

Privacy Statement: Use of Data Relating to Whittington Health Staff and Applicants for Employment at the Trust

This statement outlines how Whittington Health manages and uses the data held about its staff. It notes how and why we may share information held with other organisations, and how confidentiality of this information is maintained. The statement also covers the management and use of data relating to external job applicants.

What is personal data?

Information that relates to any living person who could be identified by that information.

Why does Whittington Health hold information on its staff?

We store and process information on staff for employment related purposes only.

How might Whittington Health share staff data?

We share staff information with a range of organisations or individuals for a variety of lawful purposes including:

- Disclosure to Data Processors – e.g. staff records to external archive storage providers under contract to Whittington Health.
- Disclosure of job applicant data for the purpose of carrying out reference checks, Disclosure and Barring Service (DBS), housing agencies/accommodation.
- In respect of agency staff; disclosure to employment agencies.
- Confirmation of employment details for the purposes UK Visas and Immigration (UKVI), mortgage or loan applications.
- Disclosure to professional bodies in respect of fitness to practice hearings.
- Disclosure to police or fraud investigators in respect of investigations into incidents, allegations or enquires.

Disclosure is also made to our internal Occupational Health department in respect to staff welfare and referral.

Privacy Notice

Whittington Health NHS Trust is the data controller and will process your data for employment purposes in accordance with the regulations that apply to:

- **Article 6(1)(e) of The General Data Protection Regulation 2016 (GDPR) & Data Protection Act 2018 (DPA18)**

Some of the data held about you may be defined as 'special category' data under the GDPR & DPA18 (e.g. health data for employment purposes) and will be processed in accordance with the regulations that apply to:

- **Article 9(2)(h) of The General Data Protection Regulation 2016 (GDPR) & Data Protection Act 2018 (DPA18)**

Disclosure and Barring Service (DBS) checks and other necessary processing of such data will be carried out under Article 10 provisions of DPA18 and the provisions of the Safeguarding Vulnerable Groups Act 2006.

Data will be stored on servers based in the UK and will not be transferred outside the EU.

Records will be retained as per the guidance set out in the Records Code of Practice for Health and Social Care 2016.

Vaccine as a Condition of Deployment (VCOD)

The legal bases identified by NHS England for processing personal data are as follows:

For GDPR purposes:

- **Article 6(1)(e) – ‘...exercise of official authority...’.**

For the processing of special categories (health) data the conditions are:

- **Article 9(2)(h) – ‘...health or social care...’**
- **Article 9(2)(i) – ‘...public health purposes...’,**
- **Article 9(2)(j) – ‘.....archiving...research...or statistical purposes...’**

For processing special categories (ethnicity) data the conditions are

- **Article 9(2)(b) – ‘...social protection law...’ (for monitoring equality of access)**
- **Article 9(2)(h) – ‘...health or social care...’**
- **Article 9(2)(j) – ‘.....archiving...research...or statistical purposes...’**

Further Information

Information about the national management of personal data to support the COVID-19 and Flu Vaccination programmes can be found via the following links:

- <https://www.england.nhs.uk/contact-us/privacy-notice/national-flu-vaccination-programme/>
- <https://www.england.nhs.uk/coronavirus/publication/vaccination-as-a-condition-of-deployment-for-healthcare-workers-phase-1-planning-and-preparation/>