

## Privacy Notice: 'Your staff information matters'

This privacy notice should not be confused with the *privacy policy* which concerns the use of this website: [Website data policy - Wiltshire Health and Care](#)

This page describes how Wiltshire Health and Care (WHC) uses and manages the information it holds about you, including:

- how the information may be shared with other NHS organisations and non-NHS organisations; and
- how the confidentiality of your information is maintained.

You can contact us via the details below if you have any questions or concerns about how we use your information.

### Information Management in relation to Covid19

In the unfortunate event that you contract Covid 19, as a notifiable disease, minimal information about you will be shared with Public Health England for the purposes of containment and management. This information is shared in compliance with the law and shared on a need to know basis.

During the Coronavirus outbreak, the NHS has granted additional powers for health organisations to share information to help monitor COVID-19; a summary from the Secretary of State for Health & Social Care is below:

*The Secretary of State for Health and Social Care has Directed NHS Digital to collect and analyse data from providers and other organisations involved in managing the COVID-19 response and then disseminate information and analysis to other bodies for the purpose of planning and managing the response. NHS England and NHS Improvement have been given legal notice to support the processing and sharing of information to help the COVID-19 response under Health Service Control of Patient Information Regulations 2002.*

### Who we are

Wiltshire Health and Care is a partnership, focused solely on delivering improved community NHS services in Wiltshire and enabling people to live independent and fulfilling lives for as long as possible.

We are an NHS partnership formed by the three local Foundation Trusts which serve Wiltshire:

- Great Western Hospitals NHS Foundation Trust
- Royal United Hospitals Bath NHS Foundation Trust
- Salisbury NHS Foundation Trust

Wiltshire Health and Care can be contacted at the following address:

Email: [ask.wiltshirehealthandcare@nhs.net](mailto:ask.wiltshirehealthandcare@nhs.net)

Website: <https://wiltshirehealthandcare.nhs.uk>

Postal address:  
Wiltshire Health and Care  
Chippenham Community Hospital  
Rowden Hill  
Chippenham  
Wiltshire  
SN15 2AJ

### Commitment to Data Privacy and Confidentiality

We are committed to protecting your privacy and will only process personal confidential data in accordance with the relevant data protection legislation, currently the UK General Data Protection Regulation (GDPR), and Data Protection Act 2018 (DPA), alongside the common law duty of confidentiality.

Wiltshire Health and Care is registered as a Data Controller with the Information Commissioner's Office (ICO). Our registration number on the Data Protection Register is ZA190147 and our entry may be found by reference to the ICO website at the following [link](#).

All information that we hold about you will be held securely and confidentially.

We use administrative and technical controls to do this including strict procedures and encryption. We use strict controls to ensure that only authorised staff can see information that identifies you. This means only a limited number of authorised staff have access to information that identifies you where it is appropriate to their role and is strictly on a need to know basis.

All our staff, contractors, and committee members receive appropriate and on-going training to ensure they are aware of their personal responsibilities. Our staff have contractual obligations to uphold confidentiality, enforceable through disciplinary procedures.

We will only use the minimum amount of information necessary about you.

We will only keep information in accordance with the schedules set out in the Records Management Code of Practice for Health and Social Care 2016.

### Purposes of Processing

Wiltshire Health and Care is responsible for provision of health services across the county of Wiltshire which is conducted through Wiltshire Health and Care staff and volunteers, Wiltshire Health & Care processes personal data for a range of purposes to enable it to meet its statutory duties and functions including:

- the employment of appropriate staff
- safeguarding children and vulnerable adults
- service planning
- to meet a legal obligation such as where a formal court order has been served on us
- where we are lawfully required to report certain information to appropriate authorities, such as to prevent fraud or a serious crime

### Lawful basis for processing

Current Data Protection legislation provides six possible legal bases available for a data controller to use in justifying processing of personal data:

- consent of the data subject
- contract
- public task
- legal obligation
- vital interests
- legitimate interests

In general, Wiltshire Health and Care will only rely on consent where it is clearly necessary in law.

Where we have a legal basis for sharing and using data without consent, we will do so.

Details of the legal basis relied upon for processing are shown in the table of uses of information below.

### Where do we receive information from?

Wiltshire Health and Care receives information about our staff from a range of different sources, some examples have been listed below:

- if you have applied for a vacancy within Wiltshire Health and Care
- if you have TUPE'd to Wiltshire Health & Care
- if you have made a complaint to us about your employment, and we need to investigate
- if you have volunteered with Wiltshire Health and Care
- pertinent health information from Occupational Health
- potential criminal convictions through the Disclosure and Barring Service process
- if you ask us to keep you regularly informed and up to date about the work of WHC
- if you are actively involved in our engagement activities

### Why is your staff record shared and with whom?

We share your information with a range of organisations or specific named individuals for a variety of lawful purposes, including:

- Financial information in relation to Payroll;
- Professional bodies that an individual might be registered with;
- NHS managers and the Department of Health for the purposes of planning, commissioning, managing and auditing healthcare services;
- organisations with statutory investigative powers - e.g. the Care Quality Commission, the GMC, the Audit Commission, the Health Service Ombudsman;
- where necessary and appropriate, to government departments other than the Department of Health;
- solicitors, to the police, to the Courts (including a Coroner's Court), and to tribunals and enquiries;

- the media (normally the minimum necessary disclosure subject to explicit consent)

The specifics of this sharing is detailed in the tables found at the end of this privacy notice.

### Categories of personal confidential data

The types of information that we may collect and use include the following:

- Personal data – means any information relating to an identified or identifiable natural person (data subject)
- Sensitive personal data – means any information relating to an identified or identifiable natural person which is more sensitive and so needs more protection, such as:
  - race
  - ethnic origin
  - political views
  - religion
  - trades union membership
  - genetics
  - biometrics (where used for ID purposes)
  - health
  - sex life
  - sexual orientation
- Confidential Information – means both information ‘given in confidence’ and ‘that which is owed a duty of confidence’. This also includes and is adapted to include special category data as defined in current data protection legislation.

Personal confidential data may include your name, your address, postcode, date of birth, NI number, information about previous employment, reports and notes about your health, relevant information about third party individuals such as next of kin and other family members.

### Pseudonymised Information

This is data that has undergone a technical process that replaces your identifiable information such as NI number, postcode, date of birth with a unique identifier, which obscures the ‘real world’ identity of the individual patient to those working with the data.

### Anonymised Information

This is data rendered into a form which does not identify individuals and where there is little or no risk of identification.

### Rights of Individuals

You have certain legal rights, including a right to have your information processed fairly and lawfully. These rights are:

- the right to be informed

- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- the right to data portability
- the right to object
- rights in relation to automated decision making and profiling

You have the right to privacy and to expect the NHS to keep your information confidential and secure.

### Subject access requests

Individuals can find out if we hold any personal information by making a subject access request under the Data Protection legislation. If we do hold information about you, we will:

- confirm that we are processing your personal data
- provide a copy of your personal information
- provide additional information such as: the reason why we hold your information, who we may have shared information with, how long we hold information

The Data Protection Act gives you the right to obtain a copy of information that WHC holds about you and why.

If you would like to receive a copy of information we hold about you, your request should be made in writing by post or email to:

- Records Department, Wiltshire Health and Care, Chippenham Hospital, Rowden Hill, Chippenham, SN15 2AJ
- Email: [whc.recordsrequest@nhs.net](mailto:whc.recordsrequest@nhs.net)

When making a request, please include the following details:

- your name, address and postcode
- any relevant identifying numbers
- the type of information or documents you want to receive copies of including any relevant dates
- any preferences you have for the way you would like us to send the information to you (for example, hard copy, large print or by email)
- forms of identification – passport, driving licence or birth certificate, plus confirmation of home address, such as a recent utility bill, council tax bill or letter from a government department

If you are making a request for records in relation to another person or a deceased individual, you will be required to provide evidence of the authority which enables you to act on that individuals' behalf, this may include:

- Documented consent of the individual
- Lasting Power of Attorney
- Grant of Probate

## Communication

By providing your contact details, you are agreeing to Wiltshire Health and Care communicating with you about your employment, i.e. by letter (postal address), by voice-mail or voice-message (telephone or mobile number), by text message (mobile number) or by email (email address).

If you prefer not to be contacted by text message or email, please let us know by registering your preferences – these will be recorded within the relevant record.

## Confidentiality advice and support

A Caldicott Guardian is a senior person responsible for protecting the confidentiality of staff and their information, as well as enabling appropriate and lawful information-sharing.

If you have any concerns or need advice about data protection or confidentiality, WHC has appointed the following senior individuals:

- WHC's Caldicott Guardian is Sara Quarrie, Director of Quality, Professions and Workforce. Sara is contactable by email through [whc.caldicottguardian@nhs.net](mailto:whc.caldicottguardian@nhs.net)
- WHC's Senior Information Risk Owner is Katherine Hamilton Jennings, Director of Governance and Legal. Katherine is contactable by email through [whc.siro@nhs.net](mailto:whc.siro@nhs.net)
- WHC Data Protection Officer is Steven Lobb, Information Governance Manager. Steven is contactable by email through [whc.informationgovernance@nhs.net](mailto:whc.informationgovernance@nhs.net)

## Overseas transfers

Your information will not be sent outside of the United Kingdom where the laws do not protect your privacy to the same extent as the law in the UK unless we are satisfied that equivalent arrangements exist to provide the same level of security as would otherwise be found in the UK. We will never sell any information about you.

## Concerns and complaints

Individuals who have a concern about any aspect of their employment provided by Wiltshire Health and Care, or about the way their records have been managed, should contact their line manager in the first instance or one of the nominated individuals listed above.

Additionally, individuals have the right to complain to the Information Commissioner if they should ever be dissatisfied with the way Wiltshire Health and Care has handled or shared their personal information:

The Information Commissioner's Office (ICO)  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 0303 123 1113 or 01625 545745  
[Information Commissioner's Office website](https://www.ico.org.uk/)

### Further information

You can find further information about how the NHS uses personal confidential data and your rights in:

- The [NHS Constitution](#)
- An independent review of information about service users is shared across the health and care system led by Dame Fiona Caldicott was conducted in 2012. The report, [Information: To share or not to share? The Information Governance Review](#).
- Please visit the [NHS Digital's](#) website for further information about their work. The [Guide to Confidentiality](#) provides a useful overview of the subject.
- The [Information Commissioner's Office](#) is the Regulator for Data Protection Legislation.
- The [NHS Health Research Authority](#) (HRA) protects and promotes the interests of patients and the public in health and social care research.

## Uses of Information

Activity	Rationale
<b>Employment</b>	<p>For the employment of staff and volunteers at Wiltshire Health &amp; Care</p> <p><b>Data Type</b> Personal Confidential Data</p> <p><b>Legal Basis</b> WHC has a statutory duty to undertake employment activity and relies on the public task legal basis to process personal data for this purpose. GDPR Article 6(1)(e) and 9(2)(b) – employment purposes</p>
<b>Complaints</b>	<p>To process your personal information if it relates to a complaint where you have asked for our help or involvement.</p> <p><b>Data Type</b> Personal Confidential Data</p> <p><b>Legal Basis</b> We will rely on the legitimate interests of WHC to process your personal data for the purpose of managing a complaint you make to us.</p> <p><b>Complaint Processing Activities</b> When we receive a complaint from a person we make up a file containing the details of the complaint. This normally contains the identity of the complainant and any other individuals involved in the complaint. We will only use the personal information we collect to process the complaint and to check on the level of service being provided. We may need to seek your written authority to access your information from other service providers, such as hospitals, GP practices or clinics.</p> <p>We usually have to disclose the complainant's identity to whoever the complaint is about. This is inevitable where, for example, the accuracy of a person's record is in dispute.</p> <p>If a complainant doesn't want information identifying him or her to be disclosed, we will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis.</p> <p>We will keep personal information contained in complaint files in line with NHS retention policy, currently 10 years following closure of the complaint and any subsequent processes. It will be retained in a secure environment and access to it will be restricted according to the 'need to know' principle.</p>
<b>Safeguarding</b>	<p>We will collect and process identifiable information where we need to assess and evaluate any safeguarding concerns.</p> <p><b>Data Type</b> Personal Confidential Data</p>

	<p><b>Legal Basis</b> WHC has a statutory duty to undertake safeguarding activity and relies on the public task legal basis to process personal data for this purpose. GDPR Article 6(1)(e) and 9(2)(h) – management of health and social care Services</p>
<p><b>For Other organisations to provide support services for us</b></p>	<p>WHC use the services of data processors, who provide additional expertise to support the work of WHC:</p> <p><b>Data Type</b> Personal Confidential Data, Pseudonymised Data, Anonymous Data</p> <p><b>Legal Basis</b> We rely on our public task duties as our GDPR legal basis for the activities described below. Articles 6(1)(e) and 9(2)(h) – management of health and social care.</p> <p>We have entered into contracts with other NHS and third party organisations to provide some services for us or on our behalf. These organisations are known as “data processors”. Below are details of our data processors and the function that they carry out on our behalf:</p> <ul style="list-style-type: none"> <li>• Centrality: Our IT provider</li> <li>• KPMG (External auditor): Audit our accounts and services with specific case reviews from time to time (add value to the analyses of data that does not directly identify individuals)</li> <li>• BDO LLP (Internal auditor): Audit our accounts and services with specific case reviews from time to time</li> <li>• BDO LLP: Counter Fraud investigations and audits</li> <li>• NHS Resolution – Claims Management</li> <li>• Shred Station - Confidential Waste Disposal Company to shred information in a secure environment</li> <li>• Salisbury NHS Foundation Trust – Payroll services</li> <li>• Great Western Hospitals Trust – Records Management Service</li> <li>• Royal United Hospitals – Finance Services</li> </ul> <p>These organisations are subject to the same legal rules and conditions for keeping personal confidential data and secure and are underpinned by a contract with us.</p> <p>Before awarding any contract, we ensure that organisations will look after your information to the same high standards that we do. Those organisations can only use your information for the service we have contracted them for and cannot use it for any other purpose.</p>
<p><b>National Fraud Initiative</b></p>	<p>WHC is required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for; auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud.</p>

	<p>The Cabinet Office conducts data matching exercises to assist in the prevention and detection of fraud as part of its responsibility for public sector efficiency and reform. Part 6 of the Local Audit and Accountability Act 2014 enables the Cabinet Office to process data as part of the National Fraud Initiative (NFI).</p> <p>The Cabinet Office is responsible for carrying out data matching exercises.</p> <p>We participate in the Cabinet Office’s National Fraud Initiative: a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise, as detailed at <a href="https://www.gov.uk/government/collections/national-fraud-initiative">https://www.gov.uk/government/collections/national-fraud-initiative</a>.</p> <p>Data matching involves comparing sets of data, such as payroll held by one body against other records held by the same or another body to see how far they match. The data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.</p> <p><b>Legal Basis</b> We rely on Article 6(c) of GDPR – processing is necessary for compliance with a legal obligation to which the controller is subject.</p> <p>Further information on the Government National Fraud Initiative may be found by reference to the following: <a href="https://www.gov.uk/government/publications/fair-processing-national-fraudinitiative/fair-processing-level-3-full-text">https://www.gov.uk/government/publications/fair-processing-national-fraudinitiative/fair-processing-level-3-full-text</a></p>
<p><b>Research</b></p>	<p>To support research-oriented proposals and activities in the healthcare system</p> <p><b>Data Type</b> Personal Confidential Data, Pseudonymised Data, Anonymous</p> <p><b>Legal Basis</b> Your consent will be obtained before identifiable information about you is disclosed for any research.</p> <p>Sometimes research can be undertaken using information that does not identify you. The law does not require us to seek your consent in this case, but the organisation holding your information will make notices available on the premises and on the website about any research projects that are undertaken.</p> <p><b>Benefits</b> Researchers can provide direct benefit to individuals who take part and indirect benefit to the population as a whole.</p> <p><b>Processing Activities</b></p>

	<p>Where identifiable data is needed for research, staff will be approached to see if they wish to participate in research studies.</p>
<p><b>Workforce Planning</b></p>	<p>To support workforce planning activities in the healthcare system</p> <p><b>Data Type</b> Personal Confidential Data, Pseudonymised Data, Anonymous</p> <p><b>Legal Basis</b> Your consent will be obtained by the organisation holding your records before identifiable information about you is disclosed for any workforce planning.</p> <p>Sometimes workforce planning can be undertaken using information that does not identify you. The law does not require us to seek your consent in this case, but Wiltshire Health &amp; Care will make notices available on the premises and on the website about any research projects that are undertaken.</p> <p><b>Processing Activities</b> Where identifiable data is needed for workforce planning, staff will be approached by the organisation.</p>