

# Privacy Notice – Applicants, Employees and Former Employees

Mid Essex Hospitals Services NHS Trust – MEHT (“the Trust”) has over 4500 staff and as part of the process of recruiting and employing those staff, the Trust collects and processes personal data in line with the General Data Protection Regulation (GDPR) (EU) 2016/679 and other related Data Protection legislation. The Trust is also part of the Mid and South Essex Sustainable Transformation Partnership (STP) and has close links to the other two Trusts within the STP - Southend University Hospital NHS Foundation Trust (SUHT) and Basildon and Thurrock University Hospitals NHS Foundation Trust (BTUH). There is a proposal to merge the three Trusts.

## Applicants

The Trust uses a third party online application tracking system called Trac Systems Ltd. to manage the recruitment process. When you apply for a Trust vacancy via Trac, NHS Jobs or Health Jobs UK, the data you submit on your application will be transferred to the Trust for assessment as part of our selection process. Each of the third parties has its own Privacy Notice and the Trust has a data sharing agreement with them. Recruitment data is held and transferred via the cloud.

For monitoring purposes only, we receive equal opportunities data which is not provided to recruiting managers as part of your application.

<https://apps.trac.jobs/>

<http://www.jobs.nhs.uk/privacy.html>

## Employees

If successfully appointed, your biographical data and if applicable, your NHS work history is transferred onto the NHS Electronic Staff Records (ESR) database.

## Electronic Staff Record

*On commencement of employment with the Trust, your personal data will be uploaded to the Electronic Staff Record (ESR). ESR is a workforce solution for the NHS which is used by the Trust to effectively manage the workforce leading to improved efficiency and improved patient safety.*

## Streamlining

*Streamlining is the process by which certain personal data is transferred from one NHS organisation to another when your employment transfers. The streamlining programme is a data sharing arrangement which is aimed at improving efficiencies within the NHS both to make cost savings for Trusts but also to save you time when your employment transfers.*

*In accepting employment with the Trust, you accept that the following personal data will be transferred under the streamlining programme if your employment transfers to another NHS organisation:*

*Name, Address, Job title, Salary, Dates of employment.*

Mandatory pre-employment checks including satisfactory right to work, fitness to work, references and DBS checks are completed by the Recruitment Team.

DBS Checks are requested for new staff and periodically when staff change positions – these checks are requested for job roles where it is necessary to ensure the safety of children and

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vulnerable adults. The DBS certificate number and date is registered within ESR and the retention and disposal of certificates copies are carried out in line with DBS guidance.

Fitness to work assessments are carried out by Occupational Health and in the event of sensitive health information being required, its use is restricted to assessing fitness to commence employment and for existing employees on long term sick leave, what support is required to enable a successful return to work.

The electronic copies of relevant documents are securely stored in the Trust's HR Document Database to create your electronic personnel file. The ESR record is used during your employment within the Trust and across the NHS as a whole through the use of IATs (Inter Authority Transfers) if you transfer employment to another NHS organisation.

During the course of your employment, the Trust will process personal information to manage your employment contract with salary and benefits processing, internal change forms, training records as well as data enabling effective workforce and financial planning and management. Confirmation documents will be electronically stored within the HR Document Database. Statutory reporting is required to ensure compliance with, among others, HMRC, as well as professional registration bodies for medical professionals.

The Trust operates an electronic e-rostering, time and attendance system where in some departments you are required to confirm your arrival and departure times from your place of work via hand scanner. The data is transferred to HealthRoster where it is held securely on the Trust servers and access to the data is restricted by password to the relevant line managers and HR. The Trust operates with HealthRoster (provided by Allocate plc).

Significant volumes of employee data is held within the HR Department, a secure physical area where authorised HR staff have password permissions to access the various secure electronic systems and the HR shared document folder held on the Trust servers. Access to ESR data is further restricted by smart cards which are issued by HR with additional identity checks.

As part of managing the workforce, line managers have access to information to enable their day to day management of activities for recruitment, attendance, rostering, performance and training. These records are held securely and are governed by the Trust's Policies and Procedures.

Sensitive personal data is held in the form of equal opportunities data to enable the Trust to monitor the progress of Equality and Diversity and a balanced workforce; and medical records and information. The Trust has an Occupational Health Department who have stringent controls in place to ensure that this sensitive data is securely processed with only necessary access and information provided in line with the Trust's legitimate interests.

Where organisational change occurs, data may be provided to Trade Union or employee representatives to ensure meaningful consultation with employees can take place. If individual disputes occur, relevant case data may be securely transferred to external advisors to enable them to properly represent the employee(s) and the Trust.

Personal data is securely transferred within the Trust via its email system and where necessary, within a password protected document. NHS.NET emails are also a secure means of transferring data between NHS organisations.

### Former Employees

If you leave our employment and move to another organisation within the NHS, if requested via an IAT, the Trust may provide Personal Data to your new employer to facilitate the transfer of an accurate NHS employment service and salary history and maintenance of benefits related to continuous service.

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If your new employer requests a reference, we will provide one in line with the Trust's reference policy in place at the time of the request.

The personnel file of a leaver will be reviewed and data retained and deleted in line with section 8 of this document and any future amendments made by the Trust in this regard.

**We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.**

<b>1) Data Controller</b> contact details	Mid Essex Hospitals Services NHS Trust Broomfield Hospital, Court Road, Chelmsford Essex CM1 7ET Tel: <b>01245 362000</b>
<b>2) Data Protection Officer</b> contact details	Matthew Barker, Group Head of Information Governance Tel: <b>01268 524900</b> <a href="mailto:informationgovernance@btuh.nhs.uk">informationgovernance@btuh.nhs.uk</a>
<b>3) Purpose</b> of the processing	To enable the Trust to process candidate applications as part of their recruitment process; manage employee contracts of employment, ensure compliance with Trust policies and procedures related to employment, statutory employment requirements; and mandatory and regulatory reporting within the NHS.
<b>4) Lawful basis</b> for processing	The processing of personal data in the recruitment of candidates to the Trust and the management of the employment contract and the provision of reporting to statutory and regulatory third parties is supported under the following Article 6 and 9 conditions of the GDPR:  <i>Article 6(1)(b) "processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract"</i>  And  <i>Article 6(1)(c) "processing is necessary for compliance with a legal obligation to which the controller is subject."</i>  And  <i>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 vested in the controller"</i>  And  <i>Article 6(1)(f) "processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child."</i>

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	<p>And</p> <p><i>Article 9(2)(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject”</i></p> <p>And</p> <p><i>Article 9(2)(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;</i></p> <p>And</p> <p><i>Article 9(2)(h) ‘necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee,...”</i></p>
<p><b>5) Recipient or categories of recipients</b> of the processed data</p>	<p>Data will be shared with the Trust, with third parties and with SUHT and BTUH, the other two Trusts within the Sustainable Transformation Partnership (STP). There is a proposal to merge the three Trusts.</p> <p>Recruitment and Contract Management</p> <ul style="list-style-type: none"> <li>• Human Resources (Internal)</li> <li>• Recruiting Managers (Internal)</li> <li>• Senior Managers and Directors (Internal)</li> <li>• Finance (Internal)</li> <li>• Finance (MSB Group)</li> <li>• Human Resources (MSB Group)</li> <li>• Trac (External Online Applicant Tracking System)</li> <li>• NHS Improvement (External)</li> <li>• NHS Employers (External)</li> <li>• Health Education East of England (External– Trainee Doctors)</li> <li>• Health Education London (External – Trainee Doctors)</li> <li>• NHS Professionals (External Collaborative Bank)</li> <li>• UK Visas and Immigration (UKVI)</li> <li>• Overseas Visa Agencies (outside of the EEA)</li> <li>• GBG (External DBS Applications)</li> <li>• NHS SBS Payroll Systems (External Payroll Provider)</li> <li>• HMRC (External)</li> <li>• External Providers for Salary Sacrifice Schemes (Childcare Vouchers; Bicycles; Technology Items; Car Parking; Car Leasing)</li> <li>• NHS Digital (Health and Social Care Information Centre)</li> <li>• Department of Health</li> <li>• Smart Rostering System provided by Kronos plc</li> <li>• HealthRoster Software provided by Allocate plc</li> </ul>

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	<p>Employee Relations</p> <ul style="list-style-type: none"><li>• Human Resources (Internal)</li><li>• Line Managers (Internal)</li><li>• Trust Solicitors (External)</li><li>• Trade Unions and their representatives</li><li>• The Insolvency Service – Redundancy Payment Service</li><li>• ACAS</li><li>• Employment Tribunals</li></ul> <p>Workforce Information and Reporting</p> <ul style="list-style-type: none"><li>• NHS Digital (Health and Social Care Information Centre)</li><li>• ESR (External contract held by DoH)</li><li>• Health Education East of England (External– Trainee Doctors)</li><li>• Health Education London (External)</li><li>• NHS Digital (Health and Social Care Information Centre)</li></ul> <p>Sickness</p> <ul style="list-style-type: none"><li>• Human Resources (Internal)</li><li>• Line managers (Internal)</li><li>• Occupational Health (Internal)</li><li>• GPs and Health Professionals (External)</li></ul> <p>Pensions</p> <ul style="list-style-type: none"><li>• Finance (Internal)</li><li>• NHS Business Services Authority</li><li>• NHS Pensions</li><li>• NEST Pensions</li></ul> <p>IT Systems and Administration – IT and Systems Department (Internal)</p> <p>External Regulatory/Statutory Bodies</p> <ul style="list-style-type: none"><li>• Care Quality Commission</li><li>• NHS Employers</li><li>• NHS Improvement</li><li>• NHS England</li><li>• Clinical Commissioning Group</li><li>• Professional Registration Bodies (e.g. GMC, RCN)</li><li>• UK Visas and Immigration</li></ul>
<p><b>6) Rights to object</b></p>	<p>You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller of the Trust. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance</p> <p>See MEHT Intranet for Policies and Procedures related to GDPR and your individual rights</p> <p>See MEHT website for Privacy Notices which will be updated from time to time. You will be notified when updates are due to occur.</p>

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<b>7) Right to access and correct</b>	You have the right to access the data that is being shared and have any inaccuracies corrected.  See MEHT Intranet for Policies and Procedures related to GDPR  See MEHT website for Privacy Notices which will be updated from time to time. You will be notified when updates are due to occur.
<b>8) Retention period</b>	The data will be retained in line with the law and national guidance. <a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</a>
<b>9) Right to Complain.</b>	You have the right to complain to the Information Commissioner's Office, you can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a>  or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)  There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)

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