



## **Staff & Bank Workers Privacy Notice** (updated January 2022)

### **What is a privacy notice?**

Sirona care & health is registered as a Data Controller with the Information Commissioner's Office (ICO) as part of the Data Protection Act 2018. We are committed to collecting, storing and processing personal information in line with UK Data Protection Law and the General Data Protection Regulation (GDPR). This privacy notice is our statement which explains how personal and confidential information is collected, used and shared.

By issuing this privacy notice for staff (prospective, current and former) and bank workers, we demonstrate our commitment to openness and accountability. We recognise the importance of protecting personal and confidential data in all that we do, and take care to meet our legal and other duties.

For the purposes of this privacy notice, the term 'staff' includes applicants, employees, bank workers (including agency, casual and contracted staff), volunteers, trainees, apprentices and work experience placements.

### **Patient privacy notice**

This privacy notice is intended for staff and bank workers. If you are a patient, service user, carer or relative, then please see our [patient privacy notice](#).

### **Laws on processing your information**

Sirona care & health will only process your personal information where we are able to do so by law, under the legal basis available through the Data Protection Act 2018 and General Data Protection Regulation 2016 (GDPR).

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
- when considering employees' rights as potential Members of the Organisation
- where the Organisation 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:

- 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, assessment of the working capacity of the employee, or the provision of health or social care

If you require further information about the legal basis for any specific aspect of our processing, please contact our Data Protection Officer (contact details follow below).

## What information do we collect?

### Personal data

This is information that identifies you, such as your name or contact details.

It is important that the personal information we hold about you is accurate and up to date. Please let us know if your personal information changes during your working relationship with us.

If any changes are required, please let us know by contacting your line manager in the first instance or contacting our HR Department (see 'Ask HR' contact details later).

### Special category personal data

Some of the information we collect is special category data, or sensitive data, which can include your race or ethnicity, religious beliefs, trade union membership, health (including physical and mental health), sexual orientation and gender, criminal convictions and disabilities.

### NHS Coronavirus (Covid 19) Vaccination Programmes

From 1<sup>st</sup> April 2022 new regulations come into force which will make it a condition of employment to be vaccinated against COVID-19. This applies to all public-facing staff, unless proof of exemption has been provided.

In order to comply with the regulations and to ensure that the Organisation delivers safe care to our patients, while also protecting them, our staff/bank workers, visitors and other people from the virus, we need to ensure that we have complete and accurate records about vaccination status (or proof of exemption).

Currently, when you have a vaccination, this is uploaded to national and/or regional IT systems. As you have the option of receiving your vaccination elsewhere, the information is uploaded by that care provider and Sirona care & health does not always hold your vaccination status.

The vaccination data will be searched/extracted from the 'NIVS' (National Immunisation and Vaccination System) and NIMS (National Immunisation Management Service) and 'VaccinationTrack' systems for existing staff/bank



workers. Where information is not available via these IT systems, then we will ask you to provide evidence of your vaccination status.

For new staff in a clinical role, your vaccination status will be requested as part of occupational health clearance by Cordell (the provider of our Occupational Health Services). For other staff, not requiring occupational health clearance, you will be asked to provide evidence of your vaccination status to our HR team.

To ensure that we have complete records and so that we can comply with the regulations and provide safe care, this data is extracted onto a local IT system (ESR).

Your immunisation status is recorded on the NHS Electronic Service Record (ESR) and may be shared with managers and supervisors for the purpose of service planning and assessing suitability for employment, having regard to any requirement to be vaccinated when employed in a CQC regulated activity. Immunisation status may also be shared with other healthcare providers for that purpose.

The data stored, whether extracted from an IT system or proof of exemption provided directly by you, will be considered part of the employment record and used to ensure that the Organisation is compliant with the regulations to provide safe care to patients and to ensure that staff and bank workers are compliant with the condition of their employment, if they are in patient-facing roles.

In accordance with the current Data Protection Act, a Data Protection Impact Assessment has been completed for the collection and storage of data. This includes the security of the system, uses of data, retention periods and lawful bases.

The lawful basis for processing immunisation status is:

- necessary for the performance of the employment contract with particular respect to any requirement to be vaccinated when employed in a CQC regulated activity
- necessary for compliance with the legal obligation in R17 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 to maintain such records as are necessary to be kept in relation to persons employed in the carrying on of a regulated activity

Information may be shared between providers of regulated services for the purposes of the legitimate interests of both parties in complying with the above requirements. All processing of immunisation status falls within Article 9 (2)(h) UK GDPR – necessary for the management of health or social care systems and services.



Access to health data is strictly controlled, this includes information on your vaccinations. Those staff who are entitled to access this information are aware of its confidential and sensitive nature and handle it appropriately.

## **When do we collect information about you?**

### **If you apply for a job**

When you apply for a position with Sirona care & health, you will give us relevant information about you which includes:

- personal contact details
- details of your skills, qualifications, employment history, experience, and professional membership (if relevant), and training history
- referee details

### **During the recruitment and selection process**

During recruitment and selection, we will collect additional information like:

- correspondence, interview notes, and results of any tests you're asked to complete as part of the selection process
- copies of qualifications and certificates
- pre-employment checks, including referees
- your nationality and immigration status, to confirm your eligibility to work in the UK
- your national insurance number, tax and bank details
- details of your pension
- remuneration, including salary and entitlement to benefits
- trade union membership
- criminal record
- ethnicity, gender, health, religion or sexual orientation
- medical history relevant to your employment, including physical health, mental health and absence history, vaccination status

### **If you become an employee or registered with our bank**

If you are employed by us or registered with us as a bank worker, we may collect additional information like:

- your image, for security and ID badges
- education and training history
- appraisal and performance reviews
- security and audit data when you use organisational IT equipment and systems, including the use of NHS smart cards
- your performance, sickness absence and other work related matter



- CCTV recordings when you're on NHS or other authorised premises
- personal data recorded as a normal part of your work activity
- data relating to employee relations, like disciplinary proceedings or complaints

If incomplete information is provided or you refuse to provide the information, then this may impact on your employment with us.

## Your rights

When it comes to personal data held about you by Sirona care & health, you have the right to:

- request access to that personal data
- request the correction of inaccurate or incomplete information, subject to certain safeguards
- request that your information is deleted or removed where there is no need for us to continue processing it, and when the retention time has passed
- to ask that we restrict the use of your information, based on personal circumstances
- to withdraw your consent for the collection, processing and transfer of personal information for a specific purpose
- to object to how your information is used
- to challenge automated decision making

## How to access your personal data

If you require copies of personal information held by Sirona care & health, speak to your line manager if you are a current member of staff or a bank worker.

Alternatively, please contact our Data Protection Officer – contact details follow.

If this is not appropriate or you're not satisfied with the response, you can contact our Ask HR Service on 0300 124 5446 or email [Sirona.askhr@nhs.net](mailto:Sirona.askhr@nhs.net). They will be able to advise you further and obtain copies of central or locally held personnel files, and ensure appropriate personal information is disclosed.

## How do we keep your information secure?

Under the UK Data Protection Act, there are strict principles that govern our use of your information and our duty to ensure it is kept safe and secure. Your information may be stored in electronic or paper records, or a combination of both. All of our records are restricted so that only those individuals who have a need-to-know the information, can get access. This may through the use of technology or other environmental safeguards.



Any information that you provide to us in confidence will only be used in connection with the purpose for which it was provided, unless we have specific consent from you or there are other special circumstances covered by law.

Our Data Protection Officer is in post to advise on compliance with the current Data Protection Act. At Board level, our SIRO (Senior Information Risk Owner) leads on information governance and advises the Board on the effectiveness of information risk management across the Organisation.

### **Do we share your information with anyone else?**

To support you in your employment and to enable us to meet our legal responsibilities as an employer, sometimes we will need to share your information with others.

Unless there is a valid reason permitted by law, or there are exceptional circumstances (such as likely risk to the safety of you or others), we will not disclose any information to third parties which can be used to identify you without consent. All information sharing with third parties is covered by a sharing agreement/contract to ensure that only relevant information is shared, and this is done in a secure way.

Sometimes we are required by law to disclose or report certain information, which may include details which can identify you. For example, sending statutory information to government organisations such as HM Revenue and Customs, or releasing information to the police or counter fraud. Where mandatory disclosure is necessary, only the minimum amount of information is released.

You have the right to refuse (or withdraw) consent to information sharing at any time. However, this may not be possible if the sharing is a mandatory or legal requirement imposed on the Organisation.

Only organisations with a legitimate requirement will have access to your information and under strict controls and rules.

### **Other NHS organisations**

To streamline staff movement, we may share your information with other NHS organisations within the Bristol, North Somerset and South Gloucestershire (BNSSG) area. We may also share your information if your employment transfers or you are seconded to another NHS organisation.

A Memorandum of Understanding is in place with NHS Organisations within BNSSG, that enables the following information to be shared if there is a legitimate business interest of the organisations to do so:



- personal data to verify who you are, like your name, date of birth, address, NI Number
- employment information to allow for correct pay and annual leave and sickness entitlements, like your position, salary, and dates of any sickness
- training compliance and competency dates, to reduce the need to repeat nationally recognised training and statutory and mandatory training

### **How long do we retain your records for?**

All our records are held and destroyed in accordance with the Records Management Code of Practice 2021 which sets out the appropriate length of time each record is retained. The Code covers organisations working within or under contract to NHS England.

All records are appropriately reviewed once the retention period has been met and we will decide whether the record still requires retention or should be confidentially destroyed. We do not keep records for longer than is necessary.

### **How can you contact us if you have questions or concerns about this privacy notice?**

If you have any questions or concerns regarding the information that we hold about you or you have a question regarding this privacy notice, please contact our Data Protection Officer.

Post: Data Protection Officer, Sirona care & health, Kingswood Civic Centre (2nd Floor), High Street, Kingswood, South Gloucestershire, BS15 9TR

Email: [sirona.dataprotection@nhs.net](mailto:sirona.dataprotection@nhs.net)

Telephone: 0300 124 5403

### **How can you make a complaint?**

You have the right to make a complaint if you feel unhappy about how we hold, use or share your information. Depending on the nature of your complaint, we would recommend contacting your line manager in the first instance (if you are a current member of staff or a bank worker).

Alternatively, you can contact our Data Protection Officer who will help you identify the most appropriate procedure to follow based on the specifics of your complaint.

If you remain dissatisfied following the outcome of your complaint, you may then wish to contact the Information Commissioner's Office.

Post: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Web: [ico.org.uk](http://ico.org.uk) Tel: 0303 123 1113 Please note that the Information Commissioner will not normally consider an appeal until you have exhausted your rights of complaint to us directly.