**STAFF PRIVACY NOTICE**

**Staff Information**

The purpose of this privacy notice is to inform staff employed by the Nottingham and Nottinghamshire Integrated Care Board (ICB) as well as Governing Body Members and Clinical/Place Leads, about the nature and source of any information processed about them, how it will be used, who it will be disclosed to, how we keep it secure and confidential and staff rights regarding access and sharing of personal information.

During the course of our activities, the ICB will collect, store and process personal information about our prospective, current and former staff. For the purposes of this Privacy Notice, ‘staff’ includes applicants, employees, workers (including agency, casual and contracted staff), volunteers, trainees and those carrying out work experience.

We only process your personal data where we have a lawful basis to do so under the UK Data Protection Act (UK DPA) and the UK General Data Protection Regulation (UK GDPR). These include circumstances where the processing is necessary for performance of staff contracts with the ICB or for compliance with any legal obligations which apply to the ICB as your employer. These obligations may include (but are not limited to):

* Staff administration including payroll
* Pensions administration
* Business management and planning
* Accounting and auditing
* Accounts and records
* Crime prevention and prosecution of offenders
* Education
* Health administration and services
* Sharing and matching of personal information for national fraud initiative
* The Register of Interests.
* Disclosures in response to information requests.

**How do we collect your Personal Information?**

We may collect your Personal Data in a number of ways, for example:

* At the point of recruitment to the ICB
* When you contact the ICB via the HR Department; either via telephone or email;
* When you apply for an internal vacancy within the ICB
* During the course of managing your employment with the ICB, e.g., appraisals, disciplinary, implementation of HR policies and procedures
* Contact details you have provided for the purposes of managing the ICB’s Business Continuity Plan
* Information we receive from third parties such as HMRC, Disclosure and Barring Service (DBS) checks, external organisations seeking a reference and recruitment agencies

**Personal staff information held by the ICB**

Information is held for a variety of reasons, as outlined below (this is not exhaustive):

* **Register of Interests and Gifts and Hospitality Register** – All ICB staff, Governing Body and committee members must declare any conflicts of interest. This is usually a personal interest; if someone is connected to an individual that works within the NHS or an associated organisation. This may also be a professional interest in another organisation that could conflict with the ICB, a personal interest where they may benefit personally in ways not directly linked to their ICB role, or indirectly where an individual has a close association with someone who could be linked to the ICB. Our staff, Governing Body and committee members must also declare any gifts and hospitality. To make sure we have absolute clarity on any conflicts of interests and gifts and hospitality, we publish our registers which list relevant members by name along with their current position in the ICB and details of the conflict of interest, gift or hospitality. In exceptional circumstances, where the public disclosure of information could give rise to a real risk of harm or is prohibited by law, an individual’s name and/or other information may be redacted from the publicly available registers. Decisions not to publish are usually made by the Conflicts of Interest Guardian for the ICB.
  + **Legal basis for processing under GDPR:**

6(1)(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

Statutory guidance for ICBs on Managing Conflicts of Interest under Section 14O of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012)

* **Employee records and contracts administration** – the ICB works in partnership with Arden & GEM CSU and NHS Business Services Authority (NHS BSA) to provide a shared HR service. We share the information with BSA and allow them to access employee personal data as they are responsible for creating and updating employee data in ESR (Electronic Staff Record). The Electronic Staff Record is part of the People Directorate within the Arden GEM CSU. ESR is led by the NHS ESR Central Team which works in partnership with IBM to oversee the operational delivery of the ESR solution. Further information on how BSA manages your personal data can be found [here.](https://my.esr.nhs.uk/dashboard/web/esrweb/privacy)
  + **Legal basis for processing under GDPR:**

6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

* **Payroll** – information held by Arden & GEM CSU and NHS Shared Business Services (NHS SBS) under contract with the ICB – includes items of personal data such as your name, date of birth (DOB), address, national insurance number, bank account details, tax details (usually disclosed by yourself or provided by the tax office), occupational sick pay details, salary, working hours. Information held is used for the sole purpose of administrating a payroll service to you, some information is shared by law with the tax office. Your personal information will be made available to NHS SBS through the (ESR) in order for them to pay your salary and any associated expenses and to comply with our legal and statutory responsibilities. Information which you provide to the ICB during the course of your employment will be shared with NHS SBS for maintaining your employment records, held on the National NHS ESR system. Your information will only be disclosed by law or to our appointed agents and/or services providers.

SBS processes some information in India – see the [SBS privacy notice](https://www.sbs.nhs.uk/privacy-policy/) for further information.

* + **Legal basis for processing under GDPR:**

6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

6(1)(c) processing is necessary for compliance with a legal obligation

* **Payroll audits** – held by the ICB Finance Team – includes items of personal data such as your name, your employee number, your pay band and salary. The information held is used to make sure that staff employed by the ICB is on the correct pay band and there are no issues with over or under payments. This information is also shared with line-managers.
  + **Legal basis for processing under GDPR:** 6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
* **Recruitment information** – held by the Recruitment Team under contract with Arden & GEM Commissioning Support Unit (CSU), NHS Jobs (including Trac Jobs) and by ICB recruitment managers – includes items of personal data such as your name, DOB, address, qualifications, experience and employment history and potentially sensitive data such as disclosure and barring service self-declaration form details and personal references (information held by HR and Arden & GEM CSU) is usually disclosed by yourself or nominated persons providing your reference/s).
* Further details regarding Trac Jobs and their processing of data can be found here: <https://www.nhsjobs.com/> .
* Information held is used for the administrative purposes of recruitment and selection. Where we disclose information to a third party, for example where we want to take up a reference or obtain a disclosure from the Criminal Records Bureau, we will not do this without informing you beforehand, unless the disclosure is required by law.
* The shortlist matrix, interview assessment form and the applications forms of all candidates will be retained by the Recruitment Manager for six months from the date of the appointment. Following that period all the information will be destroyed. The signed mandatory questionnaire, model declaration form, identity/pre-employment checks and signature verification form for unsuccessful candidates will be discarded following the agreement by the Recruitment Manager on the decision to appoint. Once a person has taken up employment with us we will compile a file relating to that person’s employment. Once their employment with us has ended, we will retain the file in accordance with the [Records Management Code of Practice 2021](https://transform.england.nhs.uk/information-governance/guidance/records-management-code/records-management-code-of-practice-2021/#:~:text=The%20Records%20Management%20Code%20of%20Practice%20for%20Health,or%20under%20contract%20to%2C%20the%20NHS%20in%20England.).
  + **Legal basis for processing under GDPR:**

6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

**For Criminal Offence Information**

(6)(1)(e) the performance of a task in the public interest.

Processing meets the requirements of Article 10 of the GDPR under Schedule 1, Part 1 of the Data Protection Act 2018 - processing in connection with employment, health and research - Processing necessary for the purposes of performing or exercising obligations or rights of the controller or the data subject under employment law, social security law or the law relating to social protection. Relevant legislation: the provisions of the Safeguarding Vulnerable Groups Act 2006 as a basis for carrying our DBS checks.

* **Workforce diversity data** – held primarily by Arden & GEM CSU under contract with the ICB and also held by the ICB in your personal file – details of your protected characteristics as defined by the Equality Act 2010, which are age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation (disclosed by yourself during the course of your employment). Information held is used for the purpose of monitoring the ICB’s equality performance and the diversity of its workforce. Diversity data is also collected at the point of application for any role within the ICB via Trac Jobs.
  + **Legal basis for processing under GDPR:**

6(1)(c) processing is necessary for compliance with a legal obligation to which the controller is subject...

9(2)(b) 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...

Schedule 1 part 1 (1) of the DPA 2018 ‘Employment, social security and social protection’.

* **Training information** – held by the ICB includes names and training courses information (training log) to monitor compliance with mandatory training and identify training needs via appraisals and one-to-one meetings. All mandatory training information is also held by NHS Business Services Authority (who are joint data controllers of ESR) for monitoring purposes. The ICB also uses [Momentum Learning Technologies,](http://www.momentumelearning.com/) providers of a learning management system, who are acting as Data Processors.
  + **Legal basis for processing under GDPR:** 6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
* **Employee relations** – information held by the ICB– details of any employee relations cases that have been supported by human resources professionals, including records of long-term sickness management, capability reviews, suspensions, disciplinary and grievances (provided by you or your line manager during your course of employment). Information held is used for the purposes of supporting and documenting your employment. The information held is also to enable the ICB to comply with the employment contract, for the purposes of supporting and documenting your employment and to protect our legal position in the event of legal proceedings. The ICB would share information with the ICB’s solicitors in the event of an employment tribunal.
  + **Legal basis for processing under GDPR:**

6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

9(2)(b) 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;

Schedule 1 part 1 (1) of the DPA 2018 ‘Employment, social security and social protection’.

9(2)(f) Legal claims or judicial acts.

* **Occupational health data** –Medigold Health under contract with the ICB to provide occupational health services. This includes items of personal and sensitive data (disclosed by yourself on your health declaration form or provided by you or your line manager during your course of employment). Also held in your personal file – includes items such as Doctor’s Fit Note, long term sickness meeting, Occupational Health report. Information held is used for the purposes of ensuring that you are ‘fit for work’ and also to ensure you have the appropriate support in the workplace if you have a particular health need. It may also be processed to carry out employment law obligations, such as those in relation to disabilities and for health and safety purposes.
  + **Legal basis for processing under GDPR:**
  + 6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

6(1)(c) processing is necessary for compliance with a legal obligation

* + 9(2)(h)processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.
  + Schedule 1 part 1 (2) of DPA 2018 for ‘Health or Social Care Purposes’

9(2)(b) 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

* + Schedule 1 part 1 (1) of the DPA 2018 ‘Employment, social security and social protection’
* **Pension** – information held primarily by NHS SBS, Arden & GEM CSU and the NHS Pensions agency and includes items of personal data such as your name, DOB, address, NI number. Your information will only be disclosed by law or to our appointed agents and/or services providers.
  + **Legal basis for processing under GDPR:**

6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

6(1)(c) processing is necessary for compliance with a legal obligation

* **Personal files** – held by ICB staff (typically the employee’s line manager) – includes items of personal and/or sensitive data (gathered from yourself or other sources during the course of your employment) such as name, address, telephone number, sickness records, records of appraisals, records of capability reviews, HR change forms, details of grievances and disciplinary, records of annual leave, Terms and Conditions of employment. This information will be available for either line managers/directors/HR to review. Information held is used for the purposes of supporting and documenting your employment. The information held is also for the purposes to enable the ICB to comply with the employment contract and to protect our legal position in the event of legal proceedings.
  + **Legal basis for processing under GDPR:**

6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

6(1)(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

9(2)(b) 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.

Schedule 1 part 1 (1) of the DPA 2018 ‘Employment, social security and social protection’.

9(2)(f) Legal claims or judicial acts.

* **Disclosures in response to information requests** –As both a public authority and controller we receive information requests under the Freedom of Information Act (2000) and the UK GDPR, and we must consider whether to disclose information about ICB staff in response to these requests, ensuring that any disclosure would meet the lawful, fairness and transparency principle of GDPR.

We will consider withholding information if we believe that it will prejudice the rights and safety of our staff. We may consult with you when deciding whether to disclose any information that we consider would not be within your reasonable expectations.

**CCTV**

Staff working at Civic Centre, Loxley House, Trent Bridge House, Ashfield Health & Wellbeing Centre, Retford Hospital, Stapleford Care Centre and Wollaton Vale may be filmed by CCTV which is owned and operated by the landlords or owners of the buildings in which our offices are situated. The ICB is not the data controller for this information.

**Third Party Services**

Third party services commissioned by the ICB that process special category data must comply with the Data Security and Protection Toolkit. As part of the ICB’s IG assurance process we will check that each provider can provide assurance of Data Protection compliance, which provides the ICB with assurance that they are handling your personal data to the current information security, records management, data protection and confidentiality standards.

**Other Bodies**

The ICB is responsible for protecting the public funds it manages. To do this we may use the information we hold about you to detect and prevent crime or fraud. We may also share this information with other bodies that inspect and manage public funds. There are circumstances where we must or can share information about you owing to a legal/statutory obligation. We may obtain and share personal data with a wide variety of other bodies, which may include but is not limited to:

* Her Majesty's Revenue and Customs (HMRC)
* Disclosure and Barring Service
* Home Office
* Child Support Agency
* Central government, government agencies and departments
* Other local authorities and public bodies:
* Ombudsman and other regulatory authorities
* Courts/Prisons
* Financial institutes e.g., banks and building societies for approved mortgage references
* Credit Reference Agencies
* Utility providers
* Educational, training and academic bodies
* Law enforcement agencies including the Police, the Serious Organised Crime Agency
* Emergency services e.g. The Fire and Rescue Service
* Auditors e.g., Public Sector Audit Appointment Ltd
* Department for Work and Pensions (DWP)
* The Assets Recovery Agency
* Relatives or guardians of an employee where there is a legal duty to do so

**How information may be used and who it may be disclosed to**

* Any personal and/or sensitive information which we obtain will only be used (in an identifiable format) for the purpose for which it was given to us unless the new purpose is compatible with the original purpose, we obtain your consent, or we have a clear obligation or function set out in law.
* Legal requirements would include but not limited to sharing tax information with the tax office, a court order, risk of harm to yourself or another person, or disclosure required in the wider public interest in cases of serious crimes.

**How we look after your information**

* The ICB is committed to ensuring that personal information is kept confidential and secure and used appropriately and everyone working for the NHS has a contractual and legal duty to protect your information.
* The confidentiality and security of personal information is of paramount importance to us and we strive to ensure that all such information under our control is handled in accordance with all legal, professional and ethical obligations. This is achieved in part through the implementation of a range of [policies](https://notts.icb.nhs.uk/about-us/our-policies-and-procedures/) and procedures that ensure the confidential and secure handling of all personal information. All staff have a responsibility to ensure that the policies and procedures are adhered to. Staff members are provided with mandatory training to assist them in fulfilling their obligations.
* Access to identifiable information is strictly controlled and limited to only those with a legitimate need to access it (i.e. to enable them to fulfil their job role).
* Personal information is held in accordance with the requirements of the UK Data Protection Act 2018 and the UK GDPR. We will not hold information any longer than is necessary, and when the relevant retention period has been reached, we will dispose of it in a secure way and in line with the retention period set out in the [Records Management Code of Practice 2021](https://transform.england.nhs.uk/information-governance/guidance/records-management-code/records-management-code-of-practice-2021/#:~:text=The%20Records%20Management%20Code%20of%20Practice%20for%20Health,or%20under%20contract%20to%2C%20the%20NHS%20in%20England.).
* Anyone who receives personal identifiable information from us is also under a legal duty to keep it confidential and secure as per data protection requirements. In instances where the ICB holds contracts for services, we ensure the data sharing agreements and monitoring in place provide sufficient assurance regarding the protection of your personal data.
* This privacy notice does not provide exhaustive detail of all aspects of our collection and use of personal confidential information. However, we are happy to provide any additional information or explanation needed. Any requests for this should be sent to the address below.

**If the information we hold about you is incorrect**

* It is important that the information which we hold about you is up to date. If your personal details change or if they are currently inaccurate then it is important that you let us know by contacting your manager and your local HR team. It is also possible for you to amend some of your personal details on ESR through the Employee Self Service portal.

**How to gain access to the information we hold about you**

* You have a right to see or obtain a copy of personal information that we hold about you.
* If we hold any information about you we will:
  + Give you a description of it
  + Tell you why we are holding it
  + Tell you who it could be disclosed to and
  + Let you have a copy of the information in an intelligible form

If you would like to see or obtain a copy of information that we hold about you, please contact the ICB Information Governance Team via email: [**nnicb-nn.igteam@nhs.net**](mailto:nnicb-nn.igteam@nhs.net)

**Your rights**

* Under the UK General Data Protection Regulation (GDPR) you have a number of rights with regard to your personal data. You have the right to request from us access and rectification or erasure of your personal data, the right to restrict procession, object to processing as well as in certain circumstances the right to data portability
* If you have provided consent for the processing of your data, you have the right (in certain circumstances) to withdraw that consent at any time which will not affect the lawfulness of the processing before your consent was withdrawn.
* Further details on your rights can be found in the ICB’s [main privacy notice](https://notts.icb.nhs.uk/privacy-policy/).
* You have the right to lodge a complaint to the [Information Commissioner's Office (ICO)](https://ico.org.uk/) if you believe that we have not complied with the requirements of the GDPR with regard to your personal data. Contact details:

Tel: 030 123 1113 EMAIL: [Email | ICO](https://ico.org.uk/global/contact-us/email/)

By Post: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.