

Staff Records

Privacy Notice



This Privacy notice is intended to inform you how Young Epilepsy will use your personal data.

If you have any queries or concerns, further guidance may be accessed in the following ways:

- ☺ Susan Turner, Data Protection Officer & IG Manager;
- ☎ Ext. 286;
- ✉ sturner@youngepilepsy.org.uk or dpo@youngepilepsy.org.uk;

Data Protection Statement

Young Epilepsy endeavours to meet the highest standards when collecting and using personal information. We are committed to upholding the standards and regulations embodied in the Data Protection Act 2018 (DPA 2018) and the General Data Protection Regulation (GDPR). Personal data will therefore at all times be:-

- ✓ Processed lawfully, fairly and in a transparent manner;
- ✓ Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- ✓ Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- ✓ Accurate and, where necessary, kept up to date;
- ✓ Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; and
- ✓ Processed in a manner that ensures appropriate security.

Young Epilepsy will furthermore:-

- ✓ Be responsible for and be able to demonstrate compliance with the DPA 2018 and the GDPR.

Young Epilepsy holds personal data¹ & special categories of personal data² on both computerised, digital and hard copy filing systems, such as iTrent and the paper records maintained by the HR team. The information is held in a confidential manner with limited

¹ Personal data is any information relating to an identified or identifiable natural person ('data subject')

² Special categories of personal data are personal data that reveal an individual's: racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; It is also: the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person; data concerning health; or data concerning a natural person's sex life or sexual orientation

access, in accordance with the Data Protection Act 2018 and the General Data Protection Regulation.

We are committed to ensuring that personal data is secure. In order to prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect.

Information will not ordinarily be processed overseas unless there is a specific request for us to do so, such as a need to send staff information to an individual or organisation in another country. If information is to be sent overseas then this will be done in accordance with the Data Protection Act 2018 and the General Data Protection Regulation and under the guidance of the Data Protection Officer and the IT department. The manner in which this will occur will be discussed with you prior to information being sent overseas.

Young Epilepsy is registered with the Information Commissioner's Office under our legal name of the National Centre for Young People with Epilepsy. Our registration number is Z5611618.

Caldicott Principles statement

At Young Epilepsy, we apply the Caldicott Principles, so that every flow of staff identifiable information is regularly justified and routinely tested against the principles developed in the Caldicott Report.

Principle 1	Justify the purpose(s) for using confidential information
Principle 2	Only use it when absolutely necessary
Principle 3	Use the minimum that is required
Principle 4	Access should be on a strict need-to-know basis
Principle 5	Everyone must understand his or her responsibilities
Principle 6	Understand and comply with the law
Principle 7	The duty to share information can be as important as the duty to protect patient confidentiality

Individual Rights

Under the Data Protection Act 2018 and the General Data Protection Regulation you have the right to:

- Be informed (the purpose of this Privacy Notice);
- Access your information;
- Rectify inaccurate or incomplete data;
- Request the erasure of your information;
- Restrict how your data is processed; and
- To object to the use of your information.

There are two additional rights with regard to automated decision making and data portability. With regard to these Young Epilepsy will not use staff information for automated decision making or profiling and will not undertake data portability.

Should you wish to exercise any of these rights or wish to discuss any concerns or queries please contact the Data Protection Officer either through the main switchboard on 01342 832243 or by emailing dpo@youngepilepsy.org.uk.

Please note that should you be unhappy about the way we implement data protection you have the right to lodge a complaint with the Information Commissioner's Office <https://ico.org.uk/>

Amendments

We may update this privacy notice from time-to-time by posting a new version on our intranet or website. You should occasionally check these pages to ensure you are happy with the changes.

Information kept by Young Epilepsy.

Young Epilepsy maintains the following records related to staff:-

1. Recruitment records on prospective employees
2. HR and Learning & Development records on current and former staff
3. Payroll records on current and former staff
4. Health and safety records
5. Supervision records of current staff
6. Staff rotas
7. Departmental records
8. CCTV recordings on current and former staff
9. Staff survey
10. Photographs and filming of current and former staff

1. Recruitment records on prospective employees

During the recruitment process, Young Epilepsy will process information about prospective employees as part of the normal recruitment and selection process. The information will be used for our management and administrative purposes only.

These records will include but are not limited to: application forms; shortlisting and interview documents; references; pre-employment health forms; references; and any correspondence between you and Young Epilepsy.

2. HR and Learning & Development records on current and former employees

As your employer, Young Epilepsy needs to keep and process information about you for normal employment purposes. The information we hold and process will be used for our management and administrative purposes only. We will keep and use it to enable us to run the organisation and manage our relationship with you effectively, lawfully and appropriately whilst you are working for us and after you have left the organisation.

You will have provided much of the information we hold, but some may come from other internal sources, such as your manager, or in some cases, external sources such as referees.

These records will include but are not limited to: your contract of employment and any amendments to it; correspondence with or about you (for example letters about salary changes); information needed for Payroll; contact and emergency contact

details; absence records; training records such as appraisals and course information; and, where appropriate, disciplinary and grievance records. Some of this information is personal data and some may be special category data.

Where necessary, we may also keep information relating to your health. This could include reasons for your absence and reports/notes provided by your GP or the Occupational Health doctor. This information will be used in order to comply with our Health and Safety and Occupational Health obligations.

3. Payroll records on current and former employees

You will have generated much of the information we hold. The information held in Payroll, in addition to the information held by HR, includes your Bank details, National Insurance Number, Tax code information, Salary information and monthly copies of your payslips. All this information is held on the HR database (iTrent) and in electronic copies on a secure network drive. Timesheets with hours worked, Self-Sick Certification, Doctors certificates are also stored in hard/paper copy in archive folders or if current in a locked filing cabinets.

When requested we will only share your data with HMRC and the Department for work and Pension (DWP). On a monthly basis, we also share your data with our Pension providers, which is government regulated and our pensions advisors. We only share this information if you have a pension.

4. Health and safety records

We will collect, store and use your data if you have been involved in an adverse event, such as accidents, incidents and ill-health

5. Supervision records

Supervision records must be kept for all residential staff and for some clinical staff, such as therapists, psychologists and nurses, where they are a professional requirement for the job role. These records may include personal, professional and medical information, where this has been discussed at the Supervision meeting.

The records will only be available to the employee and the Supervisor. However, some information discussed and recorded in the Supervision records may be further disclosed if there is a legal or company obligation, for example, all safeguarding concerns must be reported or where appropriate as part of internal investigation processes.

6. Staff rotas

Staff rotas simply detail the name of an employee, the shifts that were worked in any given period and the location where the work is being undertaken, such as on which house or classroom.

7. Departmental records

Records of meetings with staff either as a team or on an individual basis

8. Staff survey results

Many of the staff surveys are anonymous, but in some cases, a record may be kept of responders. If this is the case then the survey will make this clear.

9. CCTV recordings

We have a small number of CCTV cameras on campus. These may be for security purposes or for the monitoring of students. All CCTV usage is approved by the Chief Executive and operates in accordance with the Code of Practice from the Information Commissioner's Office. Where there is CCTV there will be signage indicating its use.

10. Photographs and filming

Whilst working at Young Epilepsy you may have your photograph taken or be filmed. These images may be used in corporate materials or for press/publicity purposes. They may be used in hard copy publications (such as newspapers/magazines), be broadcast, recorded on DVDs for viewing by professionals and wider public audiences or be placed in the internet (on web pages or on social media, such as YouTube, Facebook etc.). The images may be used to promote Young Epilepsy or to promote another organisation involved in a particular activity, such as a sponsor or organisation running a specific event.

In most cases, the student or the activity will be the focus of the image/photograph. However, if the focus is to be you, then this will be specifically discussed with you and your express consent gained.

If you do not want your photograph or images to be used please make this clear to the photographer or person filming, who will either stop taking the photograph/image or ask you to remove yourself from the its' range. If you do not do this, then your presence in a photograph will be taken as implied consent, even if you have previously said you do not want your image used.

Please note that this is purely a personal decision for you. Whilst Young Epilepsy will always appreciate your help, you are under no obligation to appear in photos or other images.

11. Insurance information

Young Epilepsy is required to keep some staff information in order to meet the requirements of our insurers. The insurance may be to cover an employee to drive a Young Epilepsy car or minibus. It may also be insurance to cover personal injury or other claims made against Young Epilepsy.

In order to be insured to drive a vehicle a copy of your driving licence will be kept and this will be used with your National Insurance number to make an annual check on your driving conviction codes. If you have a number of convictions, we may stop you driving for Young Epilepsy. In order to meet other insurance requirements we may keep witness statements, medical information and other relevant records.

Records retention

1. Recruitment records on prospective employees

This information is held for a period of 6 months. If the prospective employee is successful in securing a role, the records will pass to the HR Department and will be held under the conditions detailed below for employees.

2. HR and Learning & Development records on current and former staff

The majority of HR records are retained for seven years after employment ends. Young Epilepsy is obliged though to keep a summary record either for seven years after employment ends or until an employee's 75th birthday, whichever is longer. For

further detailed information on HR retention periods please refer to the retention schedule on SharePoint

3. Payroll records

In accordance with HMRC Guidance these records will be kept for six years after the end of the financial year they relate to.

4. Health & Safety records

Health & Safety records will either be kept for either in accordance with the H&S retention periods specified in the Corporate Governance retention schedule or the retention periods specified in the HR retention schedule, whichever is longer.

5. Supervision records

Supervision records are kept throughout the member of staff's employment, but will be securely destroyed once the employee leaves Young Epilepsy.

6. Staff rotas

Contact staff. Following legal advice, these staff rotas will be kept for 75 years. This tie in with the decision to keep student records until a student's 75th birthday, the main reason for which is to be able to respond to any potential claims that a student might make. Obviously staff rotas will also be required for this purpose.

Non-contact staff. These rotas need only be kept for six years.

7. Departmental records

These will not be kept after an issue, which is the basis for the records ceases to exist

8. Staff survey results

After six months, any survey results that contain staff information will either be destroyed or anonymised.

9. CCTV recordings

Some CCTV, especially in student bedrooms, are live feeds. Where a recording is being made, it is usually kept for seven days, unless an incident has been highlighted, in which case the CCTV will be kept until the incident is resolved.

If you have any queries about CCTV usage or retention please contact the manager with responsibility for the area in which it is being used or Sue Turner, Data Protection Officer.

10. Photographs and filming

Given the digital age once a photo has been taken and filming made, these images never really cease to exist and may exist online forever. Young Epilepsy may also keep them for historic purposes.

11. Insurance

Records needed for insurance purposes will be kept in accordance with the requirements of our insurers. If the records relate to an insurance claim against Young Epilepsy then they will be kept until the claim has been settled.

For further information, detailed retention schedules are available to staff on SharePoint.

Sharing information

Internal access

Within the organisation, appropriate individuals will be able to access your records. For example, line managers have oversight of all training undertaken by their staff teams and members of the HR team will be able to access your record for administrative purposes.

Review of records

Staffing records are routinely reviewed as part of the inspection process. Inspectors, such as those from Ofsted or CQC, need to review staff records in order to ensure that Young Epilepsy is meeting the necessary standards. They will be given access to records but only provided with copies in exceptional circumstances, for example if a safeguarding concern is identified.

External disclosures of information

Staff information may be disclosed externally to obtain funding for training or placements such as apprenticeships. For example, this year to obtain funding towards the Health & Social Care diplomas from the Workforce Development Fund via Skills for Care, we have had to provide some common data about our workforce. This does not include names or National Insurance numbers, but does include: dates of birth; gender; nationality; salary; qualifications; contracted hours of work; days sickness in last 12 months; details of induction training; main job role; and internal ID No.

We will not routinely share information about you with other organisations, unless you have agreed to it or we are legally required to do so. For example, Young Epilepsy must give: financial information to HMRC; and safeguarding information to the relevant organisations and individuals, such as the Local Authority, a student's Social Worker and possibly the police.

If you wish Young Epilepsy to disclose your information in the form of a job reference, you must complete the appropriate paperwork (available from HR).

Staff information will be shared with our insurers should an issue arise or an insurance claim be made. This, for example, means that if there is vehicle damage, then we will inform the insurers who the relevant driver was. Similarly, if a personal injury claim is made then we will provide our insurers and/or those authorised to act on their behalf with the necessary information to investigate or respond to the claim.

Staff information will also be disclosed where this is necessary to meet our Health & Safety obligations, such as reporting incidents and accidents to the Health & Safety Executive.

Data Processors

A data processor is an organisation responsible for processing personal data on behalf of Young Epilepsy. It does so under instruction from us and our contract ensures that Young Epilepsy's, the DPA 2018's and the GDPR's standards are upheld at all times.

An example of a data processor is iTrent. iTrent provides the software programme used by the HR directorate to process staff information. In order to utilise this software we have to upload and record staff information.

Another example of a data processor is the HR Advisory Service that provides advice to managers on a range of HR issues. In order to do this they will be provided with relevant staff information. The Advisers will not have access to Young Epilepsy's own digital and hard copy records although if deemed necessary, to obtain accurate advice, limited staff records may be shared with them by the HR team. Some of the advice provided by this service may be considered legal privilege and so cannot form part of an Access Request.

The growth in cloud technology means that it is likely that the use of data processors will become more common. If you wish to know who are current data processors are please contact the Data Protection Officer.

Release of records you may have contributed to

You need to be aware that everything you write as an employee may and can be released, including emails. It is therefore essential that you everything you write is appropriate and professional at all times.

These records may be released as part of an Access Request or in response to a request from another professional working with the student or staff member, who is the subject of this information. We will endeavour to notify you of such a release of records, but reserve the right to release these records if we believe it is appropriate and right to do so.

Lawful basis

The lawful basis for the processing of this personal data includes: -

- ✓ The legitimate interests of Young Epilepsy.
For example, it is in the legitimate interests of Young Epilepsy to keep staff information in HR and departmental records for employment purposes, and to share information for line management purposes. It is also in the legitimate interests to use personal data to measure the ethnic diversity of our workforce, absence levels, gender pay gaps etc.
- ✓ Contract
As part of your employment contract you will have agreed to supply us with specified information and we will use this in the manner explained. This may include fulfilling contractual provisions such as paying you or recording your sickness absence. .
- ✓ Consent and explicit consent.
Consent is asked for in this privacy notice and may also be asked for at other times. For example, staff consent will be confirmed at the start of the supervision process, when staff surveys are conducted and when photographs/filming is undertaken. It may also be sought when the information is to be kept or disclosed, such as when information is shared with funding providers or other external organisations. Any information staff provide to the organisation is processed on the basis that the provision indicates consent.
- ✓ Medical purposes.
For example, information provided on health, occupational health records etc. might be processed for medical purposes
- ✓ Legal obligation.

For example, paying tax or ensuring you receive statutory benefits. Also, HMRC requires Young Epilepsy to keep specific payroll information, and other relevant regulations may specify what information has to be kept and for how long.

If you require further information on the above please contact the HR team.

Acknowledgement

Please consider the following statement and tick the box if you agree with it.

Yes I understand how my information being kept, used and shared (as detailed above) and, where relevant, consent to this.

If you do not agree with the above statement, please detail your concerns or queries here.

(Signature)

(Name)

(Date)