

Fair Processing Notice

You and your personal information

Welcome to Camden and Islington (C&I) NHS Foundation Trust's privacy notice for staff. C&I respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

The General Data Protection Regulation (GDPR) requires that data controllers provide certain information to people whose information (personal data) they hold and use. A privacy notice is one way of providing this information. This is sometimes referred to as a fair processing notice.

Security of information

Confidentiality affects everyone: Camden & Islington NHS Foundation Trust collects, stores and uses large amounts of personal data every day, such as medical records, personal records and computerised information. This data is used by many people in the course of their work.

We take our duty to protect your personal information and confidentiality very seriously and 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.

At Trust Board level, we have appointed a Senior Information Risk Owner who is accountable for the management of all information assets and any associated risks and incidents, and a Caldicott Guardian who is responsible for the management of patient information and patient confidentiality. We also have a Data Protection Officer who is responsible for overseeing Trust's data protection strategy and its implementation to ensure compliance with GDPR requirements. They can be contacted via Information.Request@candi.nhs.uk

You have the right to make a complaint at any time to the [Information Commissioner's Office \(ICO\) opens in a new window](#), the UK supervisory authority for data protection issues. We would, however, appreciate the chance to deal with your concerns before you approach the ICO, so please contact us in the first instance via Information.Request@candi.nhs.uk.

Why do we collect information about you?

This information is for staff who are employed by Camden and Islington NHS Foundation Trust (hereafter referred to as 'the Trust').

During the course of our activities, the Trust will collect, store and process personal information about our prospective, current and former staff. For the purposes of this Fair Processing Notice, 'staff' includes applicants, employees, workers (including agency, casual and contracted staff), volunteers, trainees and those carrying out work experience.

We recognise the need to treat staff personal data in a fair and lawful manner. No personal information held by us will be processed unless the requirements for fair and lawful processing can be met. This Fair Processing Notice provides a summary of how we will

ensure that we do that, by describing:

- * the categories of personal data we may handle
- * the purpose(s) for which it is being processed
- * the person(s) / organisation(s) it may be shared with

This Notice also explains what rights you have to control how we use your information. What laws apply to the handling of personal information? How organisations can use personal information is determined by Law. The key legislation governing the use of information is listed below:

- * General Data Protection Regulation (EU) 2016/679
- * The Data Protection Act 2018
- * The Human Rights Act 1998
- * Freedom of Information Act 2000
- * Computer Misuse Act 1998
- * Audit Commission Act 1998
- * Regulation of Investigatory Powers Act 2000
- * Access to Health Records Act 1990

The Data Protection Act (DPA) is the law that primarily determines how we can use your personal data.

For the purposes of the Data Protection Act, the Trust is the "Data Controller" (the holder, user and processor) of staff information.

For employment purposes the below lawful reasons for lawful processing will apply this includes special categories of data such as health data for employment purposes.

6(1) (e) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Article 6 (1) (c) *processing is necessary for compliance with a legal obligation*. As the Trust is required to comply with Health & Safety laws, and is conducting this risk assessment on this basis, I would suggest this is a more appropriate lawful basis to rely on than Article 6.1(e) (*task in the public interest*) and should be included in addition.

9 (2) (b) Processing is necessary for the purpose of carrying out the obligations and exercising the specific rights of the controller or the data subject in the field of social protection law in so far as it is authorised by Union or Member State law.

Personal data processed in relation to the Disclosure and Barring Service (DBS checks) falls under the GDPR (Article 10) and the provision of Safeguarding Vulnerable Groups Act 2006.

What types of personal data do we handle?

In order to carry out our activities and obligations as an employer we handle data in relation to:

- Contact details such as names, addresses, telephone number
- Emergency contact(s)
- Education and training
- Employment records (including professional membership, references and proof of eligibility to work in the UK)

- Bank details
- Pension details
- NI Number
- Personal demographics (including gender, DOB, race, ethnicity, sexual orientation, religion)
- Proof of ID (copies of passport, proof of address)
- Medical information including physical health or mental condition. This include age, sex, ethnicity, pregnancy and disability
- Information relating to health and safety
- Trade union membership
- Offences (including alleged offences), criminal proceedings, outcomes and sentence
- Employment Tribunal applications, complaints, accidents, and incident details
- Photos of all staff for Trust ID or NHS Smartcard

What is the purpose of processing data?

Under the DPA, the Trust only processes your personal data where we have your consent or where the processing can be legally justified. These include circumstances where the processing is necessary for the performance of staff contracts with us or for compliance with any legal obligations which applies to the Trust as your employer, this will include sharing your information with other bodies where we have a statutory or legal obligation to do so (Please see other bodies below).

These obligations may include (but are not limited to):

- * Staff administration (including payroll)
- * Pensions administration
- * Business management and planning
- * Accounting and Auditing
- * Accounts and records
- * Crime prevention and prosecution of offenders
- * Education
- * Health administration and services
- * Information and databank administration
- * Sharing and matching of personal information for national fraud initiative
- * Workplace assessment

Other than where there is a statutory / legal requirement to share your information we will not publish any information that identifies you or routinely disclose any information about you without your express consent. At any time you have the right to refuse / withdraw consent to information sharing.

How you can access your records

The Data Protection Act 2018 gives you a right to access the information we hold about you on our records. You can request this information by contacting the information governance department on information.request@candi.nhs.uk

- An indication of what information you are requesting to enable the Trust to locate it in an efficient manner.

If you think any information is inaccurate or incorrect, please let us know. **We do not charge for any requests for information under the Data Protection Act 2018 and are required to comply within 30 days.**

Data controller

The Data controller responsible for keeping your information confidential is:

Head of Information Governance/ Information Governance Manager
3rd Floor, Room 3/25, West Wing
St Pancras Hospital
4 St Pancras Way
London
NW1 0PE
UK
Telephone: 0203 317 7100

The Trusts ICO Registration Number is: **Z8583439**

Freedom of Information

The Freedom of information Act 2000 provides any person with the right to obtain information held by the trust, subject to a number of exemptions. Trust will aim to respond to the Freedom of Information requests within 20 working days. If you would like to request some information from us, please email us on freedom.information@candi.nhs.uk.

Your legal rights

Under certain circumstances, you have rights under data protection laws and General Data Protection Regulation (GDPR) in relation to your personal data.

- **Request access** to your personal data (commonly known as a subject access request). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data 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 data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request. There are exceptions to the right to erasure.
- **Object to processing** of your personal data 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 as you feel it impacts on your fundamental rights and freedoms. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

You do not have a general right to object to processing of your personal information for your individual care, however you can object if the information is used for a secondary purpose, such as:

- marketing

- scientific or historical research
 - statistical purposes
 - purposes in the public interest or under an official authority (eg NHS Act 2006)
 - public patient involvement groups
- **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

If you wish to exercise any of the rights set out above, please contact us at Request, Information Information.Request@candi.nhs.uk

Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise this right set out above, please contact us on Request, Information Information.Request@candi.nhs.uk

Complaints

The Information Commissioner's Office (ICO) is the body that regulates the Trust under Data Protection and Freedom of Information legislation. <https://ico.org.uk/>. If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the ICO at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Email: casework@ico.org.uk