

Imperial College Healthcare NHS Trust

Prospective Employee Privacy Notice

Imperial College Healthcare NHS Trust is committed to protecting the privacy of all prospective employees. This privacy notice explains your rights as a Trust service user, how we use information about you, and how we protect your privacy.

What this notice will tell you:

- How data may be processed in response to COVID-19;
- Our legal basis for processing your data;
- Our purpose for processing your data;
- Whether you have to provide it to us;
- How long we store it for;
- Whether there are other recipients of your personal data;
- Whether we intend to transfer it to another country;
- Your rights and freedoms; and,
- How to lodge a complaint against the Trust to our regulatory body.

Data Processing in response to COVID-19

The health and social care system is facing significant pressures due to the Covid-19 outbreak. As such, the Secretary of State has required NHS Digital; NHS England and Improvement; Arm's-Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak.

What information do we collect from you?

We require certain information in order to operate as an employer. Information such as, but not limited to personal identifiers, suitability to work for the Trust, skills and experience, bank account details, performance and disciplinary information.

What are our legal duties?

Imperial College Healthcare NHS Trust processes the information generated throughout the assessment and communication process on the basis of legitimate interest for recruitment and business management purposes.

Will the trust share your data with anyone else?

The Trust may in some circumstances need to share your information with third parties outside of the Trust. Some examples of this would be where the Trust provides a reference for you, discloses details about your employment to HM Revenue & Customs (HMRC), and with role-appropriate regulatory / supervisory bodies regarding fitness to practice.

How long will the Trust retain the data?

We will only retain your personal data for as long as necessary for the purposes that the information was collected and for the purposes of meeting our legal obligations. We retain your information for a minimum of six years.

How is my data handled safely?

We have a legal duty keep your data secure. Our staff undertake annual data security and protection training, and the Trust is subject to regular audits and independent reviews to make sure that we do keep your data safe. When we use other organisations to process your data, we ensure these processors comply with legal obligations to keep your data secure.

How can I access the information the Trust holds about me?

By law you are entitled to request a copy of the information we hold about you. This is known as a **Subject Access Request**. To submit such a request, we ask that you contact the HR Administration team at imperial.hr@nhs.net or the Medical Personnel team at imperial.medicalhradmin@nhs.net.

Who can I complain to?

The Information Commissioner's Office (ICO) is the body that regulates the Trust under Data Protection and Freedom of Information legislation.

You can complain to the ICO at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Website: www.ico.org.uk/concerns

Telephone: 0303 123 1113.

The Trust is registered as a data controller under the registration number **Z1152836**.

What is Personal Data?

Personal data is information that relates to an identified or identifiable individual. What identifies an individual could be as simple as a name, hospital number, or home address. The GDPR sets out the lawful conditions which must be present when processing such data.

Personal data may also include 'special categories' of personal information, such as racial or ethnic origin, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation. Please note that this is not an exhaustive list.

As the Trust will regularly be required to process these 'special categories' of personal data, the Trust, as a responsible data controller, are required to implement additional security controls. Both the GDPR and Data Protection Act 2018 set out the conditions the Trust must adhere to in order to lawfully and securely process special categories of patient information.

Information Pertaining to Data Processing in Response to COVID-19

This notice describes how we may use your information to protect you and others during the Covid-19 outbreak.

The health and social care system is facing significant pressures due to the Covid-19 outbreak. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations.

Existing law which allows confidential patient information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Using this law

the Secretary of State has required NHS Digital; NHS England and Improvement; Arm's-Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak. Any information used or shared during the Covid-19 outbreak will be limited to the period of the outbreak unless there is another legal basis to use the data. Further information is available on gov.uk [here](#) and some FAQs on this law are available [here](#).

During this period of emergency, opt-outs will not generally apply to the data used to support the COVID-19 outbreak, due to the public interest in sharing information. This includes [National Data Opt-outs](#). However in relation to the Summary Care Record, existing choices will be respected. Where data is used and shared under these laws your right to have personal data erased will also not apply.

It may also take us longer to respond to Subject Access requests, Freedom of Information requests and new opt-out requests whilst we focus our efforts on responding to the outbreak. (be more specific or more informational) (our [FOI page](#) is here / our [SAR Procedures](#) are here)

We will also be required to share personal/confidential patient information with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health, providing healthcare services to the public and monitoring and managing the outbreak. Further information about how health and care data is being used and shared by other NHS and social care organisations in a variety of ways to support the Covid-19 response is [here](#).

NHS England and Improvement and NHSX have developed a single, secure store to gather data from across the health and care system to inform the Covid-19 response. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as [data provided by patients themselves](#). All the data held in the platform is subject to strict controls that meet the requirements of data protection legislation.

In such circumstances where you tell us you're experiencing Covid-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

Given the fast-changing, unpredictable nature of the climate in which we are operating, we may be required to amend this privacy notice at any time. We would therefore kindly advise you to review this notice frequently.

Collecting, Using and Keeping Your Data Secure

Type of Information	Illustrative, non-exhaustive Examples
Information about you and to identify you	Name, address, date of birth, marital status, nationality, race, gender, religion, and preferred language, details of any disabilities, work restrictions and/or required accommodations. Photographs, passport and/or driving license details, electronic signatures.
Information about your suitability to work for us	References, interview notes, work visas ID information such as passport details and driving licence information, records/results of pre-employment checks, including criminal record checks, credit and fraud checks.
Information about your skills and experience	CVs, resumes and/or application forms, references, records of qualifications, skills, training and other compliance requirements.
Bank account details for salary	Bank account details - account number & sort code.
Information relating to your performance at work	Performance ratings, leadership ratings, targets, objectives, records of performance reviews, records and/or notes of 1 to 1s and other meetings, personal development plans, personal improvement plans, correspondence and reports.
Information relating to discipline, grievance and other employment related processes	Interview/meeting notes, correspondences, investigation reports, hearing outcome letters, sickness advisory notices and formal letters and any other related documentation.

We hold data about prospective, current and future employees. We need this data in order to operate as an employer.

Purposes for processing your data

- To assess your suitability to work for the Trust
- To determine your qualifications for employment and reach a recruitment decision
- To conduct screening, assessments and interviews
- To maintain a library of correspondence
- To communicate offers and provide contracts of employment
- To conduct pre-employment checks, including determining your legal right to work and carrying out criminal record and credit checks where applicable.

Should your application for employment be successful, your personal data submitted for hiring purposes may be processed for the necessary employment purposes and included in your employment file.

Sharing your data

The Trust may in some circumstances need to share your information with third parties outside of the Trust. Some examples of this would be where the Trust provides a reference for you, discloses details about your employment to HM Revenue & Customs (HMRC) and disclosing your information in court proceedings.

We will also share your data with regulators to assess an employee's fitness to practice. For example, we will consult the Nursing and Midwifery Council, the General Medical Council, or the Health and Care Professions Council to help determine whether an employee possesses the skills, knowledge, health and character to do their job safely and effectively.

There is also a legal obligation under the Data Protection Act 2018, that employee details may be shared with patients as part of the patient's right of access to their own records. Under the Data Protection Act 2018, there is an expectation on the Trust to disclose healthcare professionals' names as part of a 'subject access request'.

How long do we store your data

We will only retain your personal data for as long as necessary for the purposes that the information was collected and for the purposes of meeting our legal obligations. We retain your information for a minimum of six years. The Records Management Code of Practice for Health and Social Care 2016 sets out what people working with or in NHS organisations in England need to do to manage records correctly. This Code of Practice is based on current legal requirements and professional best practice and was published on 20 July 2016 by the Information Governance Alliance (IGA).

Safeguarding your data

Appropriate technical and organisation measures are implemented throughout the Trust and its IT systems to safeguard information at all times. All personnel already employed by the Trust must comply with internal rules and regulations in relation to processing of personal data to protect and ensure their confidentiality. All personnel already employed by the Trust must further follow all technical and organisation security measures and systems in place to protect personal data at all times. Your data will only be processed by the Trust's employees in the performance of their duties.

Legal Basis for the Processing of Your Personal Data?

Imperial College Healthcare NHS Trust processes the information generated throughout the assessment and communication process on the basis of legitimate interest for recruitment and business management purposes. These include identifying and evaluating candidates for new positions, record-keeping related to hiring processes, analysing the hiring process and outcomes. If the Trust does not employ you, the Trust may continue to retain and use, based on consent, your personal data collected during the recruitment process in order to consider you for new positions.

- GDPR 6(1) (e): processing your information is necessary for the purposes of carrying out our obligations and exercising our rights as your prospective employer.
- GDPR 9(2) (b): processing is necessary for the purposes of carrying out our obligations and exercising the rights of the data subject in the field of employment and social security and social protection law.

What are Your Rights as a ‘Data Subject’?

The right to be informed

We are required to inform you about how we collect and use your personal data.

The Right of Access

By law you are entitled to request a copy of the information we hold about you. This is known as a **Subject Access Request**. To submit such a request, we ask that you contact:

Medical / Non-Medical Subject Access Requests	Contact Details
Non-Medical Staff	Imperial.hr@nhs.net
Medical Staff	Imperial.medicalhradmin@nhs.net

The Trust must comply with a request without undue delay and at least one month of receipt of a valid request. Please note this will be subject to verification of the requestor as appropriate.

If we are unable to provide you with the information, then we will explain the reasons to you. In most cases we will provide a copy of the information to you for free but there are some circumstances the Trust will charge a reasonable fee. A reasonable fee for the administrative costs of complying with the request if:

- It is manifestly unfounded or excessive; or,
- An individual requests further copies of their data following a request.

At times we may not be able to share your whole record with you, particularly if the record contains confidential information about other people, information which could cause harm to your or someone else’s physical or mental wellbeing, or which might affect a police investigation.

The right to rectification

You may request that we make changes to any data we hold about you that is incorrect or incomplete. We will take action to rectify inaccuracies in the personal information we hold about you when it is drawn to our attention. Sometimes it may be necessary to add an explanatory note to your information (an addendum) rather than change the original record.

The right to erasure

This right is also commonly referred to as the ‘right to be forgotten’. The right to be forgotten or right to erasure is not an absolute or unconditional right. The qualified right may not be complied with where the personal data is processed for the following reasons:

- for public health purposes in the public interest;
- to comply with a legal obligation for the performance of a public interest task or exercise of official authority;
- to exercise the right of freedom of expression and information;
- archiving purposes in the public interest, scientific research historical research or statistical purposes; or,
- the exercise or defence of legal claims.

Right to withdraw consent

The right to withdraw consent may not apply due to the nature of the services being provided and our basis in law for processing your data. We will consider requests to remove personal identifying information from your record to ensure that the data we do retain is anonymised, while enabling us to meet our statutory requirements.

The right to restrict processing

You may request that we restrict the processing of your information in certain circumstances – such as perceived inaccuracies. A restriction of processing is usually a temporary measure while we investigate your concerns. The right to restrict processing is not an absolute right, and we may decide not to restrict the processing of your information if we consider that processing to be necessary for the purpose of the public interest or for the purpose of your legitimate interests.

The right to data portability

The right to data portability allows data subjects to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability. The Trust's basis for processing your data under the GDPR means that we are not legally required to provide your information in a machine-readable form.

Rights related to automated decision making (including profiling)

Imperial College Healthcare NHS Trust does not make automated decisions about prospective employees or carry out evaluations based on any automated processes (profiling).

More Information, Making a Complaint and Important Contact Details

Making a Formal Complaint

To lodge a formal complaint, please email our Complaints Office at:

ICHC-TR.COMPLAINTS@NHS.NET

Alternatively, you may wish to send a letter addressed to:

Complaints department
Fourth floor
Salton House
St Mary's Hospital
Praed Street
London
W2 1NY

Contacting the Data Protection Office

The Trust's Data Protection Officer is Philip Robinson, you can contact him at:

Data Protection Office
8th Floor Salton House
ICT Division
St Mary's Hospital
Praed Street
London
W2 1NY

Email: imperial.dpo@nhs.net
Telephone: 020 370 48355

Contacting the Trust's Supervisory Authority

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:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Website: www.ico.org.uk/concerns
Telephone: 0303 123 1113.

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