



## GDPR PRIVACY NOTICE

### Practice Staff – Partners, Employees, Workers and Contractors

The purpose of this Privacy Notice is to describe how we collect, use and process the personal information data of Practice Staff during and after your working relationship with GPS Healthcare , in accordance with the General Data Protection Regulation (GDPR) 2018.

It applies to all Practice Staff including partners, employees, workers and contractors. It includes Work Experience, GP Registrars, Foundation Doctors, Medical Students and Locum Doctors/Nurses.

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### 1. Background Information

The General Data Protection Regulation (GDPR) became law on 25<sup>th</sup> May 2018. This is a single EU-wide regulation on the protection of confidential and sensitive information. It enters into force in the UK on the 25<sup>th</sup> May 2018, repealing the Data Protection Act (1998).

GPS Healthcare is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former practice staff - employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services.

It is important that Practice Staff read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

### 2. Data protection principles

To comply with data protection law, the personal information data we hold about you must be:

1. Used lawfully, fairly and in a transparent way
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
3. Relevant to the purposes we have told you about and limited only to those purposes
4. Accurate and kept up to date
5. Kept only as long as necessary for the purposes we have told you about
6. Kept securely

### 3. The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). There are "special categories" of more sensitive personal data which require a higher level of protection.

In relation to the role that you undertake with GPS Healthcare, we will collect, store, and use some or all of the following personal information about you.

- **Personal information** including name, date of birth, gender, title, marital status, addresses, telephone numbers, personal email addresses, national insurance number, bank details, right to work information, change in personal information forms, staff as patients, photographs, carer information, dependents information
- **Next of kin and emergency contact information**
- **Payroll / Finance information** including ; Bank account details, PAYE, invoices, payroll records, tax status information, salary, sick pay, holiday pay, maternity pay, jury service, salary deductions, pension and benefits information
- **Recruitment information** - see Recruitment Privacy Notice
- **Employment records** - including job titles, offer letters, contractual information including amendments, terms and conditions, periods of employment / work, location of employment / work, annual leave cards, work history, working hours, training contracts, mid-employment queries, family friendly leave information and termination of contract documents
- **Personnel Management information** including performance information, appraisals, midyear reviews, compensation history, complaints, significant events, files notes, email correspondence, HR enquiries, grievances and disciplinary
- **Health and Safety information and records** including Driving licence and business car insurance copies PPE, accident/incident reporting, DSE, Maternity Risk Assessments and other risk assessments as applicable.
- **Training and Qualifications** including probation, induction, training records, qualifications and professional memberships
- **Policy compliance** - documents including confidentiality, staff as patients
- **Medical indemnity** insurance including confirmation of provider
- **IT and Systems processing forms** including; Smartcard details, Email and Network declarations
- **NPL3 and prescribing forms**
- **Electronic Systems Information** including ; CCTV footage, call recordings, information obtained through electronic means such as SystmOne data , use and access of our information and communications systems for example email and internet
- **Any additional information you may provide us with**

We may also collect, store and use the following "special categories" of more sensitive personal information:

- **Information about your race or ethnicity, religious beliefs, sexual orientation**
- **Trade Union Membership**
- **Health Information** including any medical condition, health and sickness records, health declarations and immunisation records
- **Criminal convictions and offences information** including; DBS declarations, DBS Risk Assessments and DBS Screens DBS screens and DBS declarations

#### **4. How is your personal information collected?**

- Through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider.
- We may sometimes collect additional information from third parties including former employers or other background checks
- Throughout your employment / time working with GPS Healthcare we will collect additional personal information and add this to your personnel file.

#### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

#### **5. How we will use information about you?**

We will only use your personal information data when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to perform the contract we have entered into with you
- Where we need to comply with a legal obligation.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We ask that you provide ID for copying to comply with our responsibilities as an employer.

We may also use your personal information in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests)
- Where it is needed in the public interest (or for official purposes)

#### **Situations in which we will use your personal information**

We need all the categories of information in the list above (see the kind of information we hold) primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. Some of the grounds for processing will overlap and there may be several grounds which justify our use of your personal information. The situations in which we will process your personal information are listed below (some or all) :

- Making a decision about your recruitment or appointment
- Determining the terms on which you work for us
- Checking you are legally entitled to work in the UK
- Paying your invoices or salary and, if you are an employee, deducting tax, National Insurance contributions, auto enrolment, liaising with your pension provider
- Providing the following benefits to you: Group Medical Indemnity Insurance
- Administering the contract we have entered into with you
- Conducting performance reviews, managing performance and determining performance requirements.

- Assessing qualifications for a particular job or task, including decisions about promotions
- Making decisions about your continued employment or engagement
- Making arrangements for the termination of our working relationship
- Education, training and development requirements
- Gathering evidence for possible grievance or disciplinary hearings
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- To contact emergency services or next of kin if your health is compromised
- In order for us to contact you out of hours if required
- Managing sickness absence and ascertaining your fitness to work
- Complying with health and safety obligations
- To ensure that we can provide reasonable adjustments as necessary
- Business management and planning, including accounting and auditing
- Making decisions about salary reviews and compensation
- To prevent fraud
- To monitor compliance with company policies
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- To conduct data analytics studies to review and better understand employee data
- To comply with GMS contractual requirements and CQC Requirements
- Equal opportunities monitoring
- To provide you with company information via email or post of required

### **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **How we use particularly sensitive personal information**

We need to have further justification for collecting, storing and using “special categories” of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring, and in line with our data protection policy.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

## **Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

## **Information about criminal convictions**

We envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in the following ways: To make decisions on continuous employment suitability for the purpose of safeguarding patients and staff.

## **Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written procedures to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## **Automated decision-making**

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

## 6. Data sharing

We may have to share your data with partner organisations and third parties, including third-party service providers and other entities in the group. We require third parties to respect the security of your data and to treat it in accordance with the law. All employees and sub-contractors are asked to sign a confidentiality agreement.

The following activities are carried out by third-party service providers;

Name of third party	Activity carried out
Fairway training limited	Payroll and pension, benefits provision and administration
NHS Pension Business Service Authority	Pension administration
Complete Background Screening (CBS)	DBS screening
NHS Midlands and Lancashire Commissioning Support Unit	IT service desk queries and requesting of NHS.net, and Network Access Logins
Care Identity Service	Smartcard Services
Laboratory Medicine Information System Heart of England NHS Foundation Trust	ICE pathology requesting
ICT Service, Heart of England NHS Foundation Trust	ICARE access
Solihull Clinical Commissioning Group	Prescribing codes
Primary Care Support England (PCSE)	Prescribing codes and national medical performers
Occupational Health Department Heart of England	Occupational Health
NHS England Primary Care Webtool	GMS contractual compliance

### Other' third parties

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator (The Care Quality Commission) or to otherwise comply with the law.

## 7. Data security

We are committed to protecting your privacy and will only use information collect lawfully. In compliance with the GDPR, our procedure is to ensure all personal data related to our staff is protected.

We limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

All practice staff engaged by our practice are asked to sign a confidentiality agreement. Where a sub-contractor acts as a data processor an appropriate contract will be established for the processing of staff information.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

### **Where do we store personal information data?**

All the personal data we process is processed by our staff in the UK however for the purposes of IT hosting and maintenance this information may be located on services within the European Union.

No third parties have access to your personal data unless the law allows them to do so and appropriate safeguards have bene put in place.

## 8. Data retention

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our Data Retention Procedure.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention procedure.

## 9. Rights of access, correction, erasure, and restriction

### What should you do if your personal information changes?

It is important that the personal information we hold about you is accurate and current. Please inform the HR department of any changes as soon as your details change by completing a 'Change of Information' Form. This is especially important for changes of address, contract details or payroll details.

The practice may from time to time ask you to confirm that the information that we currently hold is accurate and up to date

### Access to your personal information

Data Subject Access Requests (DSAR): You have a right under the GDPR to request access to view or to obtain copies of what information the Practice holds about you and to have it amended should it be inaccurate. DSAR requests should be made in writing using the DSAR Template

### Your rights in connection with personal information

If we already hold your personal information data, you still have various rights in relation to it. To get in touch about these please contact the Data Protection Officer [humanresources.gps@nhs.net](mailto:humanresources.gps@nhs.net). We will seek to deal with your request without undue delay, and in any event in accordance with the requirements of any applicable laws. Please note that we may keep a record of your communications to help us to resolve issues that you raise.

Under certain circumstances, by law you have the :

- **Right to object** : If we are using your data because we deem it necessary for our legitimate interests to do so, and you do not agree, you have the right to object. We will respond to your request within 1 month (although this may be extended in certain cases) .
- **Right to withdraw consent** : Where we have obtained your consent to process your personal data for certain activities (for example research project) , or consent to market to you, you may withdraw your consent at any time.
- **Right to Request correction** : of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Right to Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing . If we do agree to your request, we will Delete your data but will generally assume that you would prefer us to keep a note of your name on our register of individuals who would prefer not to be contacted.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Right to request the transfer** of your personal information to another data controller

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## 10. Objections and Complaints

If you have any concerns about how your information is managed at the practice, please contact the Business Manager or Data Protection Officer. If you are still unhappy following a review by the practice you have the right to lodge a complaint with a supervisory authority: Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues. [www.ico.org.uk](http://www.ico.org.uk)

## 11. Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you are happy for your data to be extracted and used for the purposes described in this privacy notice, then you do not need to do anything. If you have any concerns or would like to know more in respect of the personal information data that we hold please contact the practice Data Protection Officer.

## 12. Data Protection Officer

The Practice Data Protection Officer is Paul Couldrey of PCIG Consulting Limited. Any queries in regard to Data Protection issues should be addressed to him at [Couldrey@me.com](mailto:Couldrey@me.com)

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## 13. Confirmation of receipt

I, \_\_\_\_\_ (employee/worker/contractor name), acknowledge that on \_\_\_\_\_ (date), I received a copy of GPS Healthcare's Privacy Notice for employees, workers and contractors and that I have read and understood it.

Signature

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Name

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