

NHS Orkney Board Staff Privacy Notice

Introduction

During the course of NHS Orkney’s activities, we will collect, store and process personal information about our prospective, current, and former staff. For the purposes of this Data Protection 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 information 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 Data Protection Notice provides a summary of how we will ensure that we do that, by describing:

- the categories of personal information we may handle
- the purpose(s) for which it is being processed, and
- the person(s) it may be shared with.

This notice also explains what rights you have to control how we use your information. All staff are encouraged to read this notice carefully, any questions relating to the information held within this privacy note should be sent to your Data Protection Officer, contact details can be found at the end of this document.

What laws are relevant to the handling of personal information?

The law determines how organisations can use personal information. The key legislation governing the use of information is listed below:

- Data Protection Legislations
- The Human Rights Act 1998
- Freedom of Information (Scotland) Act 2002
- Computer Misuse Act 1998
- Regulation of Investigatory Powers Act 2000, and
- Access to Health Records Act 1990.

NHS Orkney is the ‘Data Controller’ (the holder, user, and processor) of staff information.

What types of personal information do we handle?

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

- name, home address, telephone, personal email address, date of birth, employee identification number and marital status, and any other information necessary for our business purposes, which is voluntarily disclosed in the course of an employee’s application for and employment with us
- national insurance number
- special category information: for example, data about race, ethnic origin, religious or philosophical beliefs, trade union membership, health, and sexual orientation (collected only where required by law and used and disclosed only to fulfil legal requirements)
- absence information, e.g., annual leave, sickness absence, study leave, maternity leave, paternity leave
- occupational health clearance information
- qualification and training information; and
- statutory and voluntary registration data.
- CCTV images

- Swipe access card records.
- Electronic communications and applications on NHS Orkney owned networks or devices
- Voice recordings where required.

When you are no longer our employee, we may continue to share your information as described in this notice, i.e., so long as this is fair and lawful.

What is the purpose of processing data?

Your personal information is collected by NHS Orkney and shared with NHS SCOTLAND for the purposes of employee management. It will be captured and stored on an electronic system and will be used and shared by human resources (HR) professionals in NHS Orkney and board(s) where you are working in any capacity.

Occupational health clearance information – referred to as the Occupational Health Passport – will be shared by NHS Orkney with occupational health professionals in the Board, and Boards where you have been offered employment.

We use information about you in order to:

- evaluate applications for employment
- manage all aspects of your employment with us, including but not limited to, payroll, benefits, corporate travel and other reimbursable expenses, development and training, absence monitoring, performance appraisal, disciplinary and grievance processes, pensions administration, and other general administrative and human resource related processes
- develop workforce and succession plans
- maintain sickness records, and occupational health programme
- administer termination of employment and provide and maintain references
- maintain emergency contact and beneficiary details, which involves us holding information on those nominated by you
- comply with applicable laws (e.g., health and safety), including judicial or administrative orders regarding individual employees (e.g., child support payments); and
- share and match personal information for the national fraud initiative.
- Monitoring and securing the organisation against Cyber Crime

Sharing your information

There are a number of reasons why we share information. This can be due to:

- our obligations to comply with current legislation, and
- our duty to comply with any Court Order which may be imposed.

Any disclosures of personal information are always made on case-by-case basis, using the minimum personal information necessary for the specific purpose and circumstances and with the appropriate security controls in place. Information is only shared with those agencies and bodies who have a "need to know," or where you have consented to the disclosure of your personal information to such persons.

In order to comply with our obligations as an employer we will need to share your information as follows (this list is not exhaustive):

Reason we might share your information:	Who we share it with:
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For the purposes outlined above.	Human resources, occupational health, and line managers
Professional registration purposes	Regulatory bodies such as the GMC or NMC.
Payroll purposes	NHS Payroll Services, SSTs, HMRC
Staff moving between Health Boards	Other Health Boards
Training purposes	Human Resources, Educational institutions.
Appraisal / revalidation purposes	Other boards / regulatory bodies
National reporting purposes	National Service Scotland
National and internal Employee Directory	General public / NHS Scotland Employees
Trade Unions Membership	Trade Unions

Background on sharing and our responsibilities

Privacy laws do not generally require us to obtain your consent for the collection, use or disclosure of personal information for the purpose of establishing, managing, or terminating your employment. In addition, we may collect, use, or disclose your personal information without your knowledge or consent where we are permitted or required by law or regulatory requirements to do so.

The GDPR and Data Protection Legislation require personal information to be processed fairly and lawfully. In practice, this means that NHS Orkney must:

- have a legal basis for collecting and using personal information.
- not use the data in ways that have unjustified adverse effects on the individuals concerned.
- be transparent about how it intends to use the data – and give individuals appropriate Data Protection Notices when collecting their personal information.
- handle people’s personal data only in ways they would reasonably expect; and
- make sure it does not do anything unlawful with the data.

NHS Orkney’s legal basis for collecting and using staff personal information and/or special category such as health information, is because it is necessary to do so when staff have an employment contract with the Board or potentially entering into an employment contract.

Information about the rights of individuals under the Data Protection Legislation can be found within the [NHS Orkney Privacy Notice](#).

Security of your Information

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 information for which we are responsible, whether computerised or on paper.

At director level, we have appointed a Senior Information Risk Owner (SIRO) 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 the Boards data protection compliance and is available to all staff in an advisory role.

All staff are required to undertake regular information governance training and to be familiar with information governance policies and procedures.

NHS Orkney Information Governance and Data Protection Policies can be found in the NHSO Policies channel in MS Teams.

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

How do we collect your information?

Your information will be collected on a national workforce information system; this system is not held locally within your Board. The national system manager is authorised for full access nationally, providing access and accounts for local NHS Boards system administrators.

Information about you will be entered, held and processed in national systems to ensure essential functions such as payroll and rostering can be carried out. As these are systems are procured nationally from third party suppliers, some information may be stored in data centres outside the NHS estate. For example, data entered into the e-rostering system may be held in data centres in India or North Macedonia. All other systems use UK based data centres.

We also collect information in a number of other ways, for example correspondence, forms, interview records, references, surveys.

Retaining information

We only keep your information for as long as it is necessary to fulfil the purposes for which the personal information was collected. This includes for the purpose of meeting any legal, accounting, or other reporting requirements or obligations. The NHS Scotland retention policy sets out the minimum retention timescales.

We may, instead of destroying or erasing your personal information, make it anonymous so that it cannot be associated with or tracked back to you.

How can you get access your personal information?

You have the right to access the information which NHS Orkney holds about you, subject to any exemptions. Requests can be made in a number of ways, including in writing or verbally. You will need to provide:

- adequate information [for example, full name, address, date of birth, staff number, etc.] so that your identity can be verified, and your personal information located.
- an indication of what information you are requesting to enable us to locate this in an efficient manner. There is not a requirement to tell us what you need or why, but more specific requests will generally lead to faster return of the required information.
- We may ask you to complete an application form to collect the data we need, although you are not obliged to do so.

You should direct your request to the Information Governance Team via ork.dp@nhs.scot or for advice call 01856 888220.

We aim to comply with requests for access to personal information as quickly as possible. We will ensure that we deal with requests within 30 days of receipt unless there is a reason for delay that is justifiable.

What if the data you hold about me is incorrect?

It is important that the information which we hold about you is up to date. Staff can amend some elements of personal information as required via the national workforce information system. If any other changes not accessible via this route are required, then it is important that you let us know by contacting your manager and the HR team.

Freedom of Information

The Freedom of information (Scotland) Act 2002 (FOISA) provides any person with the right to obtain information held by NHS Orkney, subject to a number of exemptions. Personal information is often exempt, however. If you would like to request some information from us, please send your request to NHS Orkney's FOI team ork.foirequests@nhs.scot or call 01856 888220 for advice.

It is possible, in certain circumstances, for staff data to be released under FOISA. If this were to occur, the relevant Data Protection requirements and guidance from the Information Commissioner's Office (ICO) would be followed.

Any request to access personal information we hold about you will be handled under the Data Protection Legislations and GDPR.

Complaints about how we process your personal information

In the first instance, you should contact the Data Protection Officer:

E-mail: ork.dp@nhs.scot

NHS Orkney
The Balfour
Foreland Road
Kirkwall
KW151NZ
Telephone: 01865 888253

For further information on your data protection rights please visit:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If you are unhappy with the advice provided by the Data Protection Officer, you can contact the Information Commissioners Office directly:

How to contact the Information Commissioner's Office (ICO)

<https://ico.org.uk/global/contact-us/>

The Information Commissioner's Office

Information Commissioner's Office

Wycliffe House

OFFICIAL

Water Lane,
Wilmslow SK9 5AF
www.ico.org.uk