

Privacy notice: employees, workers and contractors

Your privacy is important to us

Innovate Health Services (IHS) is a Data Controller. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Passport details.
- Copy of driving licence.
- Details of any life assurance beneficiaries.

Privacy notice: employees, workers and contractors

- Employment records relating to your employment including working hours, night workers' assessment forms (where relevant), training records and if you leave us, your reason for leaving.
- Recruitment records
- Disciplinary and grievance information and performance information.
- Photographs.
- CCTV footage and other information obtained through electronic means such as swipecard records, IT systems access and usage logs

We will during the course of your employment with us also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race, ethnicity or nationality, religious beliefs and sexual orientation [this information will only be collected during the appointment process].
- Information about your health, including any medical condition or disability and health and sickness records.
 - In addition to information relating to your health, IHS may also collect and process information relating to coronavirus (COVID-19) self-isolation status, to help with workforce planning and ensure continuity of services.
- Criminal convictions (DBS Checks)

How is your personal information collected?

We typically collect personal information about employees, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect information from third parties including former employers, credit reference agencies or other background check agencies.

We will collect additional personal information in the course of job-related activities throughout the time you work for us.

How we will use information about you

We will use your personal information as follows:

Privacy notice: employees, workers and contractors

- To carry out our obligations under your employment contract with us including but not limited to maintaining staff records, including payroll, benefits, corporate travel and other reimbursable expenses, development and training, absence monitoring, performance appraisal, conduct, management progress, disciplinary and grievance process and complaints, pensions administration, and other general admin and human resource related processes
- To provide you with information about your employment and communicate with staff.
- To deal with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Providing facilities, like IT systems access, library services and car parking
- Checking you are legally entitled to work in the UK.
- Ascertaining your fitness to work and providing occupational health and wellbeing services
- To assess bias in pay levels.
- Complying with health and safety obligations.
- At the end of your employment or engagement for analysis of staff turnover.
- Service quality and performance monitoring

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

Lawful basis for processing

The legal bases we use most often to collect information are:

- entering into and managing your employment contract
- legal obligations where processing is necessary for compliance, for example, informing HMRC of your tax and National Insurance contributions
- where we may rely on its legitimate interests, where a formal assessment has been made and recorded

Where we process sensitive personal or special categories of data about you, we will ensure this is done only where one of the following conditions applies:

- In limited circumstances, with your explicit written consent.

Privacy notice: employees, workers and contractors

- Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller, or the data subject, in the field of employment and social security and social protection law
- 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 or the management of health or social care systems and services
- Where it is needed in the public interest, such as for equal opportunities monitoring.
- We may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- Processing is necessary for reasons of public health.
- For archiving purposes.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Our obligations as an employer

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.

Privacy notice: employees, workers and contractors

- We will use information about your race or national or ethnic origin, religious beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

Do we need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our duty to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Automated decision-making

We do not envisage that any decisions will be taken about you based solely on automated means, however we will notify you in writing if this position changes.

Data sharing

Why might you share my personal information with third parties?

We may share your personal information with third parties where required by law or where it is necessary to administer the working relationship with you.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents), including Payroll and pensions teams. The following activities are carried out by third-party service providers: payroll records, pension, and occupational health services.

How secure is my information with third-party service providers and other entities in our group¹?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with relevant policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

What about other third parties?

¹ SWFT, George Eliot NHS Trust, Wye Valley NHS Trust, SWFT Clinical Services, Innovate Health Services

Privacy notice: employees, workers and contractors

We may share your personal information with other third parties, for example in the context of services being restructured, tendered or transferred.

We may share your personal information with our insurers if you have to make a work-related injury/accident claim.

We may also need to share your personal information with a regulator or to otherwise comply with the law – potential recipients include HM Revenue & Customs, the Department for Work and Pensions, the Child Support Agency and Child Maintenance Service.

We may also need to share your information with other agencies for the detection and prevention of crime or the prosecution of offenders. This may include the police or local counter fraud specialists

Data security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Data Protection Officer.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of IHS we will retain and securely destroy your personal information in accordance with our relevant data retention policies

Privacy notice: employees, workers and contractors

In the case of employees and other workers, this means that, in most circumstances we will retain the majority of their personal data while their employment continues and for six years after it ends.

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is

Privacy notice: employees, workers and contractors

clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your 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.

Right to withdraw consent

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, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

You 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.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide 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.

Contacting us about this privacy notice

If you have any questions about this privacy notice, please contact the Data Protection Officer at dpo.swft@nhs.net.