**Employee Privacy Notice**

1. **Introduction**

Data Controller: Healthcare Quality Improvement Partnership (“**HQIP**”)

Data Protection Officer: The DPO Centre Limited

Contact at 27A Harley Place, London, W1G 8LZ or

by email at [Data.Protection@hqip.org.uk](mailto:Data.Protection@hqip.org.uk)

Healthcare Quality Improvement Partnership (HQIP) takes your privacy seriously. We are committed to protecting your personal information and being open and transparent about how it is used. This notice describes how and why we obtain, store and process information about you before, during and after your working relationship with us, in accordance with applicable Data Protection Legislation.

This privacy notice applies to current and former employees, volunteers, agency workers and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time and the most up to date copy can be found on our website - [Employee Privacy Notice – HQIP.](https://www.hqip.org.uk/about-us/employee-privacy-notice/#.ZBR9iBTP02w)

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 and what your rights are under the Data Protection Legislation.

For the purposes of this Policy, Data Protection Legislation means the Data Protection Act 2018 (DPA2018), United Kingdom General Data Protection Regulation (UK GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the aforementioned legislation.

1. **What personal data we may process about you**

We may collect, store, and use the following categories of personal information about you:

* Personal contact details such as name, title, addresses, telephone numbers and personal email addresses;
* Date of birth;
* Gender;
* Marital status;
* Next of kin and emergency contact information including any dependents;
* National Insurance number;
* Bank account details, payroll records and tax status information;
* Details of your salary and benefits;
* Details of your pension arrangements, and all information included in these and necessary to implement and administer them;
* Location of employment or workplace;
* Copy of identification documents such as a passport and/or driving licence;
* Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the successful application process);
* Employment records (including job titles, work history, working hours, holidays, training records, professional memberships and/or vocational qualifications);
* Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied (where applicable);
* Performance information including appraisals, attendance records and performance reviews;
* Disciplinary and grievance information;
* Information about your use of our IT and communications systems;
* Leaving date and your reason for leaving;

We may also collect, store, and use the following more sensitive types of personal information for monitoring purposes. They include:

* Information about your race or ethnicity, gender, religious beliefs, sexual orientation, and political opinions;
* Trade Union membership;
* Information regarding your fitness for work, special requirements or reasonable adjustments and information in your sickness and absence records about your physical and mental health, including any medical condition or disability, health, and sickness records; and

1. **How your information is collected**

We collect personal information in the following ways:

* either directly from you;
* through the application and recruitment process for example from a recruitment agency;
* in the course of your employment such as managing your performance;
* from government and regulatory agencies, such as the Police who inform us about certain matters and the Disclosure and Barring Service with whom we perform checks about you or from whom you obtain information and pass to us;
* from other third parties who may perform services on our behalf, such as to carry out checks about you and to take references on you, such as an employment agency or background check provider, your doctor and/or from medical and occupational health professionals.

1. **Why we collect the information and how we use it**

We will only use your personal information when the law allows us to do so. Most commonly we will use your personal information in the following circumstances:

* Where we need to perform the contract we have entered into with you, or to take steps to enter into a contract including;
  + - Your employment contract
    - Payment of salary and benefits
* Where we need to comply with a legal obligation including:
  + our obligations to you as your employer under health and safety legislation including to perform checks on eligibility and suitability for work and to ensure health & safety at work including by keeping records of and responding to accidents or incidents at work;
  + maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
  + operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
  + operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
  + operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
  + obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
  + operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
  + ensure effective general HR and business administration;
  + provide references on request for current or former employees; and
  + To respond to and defend against legal claims that may be brought against us in connection with your employment, or to establish, bring or pursue any claim against you.
* Where it is necessary for our legitimate interests (or those of a third party) including;
  + Where it is required for prevention and detection of crime and other wrong doings: to prevent and detect crime by employees and others, or
  + For monitoring purposes in accordance with our Equity, Diversity and Inclusion Policy and principles.

**If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

**Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, where this is required or permitted by law.

1. **How we use special category personal data**

In general, we will not process particularly sensitive personal information (special category data) about you unless it is necessary for performing or exercising obligations or rights in connection with employment. On rare occasions, there may be other reasons for processing, such as it is in the public interest to do so. The situations in which we will process your special category data are listed below:

* We will use information about your physical or mental health, or disability status, to:
  + ensure your health and safety in the workplace;
  + assess your fitness to work;
  + provide appropriate workplace adjustments;
  + monitor and manage sickness absence;
  + fulfil our commitment to equity, diversity and inclusion at work; and
  + administer benefits including statutory maternity pay, statutory sick pay and pensions.

We need to process this information to exercise rights and perform obligations in connection with your employment.

We need to have further justification for collecting, storing and using special categories of personal data. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may also process this kind of data in the following circumstances:

* If we reasonably believe that you or another person are at risk of harm and the processing is necessary to protect you or them from physical, mental or emotional harm or to protect physical, mental or emotional well-being.
* We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation to ensure meaningful equal opportunity monitoring and reporting.
* We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

**Do we need your consent?**

We do not need your consent if we use special category data in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

We do not need your consent where the purpose of the processing is to protect you or another person from harm or to protect your well-being and if we reasonably believe that you need care and support, are at risk of harm and are unable to protect yourself.

1. **Information about criminal convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

We will hold information about unspent criminal convictions for senior management roles (such as CEO and Head of Finance) only for the reasons below:

* We are an equal opportunity employer including the rehabilitation of offenders who can demonstrate their ability to undertake the role. We ensure that applicants who have relevant criminal convictions to declare are treated consistently and in accordance with the Rehabilitation of Offenders Act 1974.
* Whilst promoting equal opportunity, we have a responsibility to reduce the risk of harm or injury caused by criminal behavior, to its staff and visitors, and the vulnerable people with whom HQIP come into contact due to the nature of their work. We will check information on unspent criminal convictions for applicants for a Chief Executive Officer or Head of Finance prior to appointment.

We will use information about criminal convictions and offences in the following ways:

* To assess your suitability for a role
* To carry out statutory checks

We will use your personal information in this way to:

* To perform the employment contract;
* To comply with our legal obligations;
* For reasons of substantial public interest; and/or
* To prevent or detect unlawful acts.

We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

Further details on how we handle information relating to criminal convictions and offences are set out in our Recruitment Policy.

1. **Automated Decision-Making**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

* Where we have notified you of the decision and given you 21 days to request a reconsideration
* Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights
* In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights. You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means. However, we will notify you in writing if this position changes

1. **Sharing your data**

There may be occasions where we must share your data with third parties, including third-party service providers and professional advisers. We require third parties to respect the security of your data and to treat it in accordance with the law.

**Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

**Which third-party service providers process my personal information?**

Third parties include third-party service providers (including contractors and designated agents).

The following activities are carried out by third-party service providers:

* Payroll;
* pension administration;
* benefits provision and administration;
* External HR advisor;
* IT services;
* website hosting; and
* insurance

We will share personal data regarding your participation in any pension arrangement operated by us with the trustees or scheme managers of the arrangement in connection with the administration of the pension.

We may share personal information about your employment with your future employer for reference purposes, or with occupational health professionals, if required.

We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our documented instructions.

**What about other third parties?**

We may also need to share your personal information with a regulator or to otherwise comply with the law. This may include making returns to HMRC, government bodies and regulatory authorities, the Police and other crime prevention and detection agencies and the UK Information Commissioner’s Office (ICO).

1. **Transferring your information out of the UK**

We may transfer the personal information we collect about you to a country outside of the EEA in order to perform our contract with you. Where this transfer occurs, it will only be where there is an adequacy decision by the European Commission in respect of that country. This means that the country to which we transfer your data is deemed to provide an adequate level of protection for your personal information. Where the country has not been deemed to provide an adequate level of protection for personal data, we will have put in place appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with, and which respects, the EU and UK laws on data protection.

1. **Data Security**

We have in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Additionally, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

1. **Data Retention**

**How long will you use my information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes for which we collected it, including for the purposes of satisfying any legal, accounting or reporting requirements. Details of retention periods for various aspects of your personal information are available in our Records Management Policy.

Once you are no longer an employee, worker or contractor of the company, we will retain and securely destroy your personal information in accordance with our Records Management Policy and applicable laws and regulations. In general, the information contained within your employment record is retained for a period of 6 years from the date that you leave.

1. **Your rights**

It is important that the personal information we hold about you is accurate and up to date. Please keep us informed if your personal information changes during your working relationship with us.

Under certain circumstances, by law you have the right to:

* **Request access** to your personal information (commonly known as a data subject access request). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
* **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
* **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us to continue to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
* **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
* **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
* **Request the transfer** of your personal information to another party.

If you want to review, verify, correct, or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact us at [Data.Protection@hqip.org.uk](mailto:Data.Protection@hqip.org.uk).

**Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

To withdraw your consent please contact us at [Data.Protection@hqip.org.uk](mailto:Data.Protection@hqip.org.uk).

1. **What should you do if you have any questions or complaints?**

If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO by emailing [Data.Protection@hqip.org.uk](mailto:Data.Protection@hquip.org.uk).

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO). You can do this by contacting them on their helpline 0303 123 1113 or by visiting their website at <https://ico.org.uk/>.

1. **Changes to this privacy policy**

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.