

Privacy Notice

How your information will be used

1. As your employer and a data controller, the Lancashire & South Cumbria NHS Foundation Trust (LSCFT) needs to keep and process information about you for normal employment purposes. The information we hold and process will be used for management and administrative use only. We will keep and use it to enable us to run the business and manage our relationship with you effectively, lawfully and appropriately, during the recruitment process, whilst you are working for us, at the time when your employment ends and after you have left. This includes using information to enable us to comply with the employment contract, to comply with any legal requirements, pursue the legitimate interests of the Trust and protect our legal position in the event of legal proceedings. If you do not provide this data, we may be unable in some circumstances to comply with our obligations and we will tell you about the implications of that decision.
2. As the data controller we may sometimes need to process your data to pursue our legitimate business interests, for example to prevent fraud, administrative purposes or reporting potential crimes. The nature of our legitimate interests is to perform our functions as a public authority and healthcare provider.
3. Much of the information we hold will have been provided by you, but some may come from other internal sources, such as your manager, or in some cases, external sources, such as referees.
4. The sort of information we hold includes your application form and references, your contract of employment and any amendments to it; correspondence with or about you, for example letters to you about a pay rise or, at your request, a letter to your mortgage company confirming your salary; information needed for payroll, benefits and expenses purposes; contact and emergency contact details; records of holiday, sickness and other absence; occupational health records; information needed for equal opportunities monitoring policy; and records relating to your career history, such as training records, appraisals, other performance measures and, where appropriate, disciplinary and grievance records.
5. You will, of course, inevitably be referred to in many Trust documents and records that are produced by you and your colleagues in the course of carrying out your duties and the business of the Trust. You should refer to the Information

Governance Policy and associated policies and standard operating procedures which are available on the Trust intranet.

6. Where necessary, we may keep information relating to your health, which could include reasons for absence and GP reports and notes. This information will be used in order to comply with our health and safety and occupational health obligations – to consider how your health affects your ability to do your job and whether any adjustments to your job might be appropriate. We will also need this data to administer and manage statutory and company sick pay.

7. Where we process special categories of information relating to your racial or ethnic origin, political opinions, religious and philosophical beliefs, trade union membership, biometric data or sexual orientation, we will always obtain your explicit consent to those activities unless there is a legal obligation to collect this information ***or the information is required to protect your health in an emergency**. Where we are processing data based on your consent, you have the right to withdraw that consent at any time.

***N:B The current COVID19 Pandemic is considered a public safety emergency.**

The health and social care system is facing significant pressures due to the Covid-19 outbreak. Health and care information including employee related health data 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. Similarly to patient data the law allows employee information to be used and shared appropriately and lawfully in a public health emergency.

8. In addition, we monitor computer and telephone/mobile telephone use, as detailed in our Mobile Communication Devices Policy, available on the Trust intranet. We also keep records of your hours of work as detailed in the eHR portal and service specific intranet sites.

9. Other than as mentioned below, we will only disclose information about you to third parties if we are legally obliged to do so or where we need to comply with our contractual duties to you, for instance we may need to pass on certain information to our external payroll provider, pension, other employee benefit schemes or as part of a service transfer to another organisation (TUPE).

10. In limited and necessary circumstances, your information may be transferred outside of the EEA or to an international organisation to comply with our legal or contractual requirements. We have in place safeguards including obtaining your consent and encryption to ensure the security of your data. A copy of the safeguards can be obtained from the Information Governance Team.

11. If we use automated decision making (including profiling) in limited circumstances we will provide information about the logic involved, the significance and envisaged consequences of that processing.

12. Your personal data will be stored in line with the NHS retention schedule.

13. If in the future we intend to process your personal data for a purpose other than that which it was collected we will provide you with information on that purpose and any other relevant information.

Your rights

14. Under the General Data Protection Regulation (GDPR) and The Data Protection Act 2018 (DPA) you have a number of rights with regard to your personal data. You have the right to request from us access to and rectification or erasure of your personal data, the right to restrict processing, object to processing as well as in certain circumstances the right to data portability.

15. If you have provided consent for the processing of your data you have the right (in certain circumstances) to withdraw that consent at any time which will not affect the lawfulness of the processing before your consent was withdrawn.

16. You have the right to lodge a complaint with the Trust or to the Information Commissioners' Office (ICO) if you believe that we have not complied with the requirements of the GDPR or DPA 18 with regard to your personal data.

Identity and contact details of controller and data protection officer

17. Lancashire & South Cumbria NHS Foundation Trust is the controller and processor of data for the purposes of the DPA 18 and GDPR.

18. If you have any concerns as to how your data is processed you can contact:

Michelle Brammah, Data Protection Officer at DPO@lancashirecare.nhs.uk

or you can write to this person using the address of

Sceptre Point

Sceptre Way

Walton Summit

Bamber Bridge, Preston

PR5 6AW