

How and why we use your information

Information for staff and applicants

Without your data we would not be able to provide the excellent services to all our staff that we currently do. Your data enables us to recruit you, pay you, ensure your employment terms with UHS are enacted and collate anonymised data on our staffing structure.

We take our responsibilities to preserve the confidentiality of your data seriously and this leaflet provides you with key information about how your information may be used and the rights you have over that information.

Key Information

University Hospital Southampton NHS Foundation Trust (UHS) is the data controller.

We collect and process your personal information for the following purposes under the Data Protection Act 2018 and the [General Data Protection Regulations](#):

Consent

'The data subject has given consent to the processing of his or her personal data for one of more specific purposes' Article 6(1) (a)

We may ask your consent to process your data for specific purposes, such as undertaking our annual staff surveys. Without your signed consent, we will not process any data under this category only.

Contract

'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' Article 6(1) (b)

This applies for the majority of the activity undertaken by UHS as your employer so that we can comply with our obligations under the contract.

Legal obligation

'Processing is necessary for compliance with a legal obligation to which the controller is subject' Article 6(1) (c)

For UHS, this applies to our obligations around safeguarding our staff and patients, complying with employment law and UK visas and immigration laws. We also have a legal obligation to share some personal data and pay records with the HMRC, enact on court orders and respond to information

requests from professional bodies and legal services. In all cases, we will ensure that all our responses are reasonable and proportionate.

Special category data

Some of the data we process under GDPR is classed as special category data. This includes, but is not limited to, data around health, race, ethnic origin, religion or belief, and sexual orientation. Our lawful basis for processing any of this data is as a result of consent (Article 6) and our compliance with Article 9 for special category data is:

'The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject' Article 9 (2) (a).

Criminal offence data

There are separate safeguards in place for processing criminal offence data. As part of our legal obligations with safeguarding, a number of roles within the organisation require a Disclosure and Barring Service check to be undertaken. This is likely to be as a new starter, but may be undertaken at any point during your employment. Professional bodies may also require declaration of criminal convictions.

Under Article 6 (1) (c) we have a legal obligation to undertake these checks for relevant staff groups in order to ensure safety across the organisation. All DBS checks require your consent to undertake so you will know if this is relevant for you. UHS are also compliant with Article 10 which states:

'Processing of personal data relating to criminal convictions and offences or related security measures based on Article 6(1) shall be carried out only under the control of official authority or when the processing is authorised by Union or Member State law providing for appropriate safeguards for the rights and freedoms of data subjects. Any comprehensive register of criminal convictions shall be kept only under the control of official authority.'

Retention and data sharing

We will retain your information for as long as you are an employee with UHS, and for a period of 7 years once you have left UHS employment in line with statutory retention periods. Unsuccessful applicants' data is retained for 13 months.

We will sometimes share your information within the Trust for:

- the provision of HR services, including the recruitment and employee relations functions
- the provision of the HealthRoster and eExpenses functions to ensure accurate rostering (including annual leave, enhancements and overtime payments, and reimbursement of expenses)

- the provision of occupational health services. For more information on your occupational health data, please contact OccupationalHealth@uhs.nhs.uk

Outside the Trust we will sometimes share your information with:

- the payroll team (via ESR or secure email) to provide payroll and pension services, as well as any required statutory deductions from your pay
- the Trac team who manage the recruitment system – this team only use the data you provide to UHS as part of any recruitment process
- other NHS trusts, the deanery or other education providers
- Trust solicitors and legal advisors, safeguarding colleagues, UK Visas and Immigration, police and other law enforcement agencies, to ensure that all activity undertaken at the trust is safe and legal.

At UHS we collect and process your information to make sure we can give you the correct high quality service as an employee, ex-employee or applicant to one of our roles. Holding the information in this form allows us to quickly locate your information and provide efficient appropriate information to you or your representatives.

What we may hold

We will hold the following basic personal information about you: your name, address (including correspondence), telephone numbers, date of birth, next of kin contact, email address, marital status, place of birth, religion and ethnic origin. We are also required to hold your right to work status (such as passport and/or visa details), professional registration details (if applicable to role) and other mandated pre-employment checks, according to the NHS Employers guidance. This information will have been provided by you to UHS as a new starter or at any stage during your employment when any of this information changed.

We also hold details relating to your pay, such as salary, bank details of the account to pay your salary into, as well as any statutory deductions from pay (including your NI number, tax code and any court ordered deductions). We may also hold copies of payslips from previous organisations if you have provided these to us.

How your information is used

We use your records to:

- ensure we are able to recruit safely and appropriately to our roles in the organisation
- ensure we are able to pay you correctly, through the use of electronic rostering and direct payroll contact
- ensure we are able to act in a legal way around all our employment matters

- ensure we are able to provide a service around employee relations
- ensure we are able to ensure safe and appropriate staffing across the organisation
- ensure we are able to assist our colleagues in the community, especially around safeguarding and security issues
- ensure we are able to support you if you choose to leave the organisation, such as through retirement.

FAQs for NHS Jobs applications

How do we process your data?

Upon submission of your application, your data will be manually imported to our main recruitment site trac.jobs once the vacancy has closed. You will receive an email to say it has been manually imported.

Is my information processed automatically or by a human on a decision to select my application for shortlisted?

All applications are reviewed by the recruiting manager and selected shortlisters.

Can I update information that has been downloaded already from NHS Jobs?

Once your information is downloaded from NHS jobs, the information on the main body of your application cannot be amended. This is due to your information being sent on for shortlisting. Your personal details can be edited once your account has been created.

What happens when I withdraw my application once it has been downloaded?

Your application will be withdrawn from our applications list. All applications are then stored on our recruitment system for 12 months.

What will you do with my equality and diversity data?

Your equality and diversity data is not included on the information that is sent through to the recruiting manager or the shortlisters. It will only be used for the sake of reporting on our equality and diversity statistics.

How do you handle any safeguarding concerns particularly in relation to disclosure and barring service checks?

Any information that arises as a result of your application is discussed with the recruiting manager and HR business partner. No information will be stored on your staff record and will be destroyed.

How do we handle attachments that accompany application forms?

We do not accept any attachments from an application form.

Key Roles

Data protection officer – associate director, corporate affairs;

Caldicott Guardian (responsible for protecting the confidentiality of patient information) – director of nursing;

Senior information risk owner (SIRO) (responsible for managing information risks) – director of organisational transformation.

Your rights

Under the Data Protection Act 2018, you have certain rights to control and prevent the use of your information. Some of these apply to the medical context, but others don't. An explanation of these is set out below:

Right to be informed

You have the right to be informed about the collection and use of your personal data. We have created this information leaflet to provide this information for you. If you have any additional queries, please contact dataprotection@uhs.nhs.uk.

Right to access

You have a right to request a copy of your personal information. We will not charge you to provide this information (except in very rare specific instances). We will reply to any request for copies of personal information within one month, unless the request is particularly complex. If this is the case, we will inform you of the extension within one month.

We can also provide further information about the purpose of the processing, the categories of information we hold, details of your rights and how long we will keep information for.

If you would like to request your information, please contact: dataprotection@uhs.nhs.uk

Right to rectification

You have a right to have information about you corrected if it is incomplete or inaccurate. It may not always be possible to change information – but we will let you know if this is the case and explain the reasons. If you make a request, then UHS must respond within one month. If you would like information about you to be amended please either speak to HR or contact UHS's data protection officer at:

Data protection officer
Trust Management Offices
Southampton General Hospital
Tremona Road
Southampton
SO16 6YD

Email: dataprotection@uhs.nhs.uk

Website: www.uhs.nhs.uk

Right to erasure

You have a right to request information about you be erased. It is very unlikely that any employment information about you will be able to be deleted, as it is required to continue your employment and to comply with other guidelines and regulations. If you would like to discuss any issue you have with your HR records then please contact the data protection officer.

Right to restrict processing

You have a right to block or restrict processing of your personal information. It may not always be possible to restrict the processing of your information, however, if you would like to request a restriction to be placed on your information please contact the data protection officer.

Right to data portability

You have a right for some personal information to be passed to you in a form which makes it easy to pass to another organisation. This right will only apply to HR information in a very limited set of circumstances. However, if you would like to discuss the portability of your information the please contact the data protection officer.

Right to object

You have a right to object to any processing of your personal information. This right will only apply in a limited set of circumstances. If you would like to discuss any objections you have to the processing of your personal information, please contact the data protection officer.

Rights related to automated decision making

The rights relate to decisions taking automatically, without human involvement. You have rights to prevent this type of decision making in limited circumstances. If you would like to discuss automated decision making please contact the data protection officer.

Right to withdraw consent

You have a right to withdraw consent to process personal information. In most instances consent is not required or sought to process statutory, contractual information for your continuing employment with UHS. However, if you are considering withdrawing consent and would like more information on where this may be applicable, please contact the data protection officer.

Right to complain

If at any time you are not happy with UHS's handling of your personal information then you have a right to contact the Information Commissioner's Office. You can contact them via the addresses below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Email: casework@ico.org.uk

If you decide to withhold personal information about yourself, then please discuss it with the data protection officer, as it is likely that this would severely limit the ability of UHS to act as your employer in an effective, accurate way.

Further Information

If you'd like any more information about how we handle your information then please contact:

Data protection officer
Trust Management Offices
Southampton General Hospital
Tremona Road
Southampton
SO16 6YD

Email: dataprotection@uhs.nhs.uk

Website: www.uhs.nhs.uk

General information on your rights and how organisations should process personal information is available on the Information Commissioner's website: www.ico.org.uk