

Privacy Notice for Staff - Data Protection Act 2018

This page tells you how Northern Devon Healthcare NHS Trust uses and manages the personal data or information we hold about you, including how we share it with NHS and non-NHS organisations and how we maintain confidentiality.

The Data Protection Act controls how your personal information is used by organisations, businesses or the government. Under the Act our Trust is defined as a 'data controller' of personal information. We collect personal information to help us employ and manage staff. The Trust is [registered](#) with the Information Commissioner's Office (registration number Z7485161).

Data Processing in response to COVID-19

This supplemental section describes how we may use your information to protect you and others during the Covid-19 outbreak.

The health and social care system is facing significant pressures due to the Covid-19 outbreak. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations.

Existing law which allows confidential personal information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Using this law the Secretary of State has required NHS Digital; NHS England and Improvement; Arms Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential personal information to respond to the Covid-19 outbreak. Any information used or shared during the Covid-19 outbreak will be limited to the period of the outbreak unless there is another legal basis to use the data. Further information is available on gov.uk [here](#) and some FAQs on this law are available [here](#).

It may also take us longer to respond to Subject Access requests whilst we focus our efforts on responding to the outbreak.

In order to look after health and care needs during the Covid-19 outbreak we may share your confidential personal information including health and care records with clinical and non-clinical staff in other health and care providers, for example neighbouring GP practices, hospitals and NHS 111. We may also use the details we have to send public health messages to you, either by phone, text or email.

We will also be required to share confidential personal information with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health, providing healthcare services to the public and monitoring and managing the outbreak. Further information about how health and care data is being used and shared by other NHS and social care organisations in a variety of ways to support the Covid-19 response is [here](#).

NHS England and Improvement and NHSX have developed a single, secure store to gather data from across the health and care system to inform the Covid-19 response. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as [data provided by patients themselves](#). All the data held in the platform is subject to strict controls that meet the requirements of data protection legislation.

In such circumstances where you tell us you're experiencing Covid-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

Given the fast-changing, unpredictable nature of the climate in which we are operating, we may be required to amend this privacy notice at any time. We would therefore kindly advise you to review this notice frequently.

What is personal information ?

Personal information identifies a living individual. Therefore your personal information is anything that can be attributed to you personally, including your name, date of birth, contact details, relatives, banking details and occupational health records. So long as you can be identified from it, it is your personal information.

Organisations that use personal information must do so in line with the provisions of the Data Protection Act 2018. The Act applies to personal information held in both electronic and paper records.

Examples of the personal information that we hold about our staff are:

- Name, address, date of birth and next of kin
- Contact information i.e. telephone number(s), email address
- Payroll records such as National Insurance and bank account numbers and pay
- Racial or ethnic origin
- Family, lifestyle and social circumstances
- Details of any occupational health meetings

Why we collect information about you ?

We need to keep records about employment and management of staff. This helps ensure that you are paid and managed correctly and have appropriate access to systems and areas that your role requires.

We may use personal information to:

- pay you
- prepare statistics on NHS performance
- audit NHS services
- monitor how we spend public money
- plan and manage the health service

Data Protection Act 2018 and legal basis for processing

All the personal information that we collect and use is handled in accordance with the Data Protection Act principles. These state that personal data processing must be:

1. lawful and fair
2. specified, explicit and legitimate
3. adequate, relevant and not excessive
4. accurate and kept up to date
5. kept for no longer than is necessary
6. held securely

Under GDPR our legal basis for processing staff information is:

Article (6) (1) (e), the performance of a task carried out in the public interest or in the exercise of the controller's official authority,

Article 9 (2) (b), necessary for the carrying out of obligations under employment, social security or social protection law, and

Article 9 (2) (h), 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 or services.

Who do we share personal information with and why ?

Our Trust shares personal information with a range of organisations. We will always endeavour to share the minimum amount of personal information required, anonymising where necessary.

Electronic Staff Record

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.

Streamlining

In accepting employment with the Trust, you accept that the following personal data will be transferred under the Streamlining programme if your employment transfers to another NHS organisation:

- Occupational Health immunisations and vaccinations data
- NHS ESR Reference data
- Payroll data
- Mandatory and statutory training competency data

Streamlining is the process by which certain personal data is transferred from one NHS organisation to another when your employment transfers. NHS organisations have a legitimate interest in processing your data in this way in establishing the employment of a suitable workforce. The Streamlining programme is a data sharing arrangement which is aimed at improving efficiencies within the NHS both to make costs savings for Trusts but also to save you time when your employment transfers.

Occupational Health Service

Personal Information you provide in confidence to Occupational Health Service will only be used for the purposes of occupational health referral, treatment or reporting, unless there are exceptional circumstances such as when the health and safety of others are at risk, where the law requires it or if there is an overriding public interest to do so.

How do we keep your personal information safe and secure ?

Our staff are trained to handle your information correctly and protect your privacy and keep your information secure. We aim to maintain high standards and regularly check and report on how we are doing. Where we fall below acceptable standards we investigate and report serious incidents to the Information Commissioner's Office (ICO). Everyone working in the NHS signs up to the NHS code of confidentiality and are aware of the high standards we expect them to adhere to when handling your personal information.

How long do we keep your records ?

We do not keep your staff records for longer than necessary. All our records are destroyed in accordance with the [NHS Retention Schedules](#), which sets out the appropriate length of time different types of records are retained. All records are destroyed confidentially once their retention period has been met and the Trust has made the decision that the records are no longer required.

What are your information rights ?

You have a number of rights under the Data Protection Act:

1. To be informed why, where and how we use your information
2. To ask for access to your employment information *
3. To ask for your information to be corrected if it is inaccurate or incomplete
4. To ask us to restrict the use of your information in certain circumstances
5. In limited circumstances to ask us to copy or transfer your information from one IT system to another
6. To object to how your information is used
7. To challenge decisions made without human intervention (automated decision making)

*You can request access to CCTV imagery about you that we may hold

Surveillance Cameras (CCTV & Body Worn Video)

We employ surveillance cameras (CCTV and Body Worn Video) on and around the hospital site in order to:

- protect patients, visitors, staff and Trust property
- apprehend and prosecute offenders, and provide evidence to take criminal or civil action in the courts
- provide a deterrent effect and reduce unlawful activity
- help provide a safer environment for our staff

You have a right to make a Subject Access Request of surveillance information recorded of yourself and ask for a copy of it. Please see the [‘What are your information rights ?’](#) section. The details you provide must contain sufficient information to identify you and assist us in finding the images on our systems.

We reserve the right to withhold information where permissible by Data Protection Legislation and we will only retain surveillance data for a reasonable period or as long as is required by law. In certain circumstances (high profile investigations, serious or criminal incidents) we may need to disclose CCTV or Body Worn Video data for legal reasons. When this is done there is a requirement for the organisation that has received the images to adhere to Data Protection Legislation.

How do I obtain a copy of my personal information

Please refer to our Staff Subject Access Requests [page](#)

Contact for data protection questions or concerns

If you have any questions or concerns about how we manage your information then please contact the Data Protection Officer for our Trust:

Data Protection Officer
North Devon District Hospital
Munro House
Raleigh Park
Barnstaple
EX31 4JB
Tel: 01271 341477
Email: ndht.dpo@nhs.net

The Information Commissioner's Office (ICO) is the body that regulates Data Protection <https://ico.org.uk/> . If you are not satisfied with our DPO response or believe we are not processing your personal data in accordance with the law you can complain to the ICO at:

Information Commissioner's Office (ICO)
Information Commissioner's Office
Wycliffe House Water Lane
Wilmslow
SK9 5AF

Tel: 03031231113
Web: <https://ico.org.uk/concerns/>