 

**HUMAN RESOURCES – PRIVACY STATEMENT CSU**

**Applicable to Gloucestershire CCG Employees**

NHS South, Central and West Commissioning Support Unit (CSU) are hosted by NHS England and provide a range of commissioning support services to clinical commissioning groups (CCGs). For further details of who we are in addition to our contact details please go to [SCW Privacy Statement](https://www.scwcsu.nhs.uk/privacy-statement/)

You are employed by the NHS Business Services Authority on behalf of the Organisation that you work for. We process our own staff data and our customer staff data if they have asked us to provide Human Resources Services to them. In order to do this we hold your information on behalf of the organisation you work for which means that they will share your information with us. Any references to processing in this notice relate to both SCW data and our customer data.

The range of services covered by this privacy statement is:

* **Human Resources**
* **Organisational development**
* **Learning and development**

We process the following categories of data:

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| **Personal Data**  (derived from the GDPR) | Any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person |
| **‘Special Categories’ of Personal Data**  (derived from the GDPR) | ‘Special Categories’ of Personal Data is different from Personal Data and consists of information relating to:   1. The racial or ethnic origin of the data subject 2. Their political opinions 3. Their religious beliefs or other beliefs of a similar nature 4. Whether a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1998 5. Genetic data 6. Biometric data for the purpose of uniquely identifying a natural person 7. Their physical or mental health or condition 8. Their sexual life |
| **Personal Confidential Data** | Personal and Special Categories of Personal Data owed a duty of confidentiality (under the common law). This term describes personal information about identified or identifiable individuals, which should be kept private or secret. The definition includes dead as well as living people and ‘confidential’ includes information ‘given in confidence’ and ‘that which is owed a duty of confidence’. The term is used in the Caldicott 2 Review: Information: to share or not to share (published March 2013). |
| **Commercially confidential Information** | Business/Commercial information, including that subject to statutory or regulatory obligations, which may be damaging to SCW CSU or a commercial partner if improperly accessed or shared. Also as defined in the Freedom of Information Act 2000 and the Environmental Information Regulations. |

We process the categories of data described above in accordance with Data Protection Legislation. Under the General Data Protection Regulation (EU) 2016/679 (GDPR) the conditions for processing relied upon are;

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| **Article 6, 1 (b)** Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; |
| **Article 9, 2 (b)** processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject; |
| **Article 9, 2 (g)** processing is necessary for reasons of substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguards; |
| **Article 9, 2 (h)** Processing is necessary for assessing the working capacity of the employee; |

Under the Data Protection Act 2018, the processing referred to in the GDPR Article 9 conditions above is authorised under

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| Schedule 1, Part 1, paragraph 1 | In connection with employment |
| Schedule 1, Part 1, paragraph 2 | The assessment of the working capacity of an employee |
| Schedule 1, Part 2, paragraph 8 | Equality of opportunity or treatment |
| Schedule 1, Part 2, paragraph 9 | Racial and Ethnic diversity at senior levels of Organisations |
| Schedule 1, Part 2, paragraph 10 | Preventing or detecting unlawful acts |
| Schedule 1, Part 2, paragraph 11 | Protecting the public against dishonesty |
| Schedule 1, Part 2, paragraph 12 | Regulatory requirements relating to unlawful acts and dishonesty |
| Schedule 1, Part 2, paragraph 14 | Preventing fraud |
| Schedule 1, Part 2, paragraph 18 | Safeguarding of children and of individuals at risk |
| Schedule 1, Part 2, paragraph 19 | Safeguarding of economic well-being of certain individuals |
| Schedule 1, Part 2, paragraph 21 | Occupational pensions |

We process the categories of data described above for the following purposes

1. **RECRUITMENT** 
   1. We advertise employment opportunities – we ask you to provide your data to us using the NHS jobs online recruitment system if you wish to submit an application
   2. We use the data you have provided in your application for sharing with the recruiting Manager and anyone involved in the shortlisting process. At this stage we will not allow your personal details to be shared, only information relating to your suitability for the post and employment history. If you are shortlisted we will give the recruiting Manager more details about you.
   3. We use your contact information in any correspondence we may send you relating to your application and any interview arrangements if you are selected for interview
   4. If you are considered suitable for the position we will use the data you have provided to us to arrange any employment checks including those relating to occupational health, Disclosure and Barring Service, employer and personal references, professional registrations, identity checks and eligibility to work checks
   5. If you are offered employment we will use the data you have provided to us to communicate with you about the employment offer, your contract and your welcome pack
   6. If you are not offered employment we will keep all the recruitment paperwork in line with the document retention policy after which will be destroyed.
   7. Management of offers of employment covering Substantive, Fixed Term and Bank style contracts.
   8. Part of the process of recruitment may require some testing including Psychometric testing, any personal information and results will be covered by the document retention policy.
2. **PAYROLL AND PENSIONS**
   1. We use NHS Shared Business Services (SBS) and the Electronic Staff Record to process your information so that you can be paid correctly.
   2. We work with internal finance teams who help manage staffing budgets and payments.
   3. We will process requests for financial references e.g. mortgages or lettings that you authorise us to do.
3. **CONTRACT MAINTENANCE AND UPDATES**
   1. We will use the Electronic Staff Record (ESR) to hold information about your employment contract so that we can make sure this is correct. We will use this information to communicate with you regarding any changes to your contract. We will also communicate with SBS and internal finance teams about these changes.
   2. We will ensure that your information is used to record any special arrangements relating to your employment including maternity and paternity leave and other specific circumstances where we need to ensure relevant leave is processed in conjunction with payroll.
   3. We will communicate with you regarding information we hold about your Professional registrations and their maintenance.
4. **CASE MANAGEMENT AND EMPLOYEE RELATIONS**
   1. There may be times when you require or request additional support to help you with your work. We will process your information if we need to ask for occupational health support but you will be kept informed how this information will be used and who it will be shared with as part of the assessment process.
   2. You can access the employee assistance support provided without informing your employer you have done so. Where you have done this we will not hold any information about this unless you tell us.
   3. There may be times when we need to seek legal advice or other professional advice in relation to your employment contract. Where we feel it would be beneficial to share information about you that identifies you we will discuss this with you unless we identify that there is a legal reason not to.
   4. We may be asked to provide specific support for individual circumstances where it is necessary to use and discuss information that we hold about you with your Manager or other named individual.
   5. We will process your information when we are asked to provide advice, guidance and support the investigation of complaints and concerns relating to HR processes including grievances, disciplinary and capability procedures including hearings.
5. **EMPLOYEE DATA ANALYSIS INCLUDING TRENDS, TURNOVER, STAFF SURVEYS, WORKFORCE PLANNING** 
   1. We will use the information we hold about you in order to provide management and business monitoring reports and analysis. This will be done anonymously where it is not necessary to identify you.
   2. We will use your information to complete national and local workforce returns including local monitoring returns, workforce equality profiles and protected characteristics analysis. Wherever possible, this information will not identify you and will be used in an anonymous format. Where personal information is required we will tell you and if necessary, seek your consent to do this.
6. **ORGANISATIONAL DEVELOPMENT** 
   1. The Information required for learning and development will be stored on a professional system
   2. The Information will be used for the booking and completion of Statutory & Mandatory training courses, the information will be held in conjunction with the records policy.

There may be certain circumstances in which we are legally required to share your personal information without your consent for example:

* If we are required to by a court order
* in Safeguarding situations
* to prevent or detect criminal acts
* notifiable diseases

1. **ACCESS TO PERSONAL INFORMATION HELD ABOUT YOU**

You are entitled to receive copies of all personal information held about you.  Any requests made will be jointly managed by both CCG and CSU staff unless you specifically state in your request that you do not wish this to happen.

If you have any concerns or questions about the use of your personal information please contact the HR support team on [scwcsu.hrsupport@nhs.net](mailto:scwcsu.hrsupport@nhs.net)

1. **RECORDS MANAGEMENT**

Personal information about unsuccessful candidates will be held for 12 months after the recruitment exercise has been completed, it will then be destroyed or deleted.

We retain anonymous statistical information about applicants to help inform recruitment activities.

Once a person has taken up employment, we will compile a file relating to your employment.   The information contained in this will be kept on paper or electronically. It will be kept secure and will only be used for purposes directly relevant to your employment.  Once your employment has ended, we will retain the file in accordance with the document retention policy.