

## **Employee Privacy Notice**

### **1. Introduction**

This document refers to information and data kept regarding employees (all staff recorded in ESR) of the Norfolk & Norwich University Hospitals NHS Foundation Trust (the “Trust”).

It also applies to and covers individuals who may not be Trust employees but are found work related placements within the NHS by our Human Resources / Recruitment Team. Examples of this would be the ‘Step Into Health’ initiative where the Trust HR Programme Manager finds suitable NHS work placement vacancies on behalf of the NHS Confederation for ex Armed Forces Service People.

The Trust collects and processes personal data relating to its employees to manage the employment relationship. The Trust is committed to being transparent about how it collects and uses data and to meeting its data protection obligations.

The wording in this document reflects the requirements of the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) 2021.

Should you require further information about this notice you may contact the following:

#### **Data controller:**

HR department,  
Norfolk & Norwich University Hospital,  
Level 5, 20 Rouen Road,  
Norwich,  
NR1 1QQ.

[HRenquiries@nnuh.nhs.uk](mailto:HRenquiries@nnuh.nhs.uk)

#### **Data Protection Officer:**

Mark Northcott  
Head of Information Governance,  
Digital Health Department,  
Norfolk & Norwich University Hospital,  
Level 4, 20 Rouen Road,  
NR1 1QQ.

[info.gov@nnuh.nhs.uk](mailto:info.gov@nnuh.nhs.uk)

### **2. What personal information does the Trust collect?**

The Trust 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;

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- details of your (professional) qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the Trust;
- information about your remuneration, including entitlement to benefits such as pensions;
- 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;
- Targeted current awareness service (Library department)
- details of your schedule (days of work and working hours) and attendance at work including flexible leave requests;
- details of periods of leave taken by you, including holiday, sickness absence, special leave, career breaks, other family leave and the reasons for the leave;
- details of any disciplinary or grievance (appeals) procedures in which you have been involved, including any warnings issued to you and related correspondence;
- details of any complaints, concerns and queries you raise;
- assessments of your performance, including probationary reviews appraisals, training you have participated in (mandatory and non-mandatory), performance improvement plans and related correspondence;
- information about medical or health conditions, including whether you have a disability for which the Trust needs to make reasonable adjustments;
- details of trade union membership; and equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief
- visual images, personal appearance and behaviour, for example if CCTV images are used as part of building security and ID badges.

The Trust collects this information in a variety of ways. For example, data is collected through application forms, CVs; obtained from your passport or other identity documents such as your driving licence; closed circuit television (CCTV) recording and storage devices; from forms completed by you at the start of or during employment (such as benefit nomination forms, National insurance exemption, MAT B1, Adoption Matching Certificate); from correspondence with you; or through interviews, meetings or other assessments. You are required to maintain this information i.e., name change, home address, emergency contact details and may do so by using the ESR self-service portal.

In some cases, the Trust collects personal data about you from third parties, such as references supplied by former employers from employment background check providers, information from criminal records checks permitted by law.

The Trust seeks information from third parties with your consent only, although there may be exceptional circumstances where this may not apply, for example in relation to external criminal or safeguarding investigations.

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Data is stored in a range of different places, including in your personnel file, in the Trust's HR management systems and in other IT systems, e.g. TRAC, ESR and Health roster and including the Trust's email system.

Data may also be stored in hard copy format only (paper copies), such as for the Step into Health initiative.

### **3. Why does the Trust process your personal data?**

The Trust needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, 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 entitlements, shift enhancements and other payments.

In some cases, the Trust needs to process data to ensure 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.

For certain positions, it is necessary to carry out criminal records checks with the Disclosure and Barring Service to ensure individuals are permitted to undertake the role in question.

Processing employee data allows the Trust 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 workforce management purposes;
- operate and keep a record of employee training in order to verify your skills and to comply with our legal obligations;
- operate and keep a record of absence and attendance management procedures, to allow effective workforce management and ensure employees are receiving the pay or other benefits to which they are entitled;
- payment of salaries, wages and expenses.
- obtain occupational health advice, to ensure it complies with employment law duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure employees are receiving the pay or other benefits to which they are entitled;
- maintain information about Trade Union membership to allow the Trust to operate check-off for union subscriptions. Also, to ensure appropriate communication is made for consultation purposes.
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective

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workforce management, to ensure the Trust complies with duties in relation to leave entitlement, and to ensure 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 subject access requests;
- respond to and defend against legal claims including employment tribunals and appeals; and
- maintain and promote equality in the workplace meeting the obligations of the public sector equality duty.

The legal basis for processing your personal data is because it is necessary for:

- Potential contractual purposes with you – UK GDPR Article 6(1)(b).
- The Trust to comply with legal obligations placed on it as an NHS body – UK GDPR Article 6(1)(c).
- The performance of tasks carried out in the public interest or in the exercise of official authority vested in us as an NHS body - UK GDPR Article 6(1)(e).

Special category data is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

The legal basis for processing special category data about you or data relating to criminal convictions is because it is necessary for:

- Employment, social security and social protection (as authorised by law) – UK GDPR Article 9(2)(b) and UK Data Protection Act - Schedule 1, ch.1, Pt.1, 1.
- Reasons of substantial public interest – UK GDPR Article 9(2)(g).
- Health or social care (with a basis in law) and public health (with a basis in law) -UK GDPR Article 9(2)(h).

#### **4. Who has access to your personal data?**

In order 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. In all cases where your information needs to be shared, there will be a specified legal basis to support such action.

Your information will be shared internally, including with members of the wider HR and recruitment team (including payroll), your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

The Trust shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-

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party providers and obtain necessary criminal records checks from the Disclosure and Barring Service (DBS).

Training records are shared with Responsible Officers in the Trust, Commissioners, Regulatory Bodies, such as Health Education England (HEE), Dental School, General Medical Council (GMC) to ensure compliance with education and financial agreements. Third parties are contacted to confirm training arrangements (with external training providers).

Your individual training record is accessible from the intranet page for you to monitor your own compliance and for the Trust to manage its compliance with Statutory Mandatory Training. You may be able to access the training records of your peers and vice versa. Trust Management has agreed to this process for the purpose of monitoring and improving compliance and the safety of its staff, patients and visitors.

The Trust shares your data with third parties, including Internal Auditors, who process data on its behalf in connection with payroll, pension and ill health applications on behalf of the NHS business authority.

The Trust is also obliged to share data for Step into Health with HEE, the data will be de-identified so participants cannot be directly identified with ease. Personal Data to be shared is as follows:-

- 1 - Postcode
- 2 - Age
- 3 - Ethnicity

The NHS requires all staff to participate in an annual staff survey which is conducted by a third party who are provided with names and job titles only.

The Trust will not transfer your data to countries outside the European Economic Area.

To address fraud in the NHS, the Trust may be asked to provide a copy of staff information to the NHS counter fraud team who will match the data against other Trust databases to identify cases of fraud.

The Trust may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

Where mandatory disclosure is necessary only the minimum amount of information is released.

### **5. How does the Trust protect your data?**

The Trust takes the security of your data seriously. The Trust has internal policies and controls in place to try to ensure your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

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Where the Trust 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 Trust measures to ensure the security of data.

### **6. For how long does the Trust keep your data?**

The Trust will hold your personal data for the duration of your employment in accordance with specified instructions. The periods for which your data is held after the end of employment are set out currently under the Records Management Code of Practice 2021 (Appendix II – Retention Schedule).

### **7. 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 Trust to change incorrect or incomplete data;
- require the Trust 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 Trust is relying on its legitimate interests as the legal ground for processing; and
- ask the Trust to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the Trust's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the Human Resources team who will suggest the correct route for your query.

[HREnquiries@nnuh.nhs.uk](mailto:HREnquiries@nnuh.nhs.uk).

Further information regarding the Trust duties under the UK General Data Protection Regulation 2021 (UKGDPR), may be found on the Intranet under Departments and Information Technology.

If you believe the Trust has not complied with your data protection rights, you can complain to the Information Commissioner.

We would always ask you to attempt to resolve any issues you may not be happy directly with us in HR [HREnquiries@nnuh.nhs.uk](mailto:HREnquiries@nnuh.nhs.uk) or [info.gov@nnuh.nhs.uk](mailto:info.gov@nnuh.nhs.uk) in the first instance.

### **8. What if you do not provide personal data?**

You have some obligations under your employment contract to provide the Trust 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 Trust with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean you are unable to exercise your statutory rights.

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

### **9. Automated decision-making**

Employment decisions are not based solely on automated decision-making (decisions made without Human Intervention).

### **10. Review of Privacy notice - Employees**

This privacy notice will be subject to review every three years. However, should any changes in legislation or policy necessitate an earlier review, it may be updated in line with changes to practice as deemed appropriate.

### **11. Privacy notice for job applicants (external)**

This information is found in a separate Recruitment Privacy Notice available on Trust Docs (Trust Docs ID: 19828) and the Trust internet page.