

## PRIVACY NOTICE – STAFF OR EMPLOYEE INFORMATION

### The Robert Jones & Agnes Hunt Orthopaedic Hospital NHS Foundation Trust

#### Introduction

This document summarises who we are, what information we hold about you, what we will do with the information we hold including who we may share it with and how long we will keep the information for. This document also explains what rights you have with respect to your information.

#### Who are we?

The Robert Jones and Agnes Hunt Orthopaedic Hospital NHS Foundation Trust (the Trust) is a leading orthopaedic centre of excellence. A specialist hospital with a reputation for innovation, the Trust provides a comprehensive range of musculoskeletal (bone, joint and tissue) surgical, medical and rehabilitation services; locally, regionally and nationally.

The Trust is registered with the Information Commissioner's Office (Registration Number Z4918057).

Our name, address and contact details are:

The Robert Jones and Agnes Hunt Orthopaedic Hospital NHS Foundation,

Oswestry,

Shropshire,

SY10 7AG

Telephone: 01691 404000

#### Why do we collect information about you?

We need information about you so that we can employ you and ensure that the contract that is held between the Trust and yourself allows the Trust to operate safely, effectively and is able to discharge all of its legal obligations as an employer.

Whilst we receive information from you, we also receive information about you from other individuals or organisations, such as when you are applying for employment, being paid, maintaining your registration as a healthcare professional, maintaining your pension or capability as an employee.

#### What types of information do we use?

**Personal data** means any information relating to an identified or identifiable individual; an identifiable person is one who can be identified directly or indirectly.

**Special category data** means any information relating to racial or ethnic origin, political opinions, religious beliefs, trade union activities, physical or mental health, sexual life or details of criminal offences.

#### What do we use information for?

The hospital may need to process your information in order to:

- Ensure that the information we hold about you is up to date

- Undertake employment screening and identity verification
- Manage day to day issues such as discipline, conduct and capability
- Undertake assessment and analysis purposes to ensure the essential operation of the Trust
- Prevent, detect and prosecute fraud and other crime
- Manage your pension, pay and other staff related contractual obligations
- Provide Occupational Health, Counselling and other health related services
- Enrol you as a member of the Trust Foundation membership

Where we do this we will process your **personal data** because it is necessary **for the performance of a contract with you**. Where we process your **special category** data we will do so because it is necessary **for the purposes of preventive occupational medicine, the assessment of the working capacity of an employee, management of health systems or pursuant to a contract** with you

There may occasions when we will be obliged to process your information in order to comply with a court order, coroner's instruction, to prevent or detect crime or to comply with the law. Where we do this we will process your **personal and/or special category** data to **comply with a legal obligation** to which the Trust is subject

If we process your information for other purposes that are not described above then we will seek your **consent** to do so before we process it

#### With whom do we share your information?

We may need to share your information with external organisations, such as:

- Other organisations that are contracted to provide payroll or Occupational Health related services for us
- Partner organisations who may provide support, counselling or medical services for staff
- Information will be shared when staff agree to be involved in deployment arrangements and agreements that exist with partner organisations
- Disclosure to NHS managers and the Department of Health for the purposes of planning, commissioning, managing and auditing healthcare services
- Disclosure to bodies with statutory investigative powers such as the Care Quality Commission, the General Medical Council, the Audit Commission or the Health Service Ombudsman
- Government departments such as the Department of Health or the Home Office
- Disclosure to solicitors, to the police, to the courts (including a Coroner's court), and to tribunals and enquiries

We will not share your information for marketing, social media or insurance purposes unless we have your consent to do so

#### How long do we keep your personal information for?

The NHS has a comprehensive set of guidelines, which govern the length of time that we may keep your records for, which are called the NHS Retention Schedules. The Trust will comply with the NHS Retention Schedules.

There may be occasions where the Trust will be obliged to vary from the NHS Retention Schedules, for examples, in response to a Court Order or other equivalent legal requirement

Information about the NHS Retention Schedules may be found via the NHS Digital Website at:

### What measures do we take to protect your information?

We take our duty to protect your personal information and confidentiality seriously. We are committed to taking all reasonable measures to ensure the confidentiality and security of personal data for which we are responsible, whether computerised or on paper.

We have appointed a Senior Information Risk Owner (SIRO), a 'Caldicott Guardian' and Data Protection Officer (DPO) who between them are responsible for the management of patient information and patient confidentiality. We also have a team of people involved in Information Governance who provide support to these roles. We use controls systems in place to allow only those that have a need to access your health records are allowed to do so and we have monitoring systems in place to verify who has accessed your health records.

Under the NHS Confidentiality Code of Conduct, all our staff are also required to protect your information, and inform you of how your information will be used.

Everyone working for the NHS is subject to the common law duty of confidentiality. Information provided in confidence will only be used for the purposes advised or consented to by the service user, unless it is required or permitted by the law.

### What are your rights in relation to your personal information?

Unless subject to an exemption, you have the following rights with respect to your personal data:

- The right to request a copy of your personal data which the Trust holds about you
- The right to request that the Trust corrects any personal data if it is found to be inaccurate or out of date
- The right to request your personal data is erased where it is no longer necessary for the Trust to retain such information – **as the hospital's lawful basis to process falls under *performance of a task carried out in the public interest*, this aspect does not apply**
- The right to withdraw your consent to the processing at any time if you have previously given consent for processing
- The right to request that the Trust provide you with your personal information and where possible, to transmit that data directly to another data controller, where your information has been processed with your consent
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing
- The right to object to the processing of personal data
- The right to lodge a complaint with the Information Commissioners Office.

Further information about your rights can be found via the Information Commissioners website, which is <https://ico.org.uk/>

### What happens if we need to transfer your information abroad?

The Trust does not routinely transfer information outside the European Union but if there is a need to do so we will ensure that the security and protections that are put in place are of equivalent standard to those standards that we would use internally when processing your information.

### **What if we wish to use your information for another purpose?**

If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining the new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we ensure there is a legal justification for such processing.

Where the Trust wish to use your information that is for any reason not in line with administering the business of the hospital or complying with a legal obligation, then we will seek your consent to do so.

### **Where can you get further information?**

If you do not wish to have your information used in any of the ways described, please contact:

Laura Peill- Data Protection Officer

Trust Offices

RJAH Orthopaedic Hospital NHS Foundation Trust

Oswestry

Shropshire SY10 7AG

Telephone number 01691 404000