislation/guidance we are governed by are:

- Data Protection Act 1998
- Human Rights Act 1998 (Article 8)
- Freedom of Information Act 2000
- Health and Social Care Act 2012, 2015
- Public Records Act 1958
- Copyright Design and Patents Act 1988
- The Re-Use of Public Sector Information Regulations 2015
- Computer Misuse Act 1990
- The Common Law Duty of Confidentiality
- International Organisation for Standardisation (ISO) – Information Security Management Standards (ISMS)
- Information Security Management – NHS Code of Practice
- Records Management – Code of Practice for Health and Social Care 2016
- Accessible Information Standards (AIS)
- General Data Protection Regulations (GDPR) – post 25th May 2018

## How to make a complaint

You have the right to make a complaint if you feel unhappy about how we hold, use or share your information. Depending on the nature of your complaint, we would recommend contacting your line manager in the first instance. Alternatively, you can contact our Information Governance team who will help you to identify the most appropriate procedure to follow based on the specifics of your complaint.

Additionally, you can contact the Trust's Data Protection Officer; Yinka Williams on [DPO@gstt.nhs.uk](mailto:DPO@gstt.nhs.uk).

If you remain dissatisfied following the outcome of your complaint, you may then wish to contact the Information Commissioner's Office:

Post: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Web: <https://ico.org.uk/concerns/>

Phone: **0303 123 1113**

Please note that the Information Commissioner will not normally consider an appeal until you have exhausted your rights of complaint to us directly. Please see the website above for further advice.

---