

Staff Privacy Notice

Protecting Your Data

Introduction

This Privacy Notice explains in detail of the type of information including personal data that GMSS process about you. GMSS is a Data Controller. A Data Controller determines how the data is processed and used within GMSS and with others who we share data with. We are legally responsible for ensuring that all personal data that we hold and use is done so in a way that meets the data protection principles under the General Data Protection Regulation (GDPR) and Data Protection Act 2018. This notice also explains how we handle that data and keep it safe.

We will continually review and update this privacy notice to reflect changes in our services and to comply with changes in the law. When such changes occur, we will revise the last updated date as documented in the version status in the footer of this document.

What we do

GMSS as your employer collects personal data about you where the processing is necessary for the performance of staffs' contracts or for compliance with any legal obligations which applies to us as your employer, for example, we use your data for:

- Recruitment and employment checks (for example, professional membership, references, proof of identification and right to work in the UK, etc)
- Staff Administration (Bank account and salary / wages, as well as pension, tax and national insurance details)
- Education, training and development
- Trade union membership
- Personal demographics, including gender, race, ethnic origin, sexual orientation, religious or other beliefs, and whether you have a disability or require any additional support or adjustments for your employment
- Medical information relevant to your employment, including physical health, mental health and absence history
- Information relating to your health and safety at work, and any incidents or accidents
- Professional registration and qualifications, education and training history
- Publishing of senior level staff names in Annual Reports and / or in response to Freedom of Information requests – GMSS has a legitimate interest to publish this information
- Information relating to employee relations (i.e. disciplinary proceedings, grievances and complaints, tribunal claims, etc)
- Criminal prosecution and prevention
- National fraud initiatives
- Quality monitoring such as staff surveys
- Access to systems (network / email) and IT services

GMSS use one of the following legal basis for processing you data as above:

- Article 6 1(b) – processing is necessary for the performance of staff contracts

- Article 6 1(c) – processing is necessary for compliance with a legal obligation
- Article 6 1(f) - processing is necessary for the purposes of legitimate interests pursued by GMSS

We will only process your personal data where we have your consent or where the processing can be legally justified under UK law.

If we need consent to process your data (Article 6 1 (a) GDPR), we will contact you about this. It will be explained to you in a clear way using plain language the reasons for this. Please see the “Purposes where consent is required” section.

Please regularly check the Privacy Notice as this is constantly updated to ensure we inform you of all the types of processing of your personal data.

Data Sources

Data also comes from external sources such as NHS Jobs, your professional body, current or previous employers, the Disclosure and Barring Service, or government bodies like HM Revenue and Customs, the Department for Work and Pensions, or the UK Visas and Immigration. Further details about our processing activities are detailed below.

Definition of data types

Personal Data

This contains details that identify individuals even from one data item or a combination of data items. The following are demographic data items that are considered identifiable such as name, address, NHS Number, full postcode, date of birth. Under GDPR, this now includes location data and online identifiers.

Special Categories of Personal Data (previously known as Sensitive Data)

This is personal data consisting of information as to: race, ethnic origin, political opinions, health, religious beliefs, trade union membership, sexual life and previous criminal convictions. Under GDPR, this now includes biometric data and genetic data.

Personal Confidential Data

This term came from the Caldicott review undertaken in 2013 and describes personal information about identified or identifiable individuals, which should be kept private or secret. It includes personal data and special categories of data but it is adapted to include dead as well as living people and ‘confidential’ includes both information ‘given in confidence’ and ‘that which is owed a duty of confidence’.

Anonymised Data

This is data about individuals but with all identifying details removed. Data can be considered anonymised when it does not allow identification of the individuals to whom it relates, and it is not possible that any individual could be identified from the data by any further processing of that data or by processing it together with other information which is available or likely to be available.

Aggregated Data

This is statistical information about multiple individuals that has been combined to show general trends or values without identifying individuals within the data.

Data Controller

A Data Controller determines the purposes and means of processing personal data.

Data Processor

A Data Processor acts on instruction by a Data Controller and processes data on behalf of the controller.

Our data processing activities

The law on data protection under the GDPR sets out a number of different reasons for which personal data can be processed for. The law states that we have to inform you what the legal basis is for processing personal data and also if we process special category of data such as your occupational health data what the condition is for processing. GMSS also uses the services of data processors to process staff data as detailed below. The organisation's we work with are bound by contractual agreements which outline that your information is processed under strict conditions and in accordance with the law.

Recruitment and employment checks

Data Processor	Greater Manchester Shared Services Ellen House, Waddington Street, Oldham, OL9 6EE
Type of data	Personal Data – Demographics / Bank Details Special category of data – Race, ethnic origin, health, sexual life, criminal convictions (covered under DPA 2018)
Source of Data	Staff
Legal basis for processing Personal Data under GDPR	Article 6 (1)(b) - Processing is necessary for the performance of staff contracts Article 9 (2)(b) – Processing is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of employment...social protection law in so far as it is authorised by Union or Member State law

Recruitment and employment checks are carried out by Greater Manchester Shared Services using TRAC and NHS Jobs web based recruitment applications.

Workforce management

Data Processor	ESR (Electronic Staff Record) System
Type of data	Personal Data – Demographics Special Category of Data -
Source of Data	Staff
Legal basis for processing Personal Data under GDPR	Article 6 (1)(f) - Processing is necessary for the purposes of legitimate interests pursued by GMSS. Article 9 (2)(b) – Processing is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of employment...social protection law in so far as it is authorised by Union or Member State law

The NHS ESR system provides GMSS with a range of tools that facilitate effective workforce management and planning; thereby enabling improved quality, improved efficiency and improved patient safety.

Payroll

Data Processor	ELFS Shared Services
Type of data	Personal Data – Demographics / Bank Details
Source of Data	Staff
Legal basis for processing Personal Data under GDPR	Article 6 (1)(b) - Processing is necessary for the performance of staff contracts. Article 9 (2)(b) – Processing is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of employment...social protection law in so far as it is authorised by Union or Member State law

Payroll services are carried out by ELFS Shared Services who are a Data Processor for GMSS.

E- learning

Data Processor	Health Education England (e-learning for Health) / NHS Digital
Type of data	Personal Data – Demographics
Source of Data	Data Subjects
Legal basis for processing Personal Data under GDPR	Article 6 (1)(b) - Processing is necessary for the performance of staff contracts.

Data Processor	Virtual College
Type of data	Personal Data – Demographics
Source of Data	Data Subjects
Legal basis for processing Personal Data under GDPR	Article 6 (1)(b) - Processing is necessary for the performance of staff contracts.

Data is collected to enable the data subject to complete online training.

IT Administration (network / email / system account administration)

Data Processor	Greater Manchester Shared Services – IT Services
Type of data	Personal Data – Demographics
Source of Data	Staff
Legal basis for processing Personal Data under GDPR	Article 6 (1)(f) – Processing is necessary for the purposes of the legitimate interests pursued by the controller.

GMSS IT Services process your demographic details in order to set you up on the network and systems. This is also required to set you up with an account and also an NHS Mail account for users who require this.

Occupational Health and Staff Wellbeing Service

Data Processor	Stockport Foundation Trust Occupational Health Dept
Type of data	Personal Data – Demographics Special category of data – Health Data
Source of Data	Staff / Primary Care and Secondary Care data
Legal basis for processing Personal Data under GDPR	Article 6 (1)(a)- Individual has given consent to the processing of personal data. Article 9(2)(h)- Processing is necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health and social care or treatment or the management of health and social care systems

Occupational health checks and staff wellbeing service are carried out by Stockport Foundation Trust who are a Data Processor for GMSS.

Data Processor	Health Assured – Staff Wellbeing Service
Type of data	Personal Data – Demographics Special category of data – Health Data
Source of Data	Staff
Legal basis for processing Personal Data under GDPR	Article 6 (1)(a)- Individual has given consent to the processing of personal data Article 9(2)(h) - Processing is necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health and social care or treatment or the management of health and social care systems

Cabinet Office

Data Processor	NFI – National Fraud Initiative
Type of data	Personal Data – Demographics
Source of Data	Staff
Legal basis for processing Personal Data under GDPR	Article 6 (1)(e) - Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority Or, Article 6 (1)(c) – For compliance with a legal obligation

Staff data will be shared for the prevention and detection of fraud.

Confidential Waste

Data Processor	NHS Property Services
Type of data	Personal Data – Demographics Special Category of Data - Health
Source of Data	Staff / Patients

NHS Property Services provide confidential waste consoles onsite for staff to dispose of confidential waste.

ACAS Mediation

Data Processor	ACAS
Type of data	Personal Data – Demographics
Source of Data	Staff / Patients
Legal basis for processing Personal Data under GDPR	Article 6 (1)(e) - Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority Article 9 (2)(b) – Processing is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of employment...social protection law in so far as it is authorised by Union or Member State law

ACAS provide information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems.

Purposes where consent is required

There are also other areas of processing undertaken where consent is required for us or you to continue with a data processing activity. Under GDPR, consent must be freely given, specific, you must be informed and a record must be made that you have given your consent, to confirm you have understood.

Subject Access Requests

Type of data	Personal Data – demographics
Source of Data	Staff
Legal basis for processing Personal under GDPR	Article 6 (1)(a) – Explicit Consent (for personal data) Article 9(2)(a) - Explicit Consent (for special categories of data)

If you have requested to view or be provided with a copy of your data we hold about you, will need your explicit, written consent (or from your legal representative) before we proceed.

Childcare Vouchers

Data Processor	Sodexo Motivation Solutions Ltd
Type of data	Personal Data – Demographics
Source of Data	Staff
Legal basis for processing Personal Data under GDPR	Article 6 (1)(a) – Explicit Consent

This is a service offered to you to support childcare costs. You need to access the website and provide your details online to the supplier. Please note you accept the risk of using this website and submitting your details online.

Expenses System

Data Processor	Gilbyte
Type of data	Personal Data – Demographics
Source of Data	Staff
Legal basis for processing Personal Data under GDPR	Article 6 (1)(a) – Explicit Consent

The NHS National Staff Survey

Data Processor	Quality Health
Type of data	Personal Data – Demographics
Source of Data	Staff
Legal basis for processing Personal Data under GDPR	Article 6 (1)(a) – Explicit Consent

Each year NHS staff are invited to take part in the NHS National Staff Survey which is the largest survey of staff opinion's in the UK. This survey service is provided by Quality Health who are an accredited supplier of survey services to the health sector.

Using anonymous or aggregate information

We use pseudonymised, anonymised and aggregated data in the following ways:

To undertake anonymous staff surveys / questionnaires using Survey Monkey:

- To produce staff statistics for example, number of staff in each department for Human Resource purposes.
- To respond to Freedom of Information requests using anonymised information if requested to provide information about staff.
- To provide an Employee Assistance Programme run by Health Assured. They run an independent counselling and advice service, which is paid for by GMSS. It is available for you and any family members who are over 16, who live at your address. You do not need to disclose your personal information to use this service. You only need to provide the access code and GMSS name.

Where information is used for statistical purposes as above, secure measures are taken to ensure individuals cannot be identified where the law doesn't allow this. Anonymous / aggregate staff information may be passed to the council as part of integrated working.

How we protect your personal data

Under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR), strict principles govern our use of information and our duty to ensure it is kept safe and secure. Your information may be stored within electronic or paper records, or a combination of both. All our records are restricted so that only those individuals who have a need to know the information can get access. This might be through the use of technology or other environmental safeguards. We have an Information Governance Framework that explains the data security governance within GMSS.

Everyone working for the NHS is subject to the Common Law Duty of Confidentiality. This means that any information that you provide to us in confidence will only be used in connection with the purpose for which it was provided, unless we have specific consent from you or there are other special circumstances covered by law.

Under the NHS Confidentiality Code of Conduct, all of our staff are required to protect information, inform you of how your information will be used, and allow you to decide if and how your information can be shared.

Every NHS organisation has a senior person that is responsible for information risk and security of information. This person is known as the Senior Information Risk Owner (SIRO), and within GMSS, this role is assigned to:

The Chief Finance Officer

GMSS also has a nominated Data Protection Officer (DPO). A Data Protection Officer is a senior role who is responsible for advising colleagues on compliance, training and awareness raising, monitoring compliance and carrying out audits. The DPO is the main point of contact with the Information Commissioners Office (ICO).

The DPO for GMSS is: The IG Manager

Our IT Services provider, Greater Manchester Shared Services, regularly monitor our system for potential vulnerabilities and attacks and look to always ensure security is strengthened.

Everyone working for GMSS has a legal, ethical and contractual duty, enforceable through disciplinary procedures, to keep information confidential.

As part of mandatory training, all staff including contractors and committee members receive appropriate training and awareness regarding data security training to ensure you are aware of your personal responsibilities.

We have incident reporting and management processes in place for reporting any data breaches or incidents. We learn from such events to help prevent further issues and inform data subjects of breaches when required.

How long do we keep your personal data?

Whenever we collect or process your data, we will only keep it for as long as is necessary for the purpose it was collected. In the NHS, all commissioners and providers apply retention schedules in accordance with the Records Management Code of Practice for Health and Social Care. This code is based on current legal requirements and professional best practice and sets the required standard of

practice in the management of records for those who work within or contract to NHS organisations in England.

For example, upon receipt of your recruitment information from Salford Royal NHS Foundation Trust, information about your employment will be collated within your employee personal file by GMSS for the duration of your employment, and for six years thereafter, or until your 75th birthday, whichever is sooner. Upon destruction of your file, a summary record is retained until your 75th birthday, unless your file is destroyed on your 75th birthday, when no further record will be retained. This is documented in the Records Management Code of Practice for Health and Social Care.

Destruction

Destruction of data will only happen following a review of the information at the end of its retention period. Where data has been identified for disposal we:

- ensure that information held in manual form (regardless of whether originally or printed from the IT systems) is destroyed using a confidential paper waste disposal process. The GMSS use Shred-IT as detailed in the table above.
- ensure that electronic storage media used to hold or process information are destroyed or overwritten to national cyber security standards via GMSS IT Services.
- ensure that any arrangement made to sub-contract secure disposal services from another provider, complies with the NHS Standard Contract and with assurance that the sub-contractor's organisational and technical security measures comply with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

Who we share your data with?

To support you in your employment and to enable us to meet our legal responsibilities as an employer, sometimes we will need to share your information with others. We will not disclose any staff information without an appropriate lawful principle, unless there are exceptional circumstances such as when the health or safety of others is at risk, where the law requires it, or to carry out a statutory functions i.e. reporting to external bodies to meet legal obligations.

Sometimes we are required by law to disclose or report certain information, which may include details which identify you. For example, sending statutory information to government organisations such as HM Revenue and Customs, or releasing information to the police or counter fraud. Where mandatory disclosure is necessary, only the minimum amount of information is released. There may also be occasions when GMSS is reviewed by an independent auditor, which could involve reviewing randomly selected staff information to ensure we are legally compliant.

Only organisations with a legitimate requirement will have access to your information and only under strict controls and rules.

We will not sell your information for any purpose, and will not provide third parties with your information for the purpose of marketing or sales.

Where is your data processed?

Your data is processed within GMSS and by other third parties as stated above who are UK based. The services these companies provided are under specific contractual terms, which are compliant with UK data protection legislation.

Your personal data is not sent outside of the UK for processing.

What are your rights over your personal data?

You have the following rights over your data we hold.

Right to be Informed

You have a right to be informed about uses of your information with an emphasis on transparency. This notice, in support of other privacy notices published by GMSS, ensures that your right to be informed is achieved.

Right of Access / Subject Access Requests

You have the right to request access to the information that we hold about you. This is known as a Subject Access Request (SAR). We request that this is provided in writing / email in order to provide adequate information to process your request. There is no charge (subject to exemptions) to have a copy of the information held about you and we must respond to you within one calendar month (subject to exemptions).

To request a copy of or request access to information we hold about you and / or to request information to be corrected if it is inaccurate, please contact:

IG Dept
Ellen House,
Waddington Street,
Oldham,
OL9 6EE

Email: gmss.sar@nhs.net

Requests are handled in line with our Subject Access Requests (SAR) Procedure. Please contact the above email for a copy of our procedure.

If posted please ensure it is marked to be private and confidential and addressed to the IG Team.

Right to Rectification

Rectification refers to correcting inaccuracies or incomplete data which is held by the GMSS. This applies to factual information only – such as identifiers and next of kin. GMSS is unable to remove or alter professional opinions which you may disagree with. You do however; have the right to include your own statements alongside professional opinions.

If you think that there are inaccuracies in your record, you have the right to request that these be corrected or annotated. We have 1 calendar month of receipt to deal with these requests.

Right to Erasure ('be forgotten')

In some circumstances you can request that your information is deleted.

This right will apply if the processing has been undertaken on the basis of consent which is withdrawn, the processing of data is determined not to be lawful or the information is no longer required. You will be informed of activities to which this right applies.

Only if we have your explicit consent for any processing we do, you have the right to request for the data you have consented to be deleted / erased.

Right to Data Portability

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services.

Only if we have your explicit consent for any processing we do, and GMSS is able to, you have the right to have data provided to you in a format you have requested such as in an excel spreadsheet, csv file format.

Right not to be subject to a decision based solely on automated processing

Automated decision making is the use of computer systems or definitions to apply rules to data in order to determine an outcome – credit ratings are an example of automated decision making.

GMSS do not process data using this method, so this right will not apply to our data processing activities.

Right to withdraw consent

The legal basis to process your personal and special category of data generally, falls within Articles 6(1)(e) and 9(2)(b) and (h) of the GDPR. Other processing may be appropriate under Articles 6(1)(b), 6(1)(c), 6(1)(d) and 6(1)(f). Where these do not apply, any other processing will be reliant on your consent under Article 6(1)(a); this will be based on explicit consent under GDPR and as a result, you will be asked to make a definite decision; there will be no presumption of consent from silence, inaction or pre-selected choices.

You have the right to refuse (or withdraw) consent to information sharing at any time. However, this may not be possible if the sharing is a mandatory or legal requirement imposed on GMSS. Any restrictions, and the possible consequences of withholding your consent, will be fully explained to you as the situation arises.

Right to object to processing

There is no general right to object to processing; however, you can object if there are grounds relating to your own particular situation, or if information is likely to be used for:

- Marketing;
- Scientific or historical research;
- Statistical purposes;
- Purposes in the public interest or under an official authority (e.g. NHS Act 2006).

You have the right to object to processing. However please note if we can demonstrate compelling legitimate grounds which outweighs the interest of you then processing can continue.

Right to restriction of processing

This right enables individuals to suspend the processing of personal information, for example, you have disputed the accuracy of information, objected to its use or require data due for destruction to be maintained for a legal claim.

Complaints / Contacting the Regulator

If you feel that your personal data we hold at GMSS has not been handled correctly or you are unhappy with our response to any requests you have made to us regarding the use of personal data, please contact our Data Protection Officer at the following contact details:

IG Manager (Data Protection Officer)

Ellen House,
Waddington Street,
Oldham,
OL9 6EE

Email: gmss.ig@nhs.net

If you are not happy with our responses and wish to take your complaint to an independent body, you have the right to lodge a complaint with the Information Commissioner's Office (ICO).

You can contact them by calling 0303 123 1133

Or go online www.ico.org.uk/concerns

Or write to them at:

Information Commissioners Office (ICO)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Further Information / Contact Us

We hope that this privacy notice has been helpful in setting out the way we handle your personal data at GMSS and your rights to control it. If you have any queries / or would like further information, please visit the useful websites below and / or contact us at the following contact details:

GMSS
Ellen House
Waddington St
Oldham
OL9 6EE

<https://www.gmshareservices.nhs.uk/contact>

If posted please ensure it is marked to the private and confidential and addressed to the GMSS IG Team. Please be aware that this email address is accessed by GMSS communications team.

Links

- [Information Commissioners Office \(ICO\)](#)
- [Information Governance Alliance](#)
- [NHS Digital](#)
- [NHS Digital Guide to Confidentiality in Health and Social Care](#)
- [Records Management Code of Practice for Health & Social Care](#)