

Data Protection Privacy Notice for Practice Staff

The Elms Medical Practice

Introduction

This privacy notice lets you know what happens to any personal data that you give to us, or any that we may collect from or about you.

This privacy notice applies to personal information processed by or on behalf of the practice.

This Notice explains

- Who we are, how we use your information and our Data Protection Officer
- What kinds of personal information about you we process
- What should you do if your personal information changes
- What are the legal grounds for our processing of your personal information (including when we share it with others)?
- For how long your personal information is retained by us
- What are your rights under data protection laws

The General Data Protection Regulation (GDPR) became law on 24th May 2016. This is a single EU-wide regulation on the protection of confidential and sensitive information. It came into force in the UK on the 25th May 2018 and is now known as UK GDPR 2021.

This Notice describes how we collect, use and process your personal data and how we comply with our legal obligations to you. Your privacy is important to us and we are committed to protecting and safeguarding your data privacy rights

This Privacy Policy applies to the personal data of our Employees.

How we use your information and the law.

The Elms Medical Practice (hereafter known as 'the Practice') is the 'Controller' of the personal data you provide to us.

Upon commencement of employment with the Practice you will be asked to supply the following personal information:

- Name
- Address
- Contact numbers
- Email address
- Date of birth
- National Insurance number
- Bank details
- Emergency contact information
- Health information.

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The information that we ask you to provide to the Practice is required by the business for the following reasons:

- In order for us to pay your salary
- In order for us to contact you out of hours if required
- To provide you with company information via email and post if required
- To have the ability to contact your emergency contacts if necessary
- To ensure we are able to inform the emergency services if your health is compromised
- To ensure that we can provide any reasonable adjustments as necessary
- To comply with payroll, pension and Inland Revenue requirements
- To create an NHS email account
- To set you up on the Practice's clinical and IT systems

We ask that you provide ID for copying to comply with our responsibilities as an employer under section 8 of the Asylum and Immigration Act 1996.

Throughout your employment we will collect data and add to your personnel file, ie appraisal paperwork, communications, absence information and changes to personnel data.

How we lawfully use your data

We need to know your personal, sensitive and confidential data in order to employ you. Under the UK GDPR 2021, we will be lawfully using your information in accordance with:

- Article 6(1)(b) Necessary for performance of/entering into a contract with you
- Article 9(2)(b) Necessary for controller to fulfil employment rights or obligations in employment.

This Privacy Notice applies to the personal data of our employees and the data you have given us about your carers/family members.

How we maintain the confidentiality of your records

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- Data Protection Act 2018
- The UK General Data Protection Regulations 2021
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- NHS Codes of Confidentiality, Information Security and Records Management

We will only ever use or pass on information about you to others who have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (i.e. life or death situations) or where the law requires information to be passed on.

Our practice policy is to respect the privacy of our staff and to maintain compliance with the UK General Data Protection Regulations (UK GDPR 2021) and all UK specific Data Protection Requirements (DPA 2018). Our policy is to ensure all personal data related to our staff will be protected.

All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. The practice will sign a separate confidentiality agreement if it is necessary. If a sub-contractor acts as a data

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processor for the Practice an appropriate contract (art 24-28) will be established for the processing of your information.

You have the right to withdraw your consent to the processing of data, in certain circumstances, however we may need to store your data after your consent has been withdrawn to comply with a legislative requirement. Please contact the Data Protection Officer in writing if you wish to withdraw your consent.

Where we store your information Electronically

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 servers within the European Union.

No third parties have access to your personal data unless the law allows them to do so. We have Data Protection Policies in place to ensure the secure processing of your personal and or special category (sensitive, confidential) data.

Who are our partner organisations?

We may also have to share your information with the following organisations;

- NHS Commissioning Support Units
- Clinical Commissioning Groups
- NHS England (NHSE) and NHS Digital (NHSD)
- Local Authorities
- CQC
- Private Sector Providers providing employment services
- Other 'data processors', of which you will be informed

You will be informed who your data will be shared with and in some cases asked for consent for this happen when this is required.

We may also use external companies to process personal information, such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure. All employees and sub-contractors engaged by our practice are asked to sign a confidentiality agreement. If a sub-contractor acts as a data processor for the Practice an appropriate contract (art 24-28) will be established for the processing of your information.

Patient access to prospective records

From 1 November 2022, patients will be able to view online records which were created since 1 November (or later if they register at a different practice after that date). This means that they will be able to see consultations. If an employee creates their own consultation within the patient's records, from 1 November, the patient will be able to view the employee's name. There is currently no system available to remove the employee's name; however, in the event that the employee's wellbeing may be put at risk by a patient, the relative consultation must be marked as 'not available online' in order to protect the employee.

How long we store your information for

We are required under UK tax law to keep your information and data for the full retention periods as specified by the UK Employment legislation.

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Employee personnel files will be stored for a period of seven years for any legal claims.

Accessing, amending or moving the personal data that you have given to us

You have the right to access your personal data. We will deal with your request without undue delay, and in any event in accordance with the law. We may also keep a record of your communications to help us resolve any issues which you raise.

Under UK GDPR 2021, you have the following rights:

Right to withdraw consent: Where we have obtained your consent to process your personal data for certain activities you may withdraw your consent at any time.

Right to erasure: In certain situations, you have the right to request us to "erase" your personal data. We will respond to your request within 30 days (although we may be allowed to extend this period in certain cases) and will only disagree with you if certain limited conditions apply.

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 30 days (although we may be allowed to extend this period in certain cases). Generally, we will only disagree with you if certain limited conditions apply.

Right of data portability: If you wish, you have the right to transfer your data from us to another data controller.

Right of access: You have a right under the Data Protection legislation to request access to view or obtain copies of what information the surgery holds about you, and to have it amended should it be inaccurate. To request this, you need to do the following:

- Your request should be made to the Practice
- There is no charge to have a copy of the information held about you (a charge can be made for a repeat request)
- We are required to respond to you within one month (this can be extended by a further two months should it proved that your request is complex).

What to do if your personal information changes

You should tell us so that we can update our records. Please inform the Practice Manager as soon as any of your details change, this is especially important for changes or address or contact details (such as your mobile phone number), the practice will from time to time ask you to confirm that the information we currently hold is accurate and up-to-date.

Objections and Complaints

Should you have any concerns about how your information is managed at the Practice, please contact the Practice Manager or the Data Protection Officer. If you are still unhappy following a review by the GP Practice, you have a right to lodge a complaint with a supervisory authority. You have a right to complain to the Information Commissioner.

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Information Commissioner:

Wycliffe house
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Email: icocasework@ico.org.uk
Website: <https://ico.org.uk/>

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 about how your data is shared, then please contact the Practice's Data Protection Officer.

If you would like to know more about your rights in respect of the personal data we hold about you, please contact the Data Protection Officer:

The Practice's Data Protection Officer is Sharon Forrester-Wild of Howbeck Healthcare. Any queries should be sent to:

Email: DPO.healthcare@nhs.net
Telephone: 07946 593082

Changes

It is important to point out that we may amend this Privacy Notice from time to time. If you are dissatisfied with any aspect of our Privacy Notice, please contact the Practice's Data Protection Officer.