

## **PRIVACY NOTICE – STAFF, WORKFORCE OR EMPLOYEE INFORMATION**

**Liverpool Women's Hospital NHS Foundation Trust**

### **Introduction**

This document summarises who we are, what information we hold about you, what we will do with the information we hold including who we may share it with and how long we will keep the information for. This document also explains what rights you have with respect to your information.

### **Who does this Notice Apply To?**

This notice applies to anyone who is undertaking any form of work on behalf of, at the behest of, providing services for or is employed by the Liverpool Women's Hospital in any capacity. This includes, but is not limited to, paid employees, volunteers, contractors, students or agency workers.

### **Who are we?**

The Liverpool Women's Hospital is a public organisation providing specialist medical services such as Gynaecology, Maternity, Fertility, and Genetics.

The Trust is registered with the Information Commissioner's Office (Registration Number **Z7119932**)

Our name, address and contact details are:

Liverpool Women's Hospital NHS Foundation Trust  
Crown Street  
Liverpool  
L8 7SS  
Tel: 0151 708 9988  
[www.liverpoolwomens.nhs.uk](http://www.liverpoolwomens.nhs.uk)

### **Why do we collect information about you?**

Where you are directly employed by the Trust, we need information about you so that we can employ you and ensure that a contract can exist between the Trust and yourself whilst, at the same time, allowing the Trust to operate as a responsible employer.

For those individuals that are not directly employed by the Trust, we may need to process your information in order to ensure that the Trust is able to operate safely and effectively in accordance with the range of services that it provides and for the purposes that it exists.

Whilst we receive information directly from you, we may also receive information about you from other individuals or organisations. We may receive information about you to allow the Trust to maintain a safe, secure and legal operating environment. This could include ensuring that you are qualified to undertake the task that we asking of you, that you are maintaining your registration as a healthcare professional or that you are not putting patients, staff, visitors, at risk by not operating in

a safe and secure manner or to the standards specified by the Trust.

Where you are directly employed by the Trust, under a contract of employment with the Trust, then the Trust would receive information about you in order to maintain your pension, recruit you as an employee and take the necessary steps to maintain a contract of employment with you.

### **What types of information do we use?**

**Personal data** means any information relating to an identified or identifiable individual; an identifiable person is one who can be identified directly or indirectly.

**Special category data** means any information relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union activities, physical or mental health, sexual life or genetic or biometric data.

### **What do we use your information for?**

The Trust may need to process your information in order to:

- Ensure that the information we hold about you is up to date
- Communicate with you or any individual who may be within the premises of the Trust at any given moment
- Undertake screening and identity verification prior to employing you, asking you to provide a service to the Trust or providing a service to you as a member of the Trust workforce
- Manage day to day issues such as discipline, conduct, capability and suitability to perform tasks that need to be carried out
- Undertake assessment and analysis purposes to ensure the ~~normal~~ routine operation of the Trust
- Prevent, detect and prosecute fraud and other crimes or threats to public health
- Protect the health, wellbeing, safety and security of patients, other members of the workforce, visitors or members of the public
- Manage your pension, pay and other staff related contractual obligations where the Trust manages such things
- Provide Occupational Health, Counselling and other health related services to you
- Enrol you as a member of the Trust Foundation membership if you are eligible to join

The hospital may also record telephone conversations for training and monitoring purposes.

### **Information we may receive about you which may not be supplied by you**

We may receive information about you which you haven't provided to us. This could be, for instance:

- If you are working for us but are not employed by us, for example, if you are on secondment, working for an agency, a contractor, a student or volunteer
- If we are dealing with a legal or employment tribunal claim to which you are a relevant party
- If we are dealing with the safety, security, health and wellbeing of someone associated with you
- As part of the recruitment or another similar process that is carried out prior to you becoming a member of the workforce
- If we are providing, or are seeking, employment references or opinions relating to your fitness to practice, competence or suitability to work for us or provide services to us
- If we receive an alert or warning and are legally obliged to act on it

## What is the lawful basis to process your information?

The UK General Data Protection Regulations and the Data Protection Act 2018 allow us to process your data under the following conditions:

Where there is an employment contract in place between yourself and the Trust, we will process your **personal data**, because it is necessary **for the performance of a contract with you**. Where we process your **special category** data we will do so because it is necessary **for the purposes of preventive occupational medicine, the assessment of the working capacity of an employee, management of health systems or pursuant to a contract** with you or, for reasons of **public interest in the area of public health**.

If you are a member of the workforce with whom the Trust does not have an employment contract, we will process your personal information because it is necessary for the normal operation of the Trust or to respond to a specific operational need. Under these circumstances, we will process your **personal data** because it is necessary **for the performance of a task carried out in the public interest**. Where we process your **special category** data we will do so because it is necessary;

- **for the purposes of preventive medicine, medical diagnosis, the provision of healthcare or treatment or the management of healthcare systems, or**
- **for reasons of public interest in the area of public health**

There may be occasions when we will be obliged to process your information in order to comply with a court order, coroner's instruction, to prevent or detect crime, or to comply with the law or any other legal obligation. Where we do this we will process your **personal and/or special category** data to **comply with a legal obligation** to which the Trust is subject.

If we process your information for other purposes that are not described above then we will seek your **consent** to do so before we process it.

The Trust does not undertake automated decision-making or profiling of your personal information.

## With whom do we share your information?

We may need to share your information with external organisations, such as:

- Other organisations that are contracted to provide Human Resource, recruitment, screening, agency, employment services, payroll or Occupational Health related services for us
- Your employer or your employment agency if you are not directly employed by the Liverpool Women's Hospital
- Partner organisations who may provide support, counselling or medical services for staff or the wider workforce
- Disclosure to NHS managers and the Department of Health and Social Care for the purposes of planning, commissioning, managing and auditing healthcare services
- Disclosure to bodies with statutory investigative or supervisory powers such as the Care Quality Commission, the General Medical Council, the Audit Commission or the Health Service Ombudsman
- Government departments such as the Department of Health and Social Care or the Home Office
- Disclosure to solicitors, to the police, to the courts (including a Coroner's court), and to tribunals and enquiries

We will not share your information for marketing, social media or insurance purposes unless we have your **consent** to do so.

## How long do we keep your personal information for?

The NHS has a comprehensive set of guidelines, which govern the length of time that we may keep your records for, which are called the NHS Retention Schedules. The Liverpool Women's Hospital will comply with the NHS Retention Schedules.

There may be occasions where the Trust will be obliged to vary from the NHS Retention Schedules, for examples, in response to a Court Order or other equivalent legal requirement.

Where you are not directly employed by the Liverpool Women's Hospital then it will be kept for no longer than it is needed, taking into account the nature of the information and for what it has been originally processed for.

Information about the NHS Retention Schedules may be found via the NHS Digital Website at: <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>

## What measures do we take to protect your information?

We take our duty to protect your personal information and confidentiality seriously. We are committed to taking all reasonable measures to ensure the confidentiality and security of personal data for which we are responsible, whether computerised or on paper.

We have appointed a Senior Information Risk Owner (SIRO), a 'Caldicott Guardian' and Data Protection Officer who between them are responsible for the management of confidentiality. We also have a specific department led by a Head of Information Governance. We use control systems to allow only those that have a need to access your records and we have monitoring systems in place to verify who has accessed your records.

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

Everyone working for the NHS is subject to the common law duty of confidentiality. Information provided in confidence will only be used for the purposes advised or consented to, unless it is required or permitted by the law.

## What are your rights in relation to your personal information?

Unless subject to an exemption, you have the following rights with respect to your personal data:

- The right to request a copy of your personal data which the Liverpool Women's Hospital holds about you
- The right to request that the Liverpool Women's Hospital corrects any personal data if it is found to be inaccurate or out of date
- The right to request your personal data is erased where it is no longer necessary for Liverpool Women's Hospital to retain such information
- The right to withdraw your consent to the processing at any time if you have previously given consent for such processing
- The right to request that the Liverpool Women's Hospital provide you with your personal information and where possible, to transmit that data directly to another data controller, where your information has been processed with your consent
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing
- The right to object to the processing of personal data

- The right to lodge a complaint with the Information Commissioners Office.

Further information about your rights can be found via the Information Commissioners website, which is <https://ico.org.uk/>

### **What happens if we need to transfer your information abroad?**

The Liverpool Women's Hospital do not routinely transfer information outside the UK, but if there is a need to do so we will ensure that the security and protections that are put in place are of equivalent standard to those standards that we would use internally when processing your information.

### **What if we wish to use your information for another purpose?**

If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining the new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will ensure there is a legal justification for such processing.

Where the Liverpool Women's Hospital wish to use your information that is for any reason not in line with this Privacy Notice and we are not using it to comply with a legal obligation then we will seek your consent to do so.

### **Where can you get further information?**

If you do not wish to have your information used in any of the ways described or wish to enact any of your rights under this notice, please contact:

Data Protection Officer  
Liverpool Women's Hospital  
Crown Street  
Liverpool  
L8 7SS  
Telephone number 0151 708 9988  
Email: [dataprotectionofficer@lwh.nhs.uk](mailto:dataprotectionofficer@lwh.nhs.uk)

The Trust website address is [www.liverpoolwomens.nhs.uk](http://www.liverpoolwomens.nhs.uk)

For general enquiries you can contact the Head of Information Governance at the same address as above or by telephone on 0151 702 4386