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## EMPLOYEE PRIVACY NOTICE

As a result of the revision of the Data Protection Act 1988, the new General Data Protection Regulation requires the practice to ensure that our employees are aware of what personal data we hold on them, how we collect the data and with whom it is shared.

The Data Protection Officer is – Nikesh Vallabh Clinical Director

Personal information held for each employee consists of your name, date of birth, marital status, ethnicity, next of kin, National Insurance number, address, contact telephone numbers, an e mail address ( if you have one) and your bank details.

This information is collected at the start of your employment with SWAN Primary Care Network. It is kept in your confidential personnel record and is held by the PCN HR Manager

Your personal information is shared with

- Payroll provider HullJady
- Bank - Lloyds
- NHS / NEST pensions in order that pension contributions are paid over appropriately
- HMRC
- Accountant – HullJady
- NHS England & Wigan ICB for workforce data / planning purposes
- NHS Smart card service
- GMCSU IT Department - computer & email logins
- Croner HR Support
- Member practices for employment assurance purposes

Please note however, any next of kin details and phone numbers are NOT shared with these providers. These are for company use only, i.e. in the event of an emergency when we need to contact your next of kin.

Personal information is NOT shared with anyone else outside of SWAN Primary Care Network

You have the right to access this information to ensure that it is accurate. Please let the PCN HR Manager know if you would like to do this. Please inform the Manager if you change your name, address or contact number(s) so that your record may be updated.

SWAN Primary Care Network.



What information does the SWAN Primary Care Network collect?

The SWAN Primary Care Network collects and processes a range of information about you. This includes:-

- Your name, address and contact details, including email address and telephone number, date of birth and gender;
- The terms and conditions of your employment;
- Details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the SWAN Primary Care Network;
- Information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
- Details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- Information about your nationality and entitlement to work in the UK;
- Information about your criminal record;
- Details of your schedule (days of work and working hours) and attendance at work;
- Details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- Details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- Assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the SWAN Primary Care Network needs to make reasonable adjustments;
- Details of any trade union membership; and
- Equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The SWAN Primary Care Network collects this information in a variety of ways, such as:

- Application forms;
- CVs or resumes;
- Copies of your passport other identity documents;
- Information collected through interviews or other forms of assessment;
- Forms completed by you at the start of or during employment;
- From correspondence with you;
- Through meetings or other assessments.



The SWAN Primary Care Network will also collect personal data about you from third parties, such as:

- References supplied by former employers;
- Information from employment background check providers and information from criminal records checks;
- The SWAN Primary Care Network may seek information from third parties only once a job offer to you has been made and will inform you that it is doing so.

Data will be stored in a range of different places, including:

- Your application record;
- HR management systems;
- IT systems (including email).
- 3<sup>rd</sup> party contractors e.g. Payroll systems, Inland Revenue and NHS Pensions Agency
- Wigan Borough ICB
- NHS England re staff workforce census

Why does the SWAN Primary Care Network process personal data?

The SWAN Primary Care Network needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. It needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefit, pension and insurance entitlements.

In some cases, the SWAN Primary Care Network needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. It is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the SWAN Primary Care Network has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the SWAN Primary Care Network to:

- Run recruitment and promotion processes;
- Maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- Operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- Operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- Obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;



- Operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the SWAN Primary Care Network complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- Ensure effective general HR and business administration;
- Provide references on request for current or former employees;
- Respond to and defend against legal claims; and
- Maintain and promote equality in the workplace.

Where the SWAN Primary Care Network relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes). Where the SWAN Primary Care Network processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring.

Who has access to data?

Your information will be shared internally. This includes:

- Your manager/supervisor
- Payroll

The SWAN Primary Care Network shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service.

The SWAN Primary Care Network is obliged to seek information about criminal convictions and offences in line with NHS Employers guidelines on criminal records checks, which you can read at: <http://www.nhsemployers.org/your-workforce/recruit/employment-checks/criminal-record-check>

The SWAN Primary Care Network also shares your data with third parties that process data on its behalf, in connection with payroll, the provision of benefits and the provision of occupational health services, HR consultancy to ensure compliance with employment law and recording of training, holidays and sickness.

The SWAN Primary Care Network will not transfer your data to countries outside the European Economic Area.

How does the SWAN Primary Care Network protect data?

The SWAN Primary Care Network takes the security of your data seriously. Internal policies and controls are in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

Where the SWAN Primary Care Network engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and SWAN Primary Care Network measures to ensure the security of data.

For how long does the SWAN Primary Care Network keep data?



The SWAN Primary Care Network will hold your personal data for [the duration of your employment]. The periods for which your data is held after the end of employment are between 6 – 10 yrs as per our retention policy.

## Your rights

As a data subject, you have a number of rights. You can:

- Access and obtain a copy of your data on request;
- Require the SWAN Primary Care Network to change incorrect or incomplete data;
- Require the SWAN Primary Care Network to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- Object to the processing of your data where the SWAN Primary Care Network is relying on its legitimate interests as the legal ground for processing; and
- Ask the SWAN Primary Care Network to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the SWAN Primary Care Network's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact SWAN Primary Care PCN HR Manager. You can make a subject access request by completing the SWAN Primary Care Network's form for making a subject access request.

If you believe that the SWAN Primary Care Network has not complied with your data protection rights, you can complain to the Information Commissioner.

## What if you do not provide personal data?

You have some obligations under your employment contract to provide the SWAN Primary Care Network with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide the SWAN Primary Care Network with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the SWAN Primary Care Network to enter a contract of employment with you. If you do not provide other information, this will hinder the SWAN Primary Care Network's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.