

# THE BLACKDOWN PRACTICE – HR & ADMIN

## STAFF PRIVACY NOTICE

**Data controller:** The Blackdown Practice, Station Road, Hemyock, Cullompton. EX15 3SF

**Data protection officer:** A Data Protection Officer, Bex Lovewell, has been appointed on behalf of our Practice and is hosted by DELT Shared Services. Bex may be contacted by e-mail [bex.lovewell@nhs.net](mailto:bex.lovewell@nhs.net) or Data Protection Officer, DELT Shared Services Ltd, BUILDING 2 – DELT, Derriford Business Park, Plymouth PL6 5QZ.

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

### WHAT INFORMATION DOES THE EMPLOYER/PRACTICE COLLECT?

The Employer/Practice 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;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the Employer/Practice;
- 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;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the Employer/Practice 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 philosophical belief.

The Employer/Practice collects this information in a variety of ways. For example, data is collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment; from correspondence with you; or through interviews, meetings or other assessments.

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In some cases, the Employer/Practice collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from the Disclosure and Barring Service permitted by law.

Data is stored in a range of different places, including in your personnel file in the Practice Manager's office, in the Employer's/Practice's electronic staff files held on either the Practice Manager's drive or the Partnership drive which is only accessed by Partners and the Practice Manager and in other IT systems (including the Employer's/Practice's email system). Former employee files are archived in locked cabinets in the loft at Churchinford. An overtime summary, shift patterns, holiday and absences is stored in the Operational Management folder. This can be accessed by the Practice Manager, Deputy Practice Manager, Nurse Manager, Dispensary Manager, the Operational Assistant, the Medical Secretaries and the IM&T lead.

### WHY DOES THE EMPLOYER/PRACTICE PROCESS PERSONAL DATA?

The Employer/Practice 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 and insurance entitlements.

In some cases, the Employer/Practice needs to process data to ensure that 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 checks with the disclosure and barring service to ensure that individuals are permitted to undertake the role in question.

In other cases, the Employer/Practice has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the Employer/Practice to do a number of things, for example:

- 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 employees' 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 for succession planning and workforce management purposes;
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;

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- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the Employer/Practice complies with duties in relation to leave entitlement, and to ensure that 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 and defend against legal claims; and
- maintain and promote equality in the workplace.

Where the Employer/Practice relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, are processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes). Information about trade union membership i.e. RCN membership is processed to allow the Employer/Practice to reimbursement of subscriptions.

Where the Employer/Practice processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or philosophical belief, this is done for the purposes of equal opportunities monitoring. Data that the Employer/Practice uses for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

### WHO HAS ACCESS TO DATA?

Your information will be shared internally, including with the Practice Manager, team leader and other staff only if access to the data is necessary for performance of their roles<sup>1</sup>.

The Employer/Practice shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary checks from the Disclosure and Barring Service. The Employer/Practice may also share your data with third parties in the context of a transfer of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

The Employer/Practice also shares your data with third parties that process data on its behalf, in connection with payroll, the provision of benefits and the provision of occupational health services. The employer/practice may transfer personal data to its insurers, bankers, legal, medical and other professional advisors, administrators of its pension scheme, or employees' own pension providers, and other companies or organisations to which the

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<sup>1</sup> Detailed payroll and pension information is only shared between the Practice Manager, the Partners and the payroll (Fairway Training) and pensions agencies (NHSBA and NEST) and the HMRC where necessary. Summary staff payroll information and detailed Partners pay and pension information are shared with the accountants (Lentells).

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employer has contracted work relating to any of the above purposes for which the personal data are to be used. Data may also be disclosed to others at an employee's own request. The Employer/Practice will not transfer your data to countries outside the European Economic Area.

### HOW DOES THE EMPLOYER/PRACTICE PROTECT DATA?

The Employer/Practice takes the security of your data seriously. The Employer/Practice has internal controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. These controls include password protection on excel files and word documents and/or limited access to electronic drives or folders, submission electronically via NHS mail or via a password-protected website and paper records locked drawers, cupboards and rooms.

Where the Employer/Practice 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 measures to ensure the security of data.

### HOW LONG DOES THE EMPLOYER/PRACTICE KEEP DATA?

The Employer/Practice will hold your personal data for the duration of your employment. The Practice has a current records retention policy that is under review to move the periods for which your data is normally held during and after the end of employment to the following:

Category of information	Retention period
Personal information to include contact details (such as name, address, date of birth, gender, telephone numbers, email address and next of kin/emergency contact).	Existing employees - duration of employment Unsuccessful applicants – six months Former employees – six months (but not next of kin/emergency contact details).
Application form, CVs, interview notes, test results, evidence of skills and qualifications	Existing employees – duration of employment Unsuccessful applicants – six months Former employees – six months
References received	Existing employees - one year Unsuccessful applicants – one year
Driving licence, insurance documents	Existing employees - Duration of employment. Former employee – three years.
Recruitment records containing special categories of personal data (including details of any disabilities disclosed and reasonable adjustments) and criminal records data (including results of criminal records checks)	Existing employees – duration of employment (criminal records for six months) Unsuccessful applicants – six months Former employees – three years
Right to work documents	Existing employees – duration of employment Former employees - two years post-employment
Offer letters, contracts of employment, written statements of terms and related correspondence	Existing employees – duration of employment Former employees – six months

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Category of information	Retention period
Payroll and tax information (including pay and benefit entitlements, bank details and national insurance number)	Existing employees – duration of employment Former employees - six years
Sickness records containing special categories of personal data (including details of absence or leave taken, the reasons for absences, the type of leave, information about medical or health conditions, reasonable adjustments, records of absence management discussions, correspondence with employees and written warnings)	Existing employees – duration of employment Former employees - three years
Annual leave records	Existing employees – duration of employment Former employees - two years
Records relating to Working Time Limits	Two years from date record was made
Details relating to absence during pregnancy and SMP	Three years after the end of the tax year in which the employee's maternity pay period ended.
Details of statutory paternity pay, statutory parental pay and statutory adoption pay	Three years after the end of the tax year in which payments were made
Details relating to National Minimum Wage	Three years from day pay reference period ends.
Annual appraisal/assessment records	Five years
Records relating to promotion, transfer, training, and disciplinary and grievance matters (including records of investigations, notes of disciplinary or grievance meetings and appeal hearings, correspondence with employees and written warnings).	Existing employees – duration of employment Former employees - one year from end of employment
References given/information to enable reference to be provided (if detailed references are provided)	Five years from reference/end of employment
Summary of record of service, e.g., name, position held, dates of employment	Ten years from end of employment
Records relating to accident or injury at work	Minimum of three years from the date on which the record was made
Injuries, fatalities, diseases and dangerous occurrences	Minimum of three years from the date on which the record was made
Risk assessments	Minimum of three years from the date on which the record was made
Exposure to specified hazardous substances	40 years from the date of the last entry made.

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

If you would like to exercise any of these rights, please contact **Karen Button, Practice Manager via a written** subject access request.

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

### WHAT IF YOU DO NOT PROVIDE PERSONAL DATA?

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

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

Employee Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_