

# Staff Privacy Notice



## 1. Introduction

United Lincolnshire Teaching Hospitals NHS Trust (“ULTH” / “the Trust” / “us” / “we”) holds and processes personal data relating to individuals working or volunteering in the Trust. This is to manage the recruitment process, employment, contracting or volunteering relationship, and to meet its obligations as an NHS employer and service provider. The Trust is committed to being transparent about how it collects and uses that data to meet its data protection obligations. Personal information will be held in compliance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

ULTH works under a Group model with Lincolnshire Community Healthcare Services (LCHS) known as Lincolnshire Community and Hospitals NHS Group (LCHG). Staff personal information may be shared across LCHG to support delivery of this model.

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## 2. Scope

We collect, store and process information about prospective, current and former staff. This notice explains how and why information is collected about you and the ways in which the information may be used. It describes how we safeguard your information and how long records are kept. It complements the Trust's main Privacy Notice for patients and the public which is available [here](#). \*In addition, please see Schedule 1 - Guidance Notes for Job Applicants, for further information about the recruitment process

For the purposes of this privacy notice, the term 'staff' does not suggest there is an employment relationship with the Trust, but includes:

- Job applicants
- Employees
- Workers, including agency, casual/bank, locum and contracted staff
- Volunteers
- Trainees/ Students/ Apprentices
- Work experience / Internship placements
- Any other individual(s) working with ULTH (paid or unpaid) either directly or through a third party

## 3. What types of personal data do we handle?

In order to carry out our activities and obligations as an employer we handle, as relevant, data in relation to:

- Personal demographics (including date of birth, gender, nationality, ethnicity, sexual orientation, religion, disability, marital status)
- Contact details such as names, addresses, telephone number(s), email address, and emergency contact(s)
- Current and previous employment history
- Recruitment documentation and pre-employment checks
- Documents maintained and updated during your employment relating but not limited to professional memberships, qualifications, statutory, mandatory and professional revalidation, right to work and identity checks
- Bank details and National Insurance number
- Payroll records and tax status information

- Pension details
- Medical information including physical or mental health condition(s) that you have shared with your manager and/or Occupational Health
- Information relating to health and safety
- Vehicle details
- Trade union membership, where staff make subscription payments via Trust payroll, or where staff advise us they are a trade union member for representation purposes
- Staff Benefits / Salary Sacrifice Schemes
- Employment Tribunal applications, complaints, accidents, and incident details
- Training records
- Terms and conditions of employment
- Employment contract
- Information about volunteer roles and shifts
- Details of periods of leave, including for example, holiday, sickness absence, family leave, special leave, career breaks and the reasons for the leave
- Details of employee relations processes including, sickness and attendance management, any disciplinary or grievance procedures in which you have been involved including any warnings issued to you and related correspondence, capability/performance management, workforce change
- Assessments of performance and future potential, including appraisals, performance reviews and related correspondence, including in relation to talent management
- Information discussed or disclosed during informal and formal employment conversations, for example during 1:1s
- Information gathered through the Trust's monitoring of its IT systems, building access records and CCTV recording
- Visual images, personal appearance and behaviour, for example where CCTV images are used as part of building security and/or ID badges, pictures for identification for shifts where appropriate.
- Personal data which you otherwise voluntarily provide, for example when using your Trust e-mail account, by phone, post, social media or otherwise.

The list above is not exhaustive, and there may be other personal data the Trust collects, stores and uses in the context of the employment relationship. We will update this Notice from time to time to reflect notable changes in the personal data which it processes.

This personal information can be held in a variety of formats, including paper records, electronically on computer systems, and in video and audio files.

Where data requested is mandatory to comply with statutory requirements, such as, immigration or taxation, failure to provide this data may affect our ability to accomplish the purposes stated in this Notice and potentially affect your ongoing employment.

## 4. How we use staff data?

The Trust uses staff data for all purposes associated with the administration of the employer/ employee relationship and to meet our legal and statutory obligations. The purposes for which we may use staff data (including sensitive personal information) may include:

- Recruitment and Selection and corresponding with you in relation to Trust vacancies
- Complying with immigration law and visa requirements
- Complying with the Disclosure and Barring Service (DBS) requirement (including the update service) where we require a DBS for certain roles
- Maintaining staff records
- Managing obligations under Equal Opportunities Legislation
- Managing Human Resource employment matters (for example promotion, training and development, conduct, attendance, appraisals, management progress, grievances, misconduct investigations, disciplinary actions and complaints)
- Provision of a reference to a potential employer
- Administering finance (for example salary, pension and staff benefits, payment of union/ professional registration fees, claims for reimbursement of wages due to Jury Service following receipt of required documents from employees)
- Managing processes such as administering sick leave and pay, managing absence, administering Maternity and other family rights leave and associated pay schemes
- Managing claims through solicitors for example, compensation claims after accidents; where authorisation is provided by the employee and employment matters
- Providing facilities such as IT/system access, library services and car parking
- Preventing and detecting crime
- Providing communication about the Trust, news and events

- Maintaining contact with past employees
- Provision of Occupational Health, Wellbeing and support services (including third parties)
- Managing a safe environment and ensuring fitness to work
- Carrying out safeguarding duties towards you, colleagues, patients and general public, making referrals and sharing information with external bodies as necessary
- Obligations in relation to the planning, provision and review of patient care and health services (examples include but not limited to: incident reporting and investigation, staff names in patient records, reviewing care we provide to patients for example through audit, and investigations)
- Compliance with legal obligations such as making external/statutory returns to bodies such as, but not limited to, NHS Business Services Authority, NHS England, HMRC, professional bodies such as GMC, NMC, HCPC
- Carrying out research, surveys and statistical analysis (including using third party data processors to carry out the national staff survey)
- The provision of service planning and improvement
- Carrying out audits
- Providing internal management information reports
- External reporting to organisations and statutory bodies
- Facilitate benchmarking to assist NHS planning
- To issue correspondence relating to your employment, for example, a letter to your mortgage/rent company confirming your salary only where authorisation is provided by the employee.

## 5. How do we access and secure your personal data?

The Trust will use your information to administrate your employment and associated functions. Personal data will be shared between relevant colleagues who legitimately need the information to carry out their duties for example, your line manager, Pay Services and HR teams. The Trust maintains electronic records on the secure national Electronic Staff Records (ESR), other secure systems and paper records relating to your recruitment and employment. Information may be held by different teams and locally with your line manager.

On commencement of employment with the Trust, your personal data will be uploaded into the national ESR system. ESR and other systems are used by the

Trust as workforce solutions to manage the workforce leading to improved efficiency. Electronic information is accessed only by those in authorised roles and who have a valid reason to do so.

Paper files are kept in secure locked cabinets/cupboards and only relevant staff will have access to this information. Information may also be held on the Trust's secure electronic drives (shared and OneDrives), where access is only granted to appropriate individuals.

## 6. Who we share your personal information with and why?

We will not routinely disclose any information about you without your express permission, unless we have a 'legal basis' for doing so (please see section 10). To enable effective staff administration and comply with our obligations as your employer, we may share the information which you provide during the course of your employment (including the recruitment process) with secure third parties/ suppliers. Any disclosures of personal data are always made on a case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances, and with the appropriate security controls in place. Personal information is only shared with those agencies and bodies who have a legitimate "need to know" or where you have consented to the disclosure of your personal data to such persons. Where possible, we will look to anonymise/pseudonymise/aggregate personal information so as to protect confidentiality, unless there is a legal basis that permits us to use it, and will only ever use/ share the minimum information necessary. However, there are occasions where the Trust is required by law to share information provided to us with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud.

The Freedom of Information Act 2000 provides any person with the right to obtain information held by the Trust, subject to a number of exemptions. Personal data is normally exempt, however there are some exceptions and this may be released under specific conditions as outlined in the Freedom of Information Act Policy. Any request for personal information a member of staff is referred to the Trust Information Governance Team.

Where any personal information is transferred to and outside of the EU / EEA, you can expect a similar degree of protection in respect of your personal information.

External service providers that may help manage employee services, for example:

- NHS Jobs and TRAC who are responsible for our job application platforms
- Atlantic Data Disclosure and Barring Service
- Trust ID – Right to work checks
- Visa Sponsor Management Systems
- Cority, supplier of our Occupational Health system
- International Business Machines Corporation (IBM) for maintaining your employment records held on systems including the national NHS ESR system.
- External solicitors, for employment matters
- Rostering and Job Planning software providers
- HM Revenue & Customs (HMRC)
- Department of Work and Pensions (DWP)
- Pension scheme providers
- Third party providers and administrators of staff benefits and expenses
- Health Assured, our Employee Support Service
- TIAA, the Trust internal auditors
- Mazars, external auditors for the Trust
- Third party researchers, for example Office of National Statistics (ONS) or independent organisations administering the annual National Staff Survey.

This list is not exhaustive and staff will be notified about any new use of their data. When we contract with an external supplier we ensure that your data will be held securely.

There are a number of circumstances where we must or can share information about you to comply with or manage:

- Disciplinary/investigation processes, including referrals to professional bodies, for example the Nursing and Midwifery Council, Health and Care Professions Council and the General Medical Council.
- Court/ Tribunal cases, including working with Trust solicitors to support cases, whereby staff data will be shared to meet disclosure requirements.
- Legislative and/or statutory requirements
- Court orders which may have been imposed on us
- NHS counter-fraud requirements

- Safeguarding matters including sharing information with agencies involved such as the Police, social care, LADO (Local Authority Designated Officer) and DBS
- Attachments of Earnings Orders through the Local Authority
- Requests for information from the Police and other law enforcement agencies for the prevention and detection of crime, and/or fraud if the crime is of a serious nature.

We may transfer information about you to other NHS organisations for purposes connected with your employment or the management of the Trust's business. Employment information will also be shared and transferred in accordance with streamlining staff movement principles. If you accept an offer with another NHS organisation, or your employment transfers or is seconded to another NHS organisation the following information will be shared via the Inter Authority Transfer (IAT) which is the secure process where information is transferred from one NHS employer to another:

- Personal data for example name, DOB, address, NI Number, to enable the new NHS employer to verify who you are
- Employment information, for example position, salary, grade, employment dates, dates of sickness (excluding absence reasons), to enable you to be paid correctly and the new employer to calculate NHS entitlements for annual leave and sickness
- Training compliance / competency dates, to reduce the need to repeat nationally recognised training and statutory and mandatory training.

## 7. How your information is kept up to date

All staff are responsible for ensuring that the information held on ESR is always up to date. Staff must update their information via Employee Self Service (ESS) where there are any changes. Where staff members do not have access to ESS or changes required are not accessible via this route, for example, paper records, they must inform their manager or designated contact within the Trust to ensure information remains up-to-date.

## 8. How long is information kept for?

The Trust will keep your records as defined within the [NHS Records Management Code of Practice for Health and Social Care](#) and the ULTH Records Management

Policy, available on the intranet. The Trust's policy is to retain personal data only for as long as needed to fulfil the purpose(s) for which it was collected, or otherwise as required under applicable laws and regulations. Under some circumstances we may anonymise your personal data so that it can no longer be associated with you. We reserve the right to retain and use such anonymous data for any legitimate business purpose without further notice to you.

## 9. Our legal basis for processing your personal information

The Trust needs to keep and process information about you for employment purposes. The information we process will be used for our management and administrative use only. The Data Protection Act 2018 and UK GDPR require specific conditions to be met to ensure that the processing of personal data is lawful.

These relevant conditions are below:

Data Protection Act:

- Schedule 1, Part 1(1) – ‘is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection’

UK /GDPR:

- Article 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.’
- Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject’, we will process your data to comply with any legal and statutory requirements.

The processing of special categories of personal data, which includes data concerning a person’s health, is prohibited unless specific further conditions can be met. The further relevant conditions are below:

- Article 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...’

- Article 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...’ - the conditions and safeguards referred to in paragraph 3 of Article 9 are engaged.

We will keep and use data to enable us to run the business and manage our relationship with you effectively, lawfully and appropriately:

- during the recruitment process
- while you are working for us
- at the time when your employment ends
- after you have left

This includes using information to enable us to:

- comply with the employment contract
- comply with any legal and statutory requirements
- carry out our obligations and rights as an employer
- pursue the legitimate interests of the Trust
- protect our legal position in the event of legal proceedings

If you do not provide this data, we may be unable in some circumstances to comply with our obligations and we will tell you about the implications of that decision.

The Trust does not require consent of employees to process their personal data if the purpose falls within the either of the legal basis detailed above.

## 10. Your rights in relation to your data

The Trust will always seek to process your personal data in accordance with its obligations and your rights. You will not be subject to decisions based solely on automated data processing without your prior consent.

Data Protection Act legislation gives you certain rights, including:

- request to access the personal data we hold about you
- request correction of inaccurate or incomplete information, subject to certain safeguards
- request your information be deleted or removed where there is no need for us to continue processing it and where the retention time has passed

- ask us to restrict the use of your information where appropriate
- in the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, to withdraw your consent for that specific processing at any time
- challenge decisions made without human intervention (automated decision making)

If you object to how we are using your information, wish us to restrict, erase or correct it, or would like further information about how we use your information and your rights, please contact our Information Governance Team.

## 11. Accessing your record (a Data Subject Access Request)

While you are employed by the Trust you may wish to see your employment record. You will have access to some of this information through Employee Self-Service (ESS). Should you require further information you can do this by contacting the Information Governance Team.

Your right to see some information may be limited - for example, if it includes details about other people. To access your record after you leave Trust employment, or if you want copies of your record, please also contact the Information Governance team via [ulth.info.gov@nhs.net](mailto:ulth.info.gov@nhs.net).

## 12. Useful contacts

United Lincolnshire Teaching Hospitals Information Governance Team-

If you have any questions or concerns regarding how your data is being processed, please contact the Data Protection Officer.

**Post:** Data Protection Officer

**Email:** [ulth.info.gov@nhs.net](mailto:ulth.info.gov@nhs.net)

### Information Commissioner

If after exhausting our internal processes you believe that we have not complied with the data protection legislation you may wish to seek advice from the Information Commissioner.

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

**Tel:** 0303 123 1113

To find details on how to contact the ICO please visit:

<https://ico.org.uk/global/contact-us/>

## 13. Changes to this privacy notice

We reserve the right to update this privacy notice at any time. We will notify 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.

## 14. Schedule 1 – Guidance Notes for Job Applicants

Thank you for your interest in working with us. We're responsible for the processing of your application, once you have submitted your request for employment with us. As our role as your potential employer, we'll process personal information to progress your application in accordance with provisions of Data Protection legislation and our Recruitment and Selection Policy. These are intended to be read in conjunction with the Staff Privacy Notice and to explain what we do with your personal details, and what other checks we may make to verify that information during the recruitment process.

### Complying with the law

The law requires us to process your information so we can:

- check you are fit to work or confirm what reasonable adjustments are required, if applicable
- monitor the diversity of candidates to ensure we comply with the Equality Act 2010
- meet safeguarding law requirements where this is relevant to the vacancy role
- confirm Right to Work, identity, and eligibility for the vacancy.

### Information Collected During the Recruitment Process

We'll use your information within your employment application so that we can:

- assess your suitability for the role
- complete your pre-employment checks in line with our employers guidance
- detect and prevent any possible mistakes or fraud.

When you apply for a position within the Trust you will provide us with relevant information about you including:

- Personal Information, Qualifications, Employment History, References, Supporting Information, Equality Monitoring Information, Safeguarding and Declarations.

At shortlisting and interview stages, members of these panels will only see parts of the application form that do not contain personal, sensitive or monitoring information.

In addition to the information provided by you, the following information is also collected:

- Selection information including correspondence, Interview notes, results of any selection assessments, Pre-employment checks including, Identity, Right to Work, Professional Registration and Qualification Checks, Employment History and Reference Checks, Work Health Assessment and Criminal Records Check.
- We may add any other information you supply to us or is required as part of your employment such as revalidation information.
- A financial security check may also be requested for senior staff involved in the management and handling of organisational budgets.
- We also seek assurance that all executive and non-executive directors (or those in equivalent roles) are suitable and fit to undertake the responsibilities of their role through the fit and proper person regulation requirements.
- For staff being recruited to Trust bank services they are required to provide a photograph for identification purposes.
- As part of pre-employment checks personal data will be entered into the Trust Occupational Health case management system to support individuals being able to start their role with the Trust; this data is held separately to the main staffing record.

When joining ULTH as an employee, information collated during recruitment will be retained along with information related to your employment, in line with the main Staff Policy Notice.

## Sharing Information

The details provided as part of your application will be seen by staff dealing with your recruitment in the Recruitment teams. Any health information provided to Occupational Health will only be seen by members of that team and the dedicated Recruitment teams.

Members of the interview panel will only see parts of the application that do not contain sensitive or monitoring information, as well as having sight of references for their preferred candidate. Where an applicant is successful following interview, the Recruiting manager will have access to key documents including pre-employment checks including references and Visa related documentation, Occupational Health updates where applicable, application form, offer letter, contract of employment, EF1 new starter form/ EF2 change of role form.

Information may be provided and shared about you from a number of sources during your recruitment and on-going employment with the Trust including:

- Current and Previous Employer / Educational Institution
- External organisations who may act on our behalf in the recruitment process
- Medical and/or Occupational Health professionals, to assess your fitness to work and any reasonable adjustments that you need
- The [Disclosure and Barring Service](#) (DBS), if your role requires a DBS check. This will tell the Trust about criminal convictions you may have. Not all roles require a DBS disclosure- see our DBS Policy or speak with the Resourcing team.
- Referees providing confidential information about your suitability to the role. If provided 'in confidence', they will not usually be disclosed to the individual concerned without permission from the reference provider.
- Inter Authority Transfer (IAT) – Information held by your previous NHS employer
- Information from HM Revenue and Customs (HMRC) relating to pay and employment
- Information about your right to work and visa applications
- Pension Information when transferring within the NHS
- Information from your manager/referee and organisations relating to your performance, sickness absence and other work related matters
- Confirmation of your registration with a professional body
- Any other organisation who has a legal right to it.

### **How long is information kept for?**

The Trust will keep your records as defined within the [NHS Records Management Code of Practice for Health and Social Care](#) and the ULTH Records Management Policy.

Successful applications will remain in the e-recruitment system for a maximum of 600 days from the date of application dependent on the length of the process to commencing employment, but only information relevant to the employment of successful candidates will be retained within staff employment records in line with the Records Management Policy. In addition to the e-recruitment system, appointed candidate packs are downloaded by the dedicated Recruitment teams which contains the full recruitment process undertaken and all related notes and documents (excluding the DBS certificate which is not permitted to be held on files). These appointed candidate packs are securely stored electronically in line with retention policy and all folders and files have restricted access.

For unsuccessful applications, personal information in the e-recruitment system will be deleted after 400 days from the application submission date.

For further information, please contact the People Systems Team:

[ulth.peoplesystemsreport@nhs.net](mailto:ulth.peoplesystemsreport@nhs.net)

## 15. Reference Table

Name	Accessible Via
ULTH Privacy Notice for Patients and Public Information Commissioner's Office	<a href="#">Fair processing notice</a> <a href="https://ico.org.uk/">https://ico.org.uk/</a>
Data Protection Act 2018 (DPA)	<a href="https://www.legislation.gov.uk/ukpga/2018/12/contents">https://www.legislation.gov.uk/ukpga/2018/12/contents</a>
General Data Protection Regulation (EU) 2016/679 (GDPR)	<a href="https://www.legislation.gov.uk/eur/2016/679/contents">https://www.legislation.gov.uk/eur/2016/679/contents</a>
NHS Records Management Code of Practice for Health and Social Care	<a href="#">Records Management Code of Practice - NHS Transformation Directorate</a>
Records Management Policy	Available on the intranet for existing staff or upon request for anyone external to the Trust

Social Media Policy	Available on the intranet for existing staff or upon request for anyone external to the Trust
Web Services Acceptable Use Policy	Available on the intranet for existing staff or upon request for anyone external to the Trust
Recruitment and Selection Policy	Available on the intranet for existing staff or upon request for anyone external to the Trust
Disclosure and Barring Policy	Available on the intranet for existing staff or upon request for anyone external to the Trust
Freedom of Information Policy and Procedure	Available on the intranet for existing staff or upon request for anyone external to the Trust
The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014	<a href="https://www.legislation.gov.uk/ukdsi/2014/9780111117613/contents">https://www.legislation.gov.uk/ukdsi/2014/9780111117613/contents</a>