



Privacy Notice (Staff)

Version 2024-1.0

Last Updated: 07/03/2024

**Gwasanaeth Cefnogi
Swyddog Diogelu Data**

**Data Protection Officer
Support Service**



This document will explain how THE VALE OF NEATH PRACTICE uses your personal data and explains your rights under data protection legislation.

THE VALE OF NEATH PRACTICE is the data controller for personal information we collect and store. The practice is committed to protecting your personal information and respecting your privacy. We have a legal duty to explain how we use the personal information we hold about you as a staff member (this includes all employees, ex-employees, agency staff, contractors) at our practice.

What information we collect about you and how we use it

Information related to your employment

We use the information collected to carry out our activities and obligations as an employer and to fulfil the contract we have with you. This includes providing you access to services required for your role and managing our human resources processes, the information we may use includes:

- Personal contact details such as your name, address, contact telephone numbers (landline and mobile) and personal email addresses.
- Your date of birth, gender, and National Insurance number.
- A copy of your passport or similar photographic identification and / or proof of address documents (only used to evidence your identity, these are not stored).
- Marital status.
- Employment and education history including your qualifications, job application, employment references, right to work information (under section 8 of the Asylum & Immigration Act 1996)
- Location of employment.
- Details of your attendance at work and periods of leave taken (including any reasons for leave e.g., sickness, maternity, paternity)
- Details of any secondary employment and any political, conflict of interest or gift declarations.
- Basic checks and higher security clearance details (DBS, NMC, GMC etc) according to your job role.
- Any criminal convictions that you declare to us.
- Your responses to staff surveys if this data is not anonymised.

Information related to your salary and pension

We process this information for the payment of your salary, pension, and other employment related benefits. We also process it for the administration of statutory and contractual leave entitlements such as holiday or maternity leave, the information we may use includes:

- Information about your job role and your employment contract including; your start and leave dates, salary (including grade and salary band), any changes to your employment contract, working patterns (including any requests for flexible working).
- Details of your time spent working and any overtime, expenses or other payments claimed.
- Details of any leave including sick leave, annual leave, special leave.

- Pension details including membership of both state and occupational pension schemes (current and previous).
- Your bank account details, payroll records and tax status information.
- Details relating to Maternity, Paternity, Shared Parental and Adoption leave and pay. This includes forms applying for the relevant leave, copies of MATB1 forms/matching certificates and any other relevant documentation relating to the nature of the leave you will be taking.

Information relating to your performance and training

We use this information to assess your performance, to conduct pay and grading reviews and to deal with any employer/employee related disputes. We also use it to meet the training and development needs required for your role.

- Information relating to your performance at work e.g., probation reviews, performance development reviews (PDRs) and promotions.
- Grievance and dignity at work matters and investigations to which you may be a party or witness to.
- Disciplinary records and documentation related to any investigations, hearings and warnings/penalties issued.
- Whistleblowing concerns raised by you, or to which you may be a party or witness to.
- Information related to your training history and development needs.

Information relating to monitoring

We use this information to assess your compliance with corporate policies and procedures and to ensure the security of our premises, IT systems and employees.

- Information about your access to data held by us for the purposes of criminal enforcement if you are involved with this work.
- Information derived from monitoring IT acceptable use standards.
- Photos and CCTV images.

We use the following information to comply with our legal obligations and for equal opportunities monitoring. We also use it to ensure the health, safety and wellbeing of our employees.

- Health and wellbeing information either declared by you or obtained from health checks, eye examinations, occupational health referrals and reports, sick leave forms, health management questionnaires or fit notes i.e., Statement of Fitness for Work from your GP or hospital.
- Accident records - if you have an accident at work.
- Details of any desk assessments, access needs or reasonable adjustments.
- Information you have provided regarding Protected Characteristics as defined by the Equality Act. This includes racial or ethnic origin, religious beliefs, disability status, and gender identification and may be extended to include other protected characteristics.

We are committed to respecting individual users' reasonable expectations of privacy concerning the use of our IT systems (Information technology) and equipment. However, we reserve the right to log and monitor such use in line with our Acceptable Use Policy.

Any targeted monitoring of staff will take place within the context of our disciplinary procedures.

How is your personal data collected?

Personal information about you will largely be collected directly from you during your recruitment and employment. Personal information may also be collected in certain circumstances through national checks such as DBS, NMC registration or GMC registration. Additionally, your information may be collected by CCTV systems within the Practice when your image is captured entering and leaving the practice premises.

Partners we may share your information with

We will disclose information about you, where legally obliged to – some of this may be routine (e.g.: HMRC), some on a case-by-case basis (e.g.: a warrant). But all other requests will be handled on case-by-case basis in line with data protection law. Personal Information is only shared with those agencies and bodies who have a "need to know".

Where possible, we will always look to anonymise/pseudonymise your personal information 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 practice is required by law to share information provided to us with other bodies i.e., bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

For any request to transfer your data internationally outside the UK/EU, which we don't anticipate any, should a request be received, it would be handled in accordance with data protection law and current advice from the Information Commissioner's Office (ICO).

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

- Disciplinary/ investigation processes
 - Professional bodies
 - Nursing & Midwifery Council (NMC)
 - General Medical Council (GMC)
- Legislative and/or statutory requirements.
- A Court Order which may have been imposed on us.
- A request for information from the police or a request for assistance from the Practice to the Police and/or other law enforcement agencies for the prevention and detection of crime and/or fraud if the crime is of a serious nature.

There are a number of circumstances where we MAY share information about you to comply or manage with some third parties:

- Government agencies - Department of Work & Pensions and agencies that work on behalf of the Government i.e., Capita, Environmental Audit requirements, Council (local requirements)
- External auditors
- HMRC for the purpose of collecting tax and national insurance contributions
 - Benefits

- Investigations
- Benefit in kind contributions
- P60 calculations

Our legal basis for processing your personal data

The Practice will only use and share your information where there is a legal basis to do so.

We need to know your personal, sensitive, and confidential data for the purposes of your employment. In general, under the UK GDPR, we will rely on one of the following legal bases:

- **Article 6(1)(b) which relates to processing necessary for the performance of our contract with you**
- **Article 6(1)(c) so we can comply with our legal obligations as your employer**

Where we process special category data, we will generally rely on one of the following conditions for processing:

- **Article 9(2)(b) which relates to carrying out our obligations and exercising our rights in employment and the safeguarding of your fundamental rights**
- **Article 9(2)(h) for the purposes of preventative or occupational medicine and assessing your working capacity as an employee**

Where we process information about staff criminal convictions and offences, the lawful basis we rely on to process this data are:

- **Article 10 UK GDPR – Processing of personal data relating to criminal convictions and offences.**
- **Section 10(5) in the Data Protection Act 2018, only if it meets Part 1,2,3 of Schedule 1.**

Retention/Maintenance of your Personal Information/Storing your Information

Your personal information is held in both paper and electronic forms for specified periods of time as set out in the Practice's retention schedule which can be found in VON Records Management Policy - V2024-1.0.

How to Contact us

Please contact the practice if you have any questions about our privacy notice or the information we hold about you via the below methods:

THE VALE OF NEATH PRACTICE: Vale of Neath Medical Centre, Glynneath Road, Glynneath, Neath, SA11 5AT.

TEL: 01639 509050

EMAIL: practice.manager.w98046@wales.nhs.uk

Requests for Confidential references

If you leave, or are thinking of leaving, we may be asked by your new or prospective employers to provide a reference. Confidential references are covered by an exemption from disclosure under data protection law. So, whilst the practice may choose to disclose, the data subject cannot use UK GDPR to request completion of these.

Confidential references – An exemption from UK GDPR applies if you give or receive a confidential reference for the purposes of prospective or actual:

- education, training, or employment of an individual;
- placement of an individual as a volunteer;
- appointment of an individual to office; or
- provision by an individual of any service.

It exempts you from the UK GDPR's provisions on:

- the right to be informed;
- the right of access; and
- all the principles, but only so far as they relate to the right to be informed and the right of access.

Contact Details of our Data Protection Officer

The Practice is required to appoint a data protection officer (DPO). This is an essential role in facilitating practice accountability and compliance with UK Data Protection Law.

Our Data Protection Officer is:

Digital Health and Care Wales (DHCW)
Information Governance, Data Protection Officer Support Service
5th Floor, Tŷ Glan-yr-Afon
21 Cowbridge Road East
Cardiff
CF11 9AD
Email: DHCWGMPDPO@wales.nhs.uk

Your Rights

The UK General Data Protection Regulation (UK GDPR) includes several rights. We must generally respond to requests in relation to your rights within one month, although there are some exceptions to this.

The availability of some of these rights depends on the legal basis that applies in relation to the processing of your personal data, there are some circumstances in which we may not uphold a request to exercise a right.

Your rights and how they apply are described below:

Right to be Informed

Your right to be informed is met by the provision of this privacy notice, and similar information when we communicate with you directly.

Right of Access

You have the right to obtain a copy of the personal data that we hold about you and other information specified in the UK GDPR, although there are some exceptions to what we are obliged to disclose.

Right to Rectification

You have the right to ask us to rectify any factually inaccurate data that we hold about you.

Right to Erasure (right to be forgotten)

You have the right to request that we erase personal data about you that we hold. This is not an absolute right, and depending on the legal basis that applies, we may have overriding legitimate grounds to continue to process the data.

Right to Restriction of Processing

You have the right to request that we restrict the processing of the personal data that we hold. You can ask us to do this, for example, where you contest the accuracy of the data.

Right to Data Portability

The right applies ONLY where the data is held in an electronic form AND was directly provided to the data controller by the data subject.

Right to Object

You have the right to object to processing of personal data about you at any time. The right is not absolute, and we may continue to use the data if we can demonstrate compelling legitimate grounds.

Rights in relation to automated individual decision-making including profiling

To comply with the UK GDPR, we will have a lawful basis to carry out profiling and/or automated decision-making and document this in our data protection policy. We explain how you can access details of the information we used to create your profile. We advise you who provided us with your personal data and how you can object to profiling, including profiling for marketing purposes. We have procedures for you to access the personal data inputted into the profiles so they can be reviewed and edited for accuracy issues. We only collect the minimum amount of data needed and have a clear retention policy for the profiles we create.

Right to complain to the Information Commissioner

You have the right to complain to the Information Commissioner if you are not happy with any aspect of Practices processing of your personal data or believe that we are not meeting our responsibilities as a data controller. The contact details for the Information Commissioner are:

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

Website: www.ico.org.uk

Tel: 0303 123 1113

Email: wales@ico.org.uk