



Fair Processing Notice Personal Data

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INTRODUCTION

This document sets out CBC's policy on the protection of information relating to staff members, workers, contractors, volunteers and locums, medical students (referred to as staff members). Protecting the confidentiality and integrity of personal data is a critical responsibility that CBC takes seriously at all times. CBC will ensure that data is always processed in accordance with the provisions of relevant data protection legislation, including the General Data Protection Regulation (GDPR).

KEY DEFINITIONS

Data processing

Data processing is any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

Personal data

Personal data is any information identifying a data subject (a living person to whom the data relates). It includes information relating to a data subject that can be identified (directly or indirectly) from that data alone or in combination with other identifiers CBC possesses or can reasonably access. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

Sensitive personal data

Sensitive personal data is a special category of information which relates to a data subject's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data. It also includes personal data relating to criminal offences and convictions.

PRIVACY NOTICE

This policy, together with information contained in CBC's Information Asset Register, constitutes a privacy notice setting out the information CBC holds about staff members, the purpose for which this data is held and the lawful basis on which it is held. CBC may process personal information without staff members' knowledge or consent, in compliance with this policy, where this is required or permitted by law.

If the purpose for processing any piece of data about staff members should change, CBC will update the information asset register with the new purpose and the lawful basis for processing the data and will notify staff members.

FAIR PROCESSING OF DATA

Fair processing principles

In processing staff members' data the following principles will be adhered to. Personal data will be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that are clearly explained and not used in any way that is incompatible with those purposes;
- Relevant to specific purposes and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the specified purposes; and
- Kept securely.

Lawful processing of personal data

Personal information will only be processed when there is a lawful basis for doing so. Most commonly, CBC will use personal information in the following circumstances:

- When it is needed to perform staff members' contracts of employment;
- When it is needed to comply with a legal obligation; or
- When it is necessary for CBC's legitimate interests (or those of a third party) and staff members' interests and fundamental rights do not override those interests.

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

- When it is necessary to protect staff members' interests (or someone else's interests); or
- When it is necessary in the public interest.

Lawful processing of sensitive personal data

CBC may process special categories of personal information in the following circumstances:

- In limited circumstances, with explicit written consent;
- In order to meet legal obligations;
- When it is needed in the public interest, such as for equal opportunities monitoring, or in relation to the Pension Scheme (SPPA); or
- When it is needed to assess working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, CBC may process this type of information where it is needed in relation to legal claims or where it is needed to protect a staff member's interests (or someone else's interests) and the staff member is not capable of giving consent, or where a staff member has already made the information public. CBC may use particularly sensitive personal information in the following ways:

- Information relating to leaves of absence, which may include sickness absence or family related leaves, may be used to comply with employment and other laws;
- Information about staff members' physical or mental health, or disability status, may be used to ensure health and safety in the workplace and to assess fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits;
- Information about race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual life or sexual orientation, may be used to ensure meaningful equal opportunity monitoring and reporting; and
- Information about trade union membership may be used to pay trade union premiums, register the status of a protected staff member and to comply with employment law obligations.
- Information relating to third parties, e.g. next of kin

Lawful processing of information about criminal convictions

General

CBC will only collect information about criminal convictions if it is appropriate given the nature of the role and where it is legally able to do so. Where appropriate, CBC will collect information about criminal convictions as part of the recruitment process or may require staff members to disclose information about criminal convictions during the course of employment.

CBC envisages that it will hold information about criminal convictions. If it becomes necessary to do so, CBC will only use this information where it has a legal basis for processing the information. This will usually be where such processing is necessary to carry out CBC's obligations. Less commonly, CBC may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect a staff member's interests (or someone else's interests) and the staff member is not capable of giving consent, or where the staff member has already made the information public.

CBC Staff working in general practice

CBC staff working in general practice may be required under certain circumstances, to engage in caring for children or vulnerable adults. This care includes processing sensitive and potentially restricted information as well as direct care. Therefore, all positions within the practice are considered to be occupations, posts or activities covered in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. More information can be found in CBC staff recruitment and retention policies.

CBC will collect and hold information about criminal convictions, including those already spent. CBC will only use this information where it has a legal basis for processing it, usually where such information is necessary to carry out CBC's legal obligations, particularly in relation to protecting patients. Less commonly, CBC may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect a staff member's interests (or someone else's interests) and the staff member is not capable of giving consent, or where the staff member has already made the information public.

Consent to data processing

CBC does not require consent from staff members to process most types of staff member data. In addition, CBC will not usually need consent to use special categories of personal information in order to carry out

legal obligations or exercise specific rights in the field of employment law. If a staff member fails to provide certain information when requested, CBC may not be able to perform the contract entered into with the staff member (such as paying the staff member or providing a benefit). CBC may also be prevented from complying with legal obligations (such as to ensure the health and safety of staff members).

In limited circumstances, for example, if a medical report is sought for the purposes of managing sickness absence, staff members may be asked for written consent to process sensitive data. In those circumstances, staff members will be provided with full details of the information that is sought and the reason it is needed, so that staff members can carefully consider whether to consent. It is not a condition of staff members' contracts that staff members agree to any request for consent.

Where staff members have provided consent to the collection, processing and transfer of personal information for a specific purpose, they have the right to withdraw consent for that specific processing at any time. Once CBC has received notification of withdrawal of consent it will no longer process information for the purpose or purposes originally agreed to, unless it has another legitimate basis for doing so in law.

If CBC makes an automated decision on the basis of any particularly sensitive personal information, staff members will be asked for explicit written consent unless processing is justified in the public interest. CBC will put in place appropriate measures to safeguard staff member rights. Staff members will not be subject to decisions that will have a significant impact based solely on automated decision-making, unless CBC has a lawful basis for doing so and has given staff members prior notification.

COLLECTION AND RETENTION OF DATA

Collection of data

CBC will collect personal information about staff members through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. CBC may sometimes collect additional information from third parties including former employer.

The information asset register includes details that relate to information which is collected at the outset of employment. From time to time, CBC may collect additional personal information in the course of job-related activities throughout the period of employment. If CBC requires to obtain additional personal information, this policy will be updated or staff members will receive a separate privacy notice setting out the purpose and lawful basis for processing the data.

Retention of data

CBC will only retain staff members' personal information for as long as necessary to fulfil the purposes it was collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of personal information are set out in the information asset register.

When determining the appropriate retention period for personal data, CBC will consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for which the personal data is processed, whether CBC can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances CBC may anonymise personal information so that it can no longer be associated with individual staff members, in which case CBC may use such information without further notice to staff members. After the data retention period has expired, CBC will securely destroy staff members' personal information.

DATA SECURITY AND SHARING

Data security

CBC has put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Details of these measures are: Manual personal data are kept in a locked cabinet and computerised personal data are password protected and backups taken are encrypted. Access to personal information is limited to those staff members, agents, contractors and other third parties who have a business need to know. They will only process personal information on CBC's instructions and are subject to a duty of confidentiality. CBC expects staff members handling personal data to take steps to safeguard personal data of staff members (or any other individual) in line with this policy.

Data sharing

CBC requires third parties to respect the security of staff member data and to treat it in accordance with the law. CBC may share personal information with third parties, for example in the context of the possible sale or restructuring of the business. CBC may also need to share personal information with a regulator or to otherwise comply with the law.

CBC may also share staff member data with third-party service providers where it is necessary to administer the working relationship with staff members or where CBC has a legitimate interest in doing so. The following activities may in the future, be carried out by third-party service providers: payroll, pension administration, benefits provision and administration, IT services.

TELEPHONE CALL RECORDING

Telephone calls to some incoming and outgoing lines are recorded for training and monitoring purposes. These electronic sound files form part of your record and can provide useful information in the event of a complaint or claim. Such recordings must be made, stored and disclosed under the provisions of the relevant legislation.

Under the provisions of the GDPR, you have a right to be provided with copies of information that is held about you and this includes recordings of telephone calls (please refer to the section on making a subject access request below).

STAFF MEMBER RIGHTS AND OBLIGATIONS

Accuracy of data

CBC will conduct regular reviews of the information held by it to ensure the relevancy of the information it holds. Staff members are under a duty to inform CBC of any changes to their current circumstances. Where a staff member has concerns regarding the accuracy of personal data held by CBC, the staff member should contact CBC's HR manager to request an amendment to the data.

Staff member rights

Under certain circumstances, staff members have the right to:

- **Request access** to personal information (commonly known as a "data subject access request").
- **Request erasure** of personal information.
- **Object to processing** of personal information where CBC is relying on a legitimate interest (or those of a third party) to lawfully process it.
- **Request the restriction of processing** of personal information.

- **Request the transfer** of personal information to another party.

If a staff member wishes to make a request on any of the above grounds, they should contact CBC's HR manager in writing. Please note that, depending on the nature of the request, CBC may have good grounds for refusing to comply, if that is the case, the staff member will be given an explanation by CBC.

Data subject access requests

Staff members will not normally have to pay a fee to access personal information (or to exercise any of the other rights). However, CBC may charge a reasonable fee if the request for access is clearly unfounded or excessive. Alternatively, CBC may refuse to comply with the request in such circumstances.

CBC may need to request specific information from the staff member to help confirm their identity and ensure the right to access the information (or to exercise any of the 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.

To request a copy of the records we hold on you please contact CBC's HR Manager.

COMPLIANCE WITH THIS POLICY

The Company's responsibility for compliance

CBC's HR Manager is tasked with overseeing compliance with this policy. If staff members have any questions about this policy or how CBC handles personal information, they should contact CBC's HR manager.

Staff members have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745

Email: casework@ico.org.uk

Visit the ICO website here <https://ico.org.uk/>

Data security breaches

CBC has put in place procedures to deal with any data security breach and will notify staff members and any applicable regulator of a suspected breach where legally required doing so. Details of these measures are: thorough investigation and significant event reporting.

In certain circumstances, CBC will be required to notify regulators of a data security breach within 72 hours of the breach. Therefore, if a staff member becomes aware of a data security breach it is imperative that they report it to CBC's HR manager immediately.

Privacy by design

Last Reviewed: January 2019

CBC will have regard to the principles of this policy and relevant legislation when designing or implementing new systems or processes (known as “privacy by design”).

Staff members’ responsibility for compliance

All staff members, particularly those tasked with regularly handling personal data of colleagues or third parties, have responsibility for ensuring that processing meets the standards set out in this policy. Staff members should observe, as a minimum, the following rules:

- Staff members must observe to the letter any instruction or guidelines issued by CBC in relation to data protection.
- Staff members should not disclose personal data about CBC, colleague or third parties unless that disclosure is fair and lawful, in line with this policy;
- Staff members must take confidentiality and security seriously, whether the staff member considers the information to be sensitive or not.
- Any personal data collected or recorded manually which is to be inputted to an electronic system should be inputted accurately and without delay.
- Staff members must not make any oral or written reference to personal data held by CBC about any individual except to staff members of CBC who need the information for their work or an authorised recipient.
- Great care should be taken to establish the identity of any person asking for personal information and to make sure that the person is entitled to receive the information.
- If a staff member is asked by an unauthorised individual to provide details of personal information held by CBC the staff member should ask the individual to put their request in writing and send it to CBC’s HR manager.
- Staff members must not use personal information for any purpose other than their work for CBC.
- Staff members must not use practice/NHS computer systems, including internet and email, for any purpose other than their work for CBC.
- If a staff member is in doubt about any matter to do with data protection they must refer the matter to CBC’s HR manager immediately.
- Passwords should not be disclosed and should be changed regularly;
- Staff member or third party personal data should not be left unsecured or unattended, e.g. on public transport;
- Unauthorised use of computer equipment issued by CBC is not permitted;
- Staff members must follow a “clear desk” policy and ensure that all confidential information, whether containing staff member or third party personal data or not, is secured when it is not in use or when the staff member is not at work;
- Staff members may use only encrypted CBC equipment to carry out work and must ensure that devices are password protected and locked when not in use;
- Emails containing staff member or third party personal data must not be sent from a web-based email system;
- As far as possible, staff member or third party personal data contained in emails and attachments should be anonymised before it is sent by email; and
- Documents containing sensitive information should be password protected and, if the document requires to be transmitted, the document and password should be transmitted separately.

Any breach of the above rules will be taken seriously and, depending on the severity of the matter, may constitute gross misconduct which could lead to summary termination of employment.