

# PRIVACY STATEMENT FOR EMPLOYEES AND WORKERS

1

## About this statement

**Birmingham Hospice (trading name) / The Hospice Charity Partnership (organisation name) (the hospice)** is committed to protecting the privacy and security of personal information. This privacy statement sets out:

- what personal data the hospice processes about its employees, workers and contractors, the reason it processes that personal data, its legal basis for processing that personal data, and how long it will retain it for;
- who to contact in the event that you have any queries relating to your personal data;
- who **the hospice** may share staff personal data with;
- the extent to which **the hospice** transfers staff personal data outside the European Economic Area;
- the extent to which **the hospice** uses staff personal data to carry out any automated decision making with a legal or similarly significant effect on that individual; and
- what rights you have in relation to your personal data, and how to exercise them.

Where we refer to “you” or “your”, we are referring to you as a member of staff at **the hospice**.

This privacy statement applies to current and former employees, workers and contractors. This privacy statement does not form part of any contract of employment or other contract to provide services and we may update this privacy statement at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

2

## Data Protection Principles

We will comply with data protection law. This says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

3

## Contact Details

We have included below details of who to contact in the event that you have any queries relating to your personal data.

3.1 **Data controller, address and registered number:**

We, **Birmingham Hospice (The Hospice Charity Partnership)**, are the data controller.

Registered charity number 1156964

176 Raddlebarn Road, Selly Park, Birmingham, B29 7DA

3.2

**Our data protection officer: Kal Singh**

You can contact the data protection officer via email at [DPO@birminghamhospice.org.uk](mailto:DPO@birminghamhospice.org.uk) or by mail for the attention of the data protection officer at the address above.

4 **Processing of personal data**

4.1 Please find attached at Schedule 1, details regarding the data to be processed, the purposes for which the personal data is intended to be processed, our lawful basis for processing, and how long we will keep the personal data.

4.2 Where multiple retention periods apply to one category of data, the retention period will be the longest one (although we will stop using that category of data when the retention period for that purpose expires).

4.3 With regard to the items processed on the lawful basis of our legitimate interests, you may have the right to object to such processing. To exercise your right to object, please see the section titled "Your rights" below. Note however that we may not honour your objection where we require that personal data to bring or defend a legal claim.

4.4 **Persons with whom we may share your data:**

In general, access to your personal data will be restricted to those who have a need to access it in order to carry out their duties (for example but not limited to, our HR, Payroll and your line management structure).

However, we will also share your personal data with the following external third parties in some circumstances:

- regulators and government authorities such as HMRC, CQC or the police, if we are required to do so by law or if the regulator or authority requests it and we regard that request as reasonable;
- our insurers, legal advisers or other third parties who need access to it in the context of managing, investigating or defending claims or complaints or for auditing purposes;

- Organisations (for example third-party service providers such as DBS checking and Occupational Health service) that process your data on our behalf and are not allowed to use your data for any other purpose.

## 5 **Your rights (with effect from 25 May 2018)**

The law gives you certain rights in respect of the personal data that we hold, which you should be aware of:

- 5.1 You have the right to obtain your personal data from us except in limited circumstances. Where we provide it, the first copy will be free of charge, but we reserve the right to charge a small fee for additional requests;
- 5.2 You have the right to require us to rectify any inaccurate personal data we hold concerning you;
- 5.3 Taking into account the purposes of the processing, you may also have the right to have incomplete personal data completed, by means of providing a supplementary statement or otherwise;
- 5.4 You have the right to require us to erase your personal data on certain limited grounds (including where they are no longer necessary for the purpose for which they were collected or where you withdraw your consent **and** there is no other legal ground for the processing);
- 5.5 Where we process personal data either on the basis of consent or contractual necessity, you provided the personal data to us, and we process that personal data by automated means, you have the right to require us to give you your data in a commonly used electronic format;
- 5.6 You have the right to object to our processing of personal data which we process on the grounds of our legitimate interests, although we do not always have to honour your objection – we can refuse to cease processing where we have a compelling legitimate ground that outweighs your interests, or if we need the data to bring or defend a legal claim;
- 5.7 You have the right to require us to restrict the processing of your personal data on certain grounds, including where:
  - (a) you contest the accuracy of the personal data and want us to restrict processing of your personal data while we verify its accuracy;
  - (b) the processing is unlawful, but you request a restriction of the processing rather than erasure;
  - (c) we (as controller) no longer need the data for the purposes of the processing, but you have told us you require us to retain that personal data for you to establish, exercise or defend legal claims; or
  - (d) you have objected to us processing your personal data on grounds of legitimate interests and want us to restrict processing of your personal data while we consider your objection.

If you would like to exercise any of these rights, please contact the HR department.

6 **If we can't remedy an issue you have**

Should you have any complaints or issues with our treatment of your personal data, you may lodge a complaint with the Information Commissioner's Office (<https://ico.org.uk>).

7 **Changes to this privacy notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

### SCHEDULE 1

<b>Type of personal data:</b>	<b>Purpose:</b>	<b>Lawful basis for the processing:</b>	<b>Retention Period</b>
Name, date of birth, home/personal contact details, next of kin (including emergency contact details) and salary.	Administration of your employment	Employment Rights Act 2008	6 years after employment end date
Your employment contract and related documents such as application form, references and qualification certificates	Administration of your employment	Employment Rights Act 2008	6 years after employment end date
Employment history	To comply with social care regulations	Health & Social Care Act	6 years after employment end date
Details of any cautions or convictions	To comply with social care regulations	Health & Social Care Act, Rehabilitation of Offenders Act	Retained during the recruitment process. A summary of any discussion and the outcome will be retained on file throughout your employment and until 6 years after employment end date.

Your training, review and appraisal records.	To comply with social care regulations	Health & Social Care Act	Clinical training records – to be retained until 75 <sup>th</sup> birthday or seven years after your leave date whichever is the longer  Statutory and mandatory training records – to be kept for 10 years after training completed  Other training records – keep for 6 years after training completed
Annual leave records.	To support the health and safety of employees	The Working Time Regulations 1998	2 years
Photograph	For ID purposes and notifying colleagues in other departments of new employees	Employment Rights Act 2008	Destroyed upon termination of employment
Your driving licence details and driving records	To support the health and safety of employees	Health & Safety at Work Act 1974	6 years after employment end date
Absence records	To support the health and safety of employees	The Equality Act 2010	6 years after employment end date
Occupational health reports	To support the health and safety of employees	The Equality Act 2010	Retained until your 75 <sup>th</sup> Birthday or 6 years after leaving whichever is the longer.  If under health surveillance, retained for 50 years from the date of

			<p>the last entry or until your 75<sup>th</sup> birthday, whichever is the longer - then review record and destroy if no longer needed.</p> <p>If under health surveillance and has been subject to radiation doses - retained for 50 years from the date of the last entry or until your 75<sup>th</sup> birthday whichever is the longer</p>
Disciplinary records	To comply with the performance of the employment contract and regulatory organisations	Employment Rights Act 2008	6 years after employment end date

Retention periods are based on guidance from the Information Governance Alliance.