

Welcome to Operose Health Group Candidate and Employee Privacy Notice

This Privacy Notice applies to the processing of candidate and employee personal data collected by Operose Health for the purposes of recruitment and ongoing employment for successful candidates.

For the purposes of the UK General Data Protection Regulation (UK GDPR), each of these entities is a Data Controller and responsible for your personal data (collectively referred to as "Operose Health", "we", "us" or "our" in this Privacy Notice).

Contents

1. Important information and who we are	2
2. Data protection principles	2
3. Data Protection Officer	2
4. What personal data does Operose Health collect or hold?	3
5. How long is the information retained for?	5
6. How is personal data collected?	6
7. Why does Operose Health process personal data?	6
8. Special Category Data	9
9. Personal data relating to criminal convictions and offences	10
10. Do we need your consent?	10
11. What if you fail to provide personal data when requested?	11
12. Disclosure of personal data	11
13. Transfers of personal data outside of the European Economic Area (EEA)	12
14. How does Operose Health protect data?	12
15. Your rights	12
16. Automated decision-making	13

1. Important information and who we are

“Operose Health” is the brand name for the Operose Health group of companies

Operose Health Limited.	Registered in England & Wales No: 100014577.
Operose Health (Group) Limited.	Registered in England & Wales No: 05685937.
AT Medics Limited.	Registered in England & Wales No: 05057581
Operose Health Corporate Management Limited.	Registered in England & Wales No: 07666277.
The Practice Surgeries Limited.	Registered in England & Wales No: 06545745
Chilvers and MCCrea Limited	Registered in England & Wales No: 04149500
AT Technology Services	Registered in England & Wales No: 10315983
Primary Care Partners	Registered in England & Wales No: 11953807

2. Data protection principles

We respect your privacy and are committed to operating the highest standards when it comes to protecting your personal data. We also comply with all applicable NHS and clinical confidentiality guidelines including those published from time to time by regulators and professional bodies.

We will process your personal data “fairly”, “lawfully” and “transparently”. This means

- we will be open and transparent about how personal data is used;
- we will handle data in line with how we say we are going to handle data;
- we will only use or process personal data in accordance with the law.

3. Data Protection Officer

If you have any questions about this Privacy Notice, including any requests to exercise your legal rights, please contact the Data Protection Officer at:

- Email address: operosehealth.dataprotectionofficer@nhs.net
 - dpo@operosehealth.co.uk

- Postal address:

Operose Health
The Practice Prospect House,
108 High Street,
Great Missenden,
HP16 0BG

Telephone number: +44 (0)20 8678 5624

4. What personal data does Operose Health collect or hold?

Operose Health may collect, store and process the following information about you:

In connection with your application for work or employment with us, we will collect, store, and use the following categories of personal information about you:

- **Contact Information:** including name, title, address, telephone number, personal email address, date of birth and gender.
- **Recruitment Information:** The information you have provided to us in your curriculum vitae covering letter or application form, such as employment history, qualifications and professional registrations.
- **Interview Information:** Any information you provide to us during an interview such as right to work or ID documents.
- **Additional Employment Information:** Such as referee details and references, fitness to work, bank details, or information on your student loan.
- **Assessment Information:** The information you provide to us during any psychometric testing
- **Employment and performance information:** any formal reviews during your employment, including for the purpose of investigation complaints or grievances, annual appraisals, promotions, pay reviews etc

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical conditions, health and sickness records.
- Information about criminal convictions and offences.

Application stage

We collect personal information about candidates from the following sources:

- You, the candidate.
- The recruitment agency introducing you to us.
- Disclosure and Barring Service (DBS) in respect of criminal convictions.

- Your named referees.
- The following data from third parties if from a publicly accessible source:
 - Any clinical registration details; e.g. GMC, NMC pin

If you use our online application system, this may be collected by a data processor on our behalf.

Assessments

We might ask you to participate in assessment days; complete tests or occupational personality profile questionnaires; and/or to attend an interview – or a combination of these. Information will be generated by you and by us. For example, you might complete a written test, or we might take interview notes.

Conditional offer

If we make a conditional offer of employment, we will ask you for information so that we can carry out pre-employment checks. You must successfully complete pre-employment checks to progress to a final offer. We are required to confirm the identity of our staff, their right to work in the United Kingdom, and seek assurance as to their trustworthiness, integrity and reliability.

You will therefore be required to provide:

- Proof of your identity
- Proof of your qualifications
- You will be asked to complete a criminal records declaration to declare any unspent convictions.
- We will provide your email address to the Government Recruitment Service who will contact you to complete an application for a Basic Criminal Record check via the Disclosure and Barring Service, or Access NI, which will verify your declaration of unspent convictions.
- We will contact your referees, using the details you provide in your application, directly to obtain references.
- We will also ask you to complete a questionnaire about your health. This is to establish your fitness to work. This is done through a data processor (please see below).

If we make a final offer, we will also ask you for the following:

- Bank details: to process salary payments
- Emergency contact details: so we know who to contact in case you have an emergency at work
- Membership of a Civil Service Pension scheme: so we can send you a questionnaire to determine whether you are eligible to re-join your previous scheme

Post start date

Some roles require a higher level of security clearance – this will be clear on the advert. If this is the case, then you will be asked to submit information via the National Security Vetting process to HMRC. HMRC will be the data controller for this information.

HMRC will tell us whether your application is successful or not. If it is unsuccessful, we will not be told the reason(s) why, but we might need to review your suitability for the role or how you perform your duties.

Our Code of Conduct requires all staff to declare if they have any potential conflicts of interest. Information on any declarations made will be held on your personnel file.

Workplace health and wellbeing

Our Occupational Health service is provided by a third party. If we make you a conditional offer, we will ask that you complete Occupational Health screening and the third party will provide us with a fit to work certificate or a report with recommendations. You are able to request to see the report before it is sent to us. If you decline for us to see it, then this could affect your job offer.

5. How long is the information retained for?

Candidates:

We will retain your personal information for a period of 12 months after we have communicated to you our decision about whether to appoint you to role.

We retain your personal information for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way.

After this period, we will securely destroy your personal information in accordance with our data retention policy.

If we wish to retain your personal information on file for more than 12 months we will seek your explicit consent.

Successful Employees:

If you are successful, the information collected during the application process will be retained by us as part of your employee file for the duration of your employment plus six years following the end of your employment.

6. How is personal data collected?

Operose Health may collect this information in a variety of ways. These include:

i. *Direct interactions.*

Through application forms, CVs, identity documents such as your driving licence or passport; from correspondence with you; or through interviews, meetings or other assessments.

Operose Health will also collect additional personal data in the course of job-related activities throughout the period of you working for us.

ii. *Third parties*

Operose Health may collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

7. Why does Operose Health process personal data?

Processing employee data allows Operose Health to do the following (the legal bases for which we have indicated in accordance with the grounds set out above):

Use	Category of data	Legal Basis
Run and make decisions regarding recruitment and promotion processes	Contact Information Recruitment Information Employment History Performance Information	UK GDPR Article 6 (b) Performance of a contract UK GDPR Article 6 (c) Legal Obligation
Determine the terms on which an individual works for us (including decisions about salary reviews and compensation and regarding continued employment or engagement)	Contact Information Remuneration Information Performance Information	UK GDPR Article 6 (b) Performance of a contract UK GDPR Article 6 (c) Legal Obligation

Check that you are legally entitled to work in the UK	Identification Information HR Information	UK GDPR Article 6 (b) Performance of a contract UK GDPR Article 6 (c) Legal Obligation
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	Contact Information HR Information	UK GDPR Article 6 (b) Performance of a contract UK GDPR Article 6 (c) Legal Obligation
Operate and keep a record of disciplinary and grievance processes	Contact Information Grievance or disciplinary Information	UK GDPR Article 6 (b) Performance of a contract
Operate and keep a record of employee performance and related processes, including to plan for career development, and for succession planning and workforce management purposes	Contact Information Performance Information	UK GDPR Article 6 (b) Performance of a contract
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	Schedule and absence management Information	UK GDPR Article 6 (b) Performance of a contract
Provide and administer benefits	Payment Information Remuneration and Benefits Information	UK GDPR Article 6 (b) Performance of a contract
Administer the contract we have entered into with you	Payment Information Remuneration and Benefits Information	UK GDPR Article 6 (b) Performance of a contract

<p>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, ascertain fitness for work and ensure that employees are receiving the pay or other benefits to which they are entitled</p>	<p>Contact Information</p>	<p>UK GDPR Article 6 (b) Performance of a Contract UK GDPR Article 6 (f) Legitimate interests UK GDPR Article 6 (c) Legal Obligation</p>
<p>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 Operose Health 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</p>	<p>Contact Information Schedule and absence management Information</p>	<p>UK GDPR Article 6 (b) Performance of a contract</p>
<p>Ensure effective general HR and business administration and planning, including accounting and auditing</p>	<p>HR information</p>	<p>UK GDPR Article 6 (b) Performance of a Contract UK GDPR Article 6 (e) Public interest</p>
<p>Make arrangements for the termination of the working relationship</p>	<p>Contact Information HR Information</p>	<p>UK GDPR Article 6 (b) Performance of a contract</p>
<p>For meetings education, training and development requirements</p>	<p>Contact Information HR Information</p>	<p>UK GDPR Article 6 (b) Performance of a Contract UK GDPR Article 6 (e) Public interest</p>
<p>Provide references on request for current or former employees</p>	<p>Contact Information</p>	<p>UK GDPR Article 6 (c) Legal obligation</p>

Comply with Operose Health's safeguarding responsibilities	Contact Information HR Information	UK GDPR Article 6 (b) Performance of a Contract UK GDPR Article 6 (c) Legal obligation
Monitor use of our information and communication systems to ensure compliance with our IT and security policies	Usage Information	UK GDPR Article 6 (b) Performance of a Contract UK GDPR Article 6 (c) Legal obligation UK GDPR Article 6 (e) Public interest UK GDPR Article 6 (f) Legitimate interests
Operating CCTV for the detection and prevention of crime	CCTV and Access Data	UK GDPR Article 6 (f) Legitimate Interests
Deal with legal matters or disputes, whether involving employees, workers, contractors or third parties, including accidents at work	Contact Information Grievance or Disciplinary Information	UK GDPR Article 6 (b) Performance of a Contract UK GDPR Article 6 (c) Legal obligation
Planning and delivering service provision, obtaining and keeping a record of employee performance and related processes in order to support patient care and benchmarking.	Information related to tasks carried out in the execution of clinical role. Scheduling information	UK GDPR Article 6 (b) Performance of a contract

8. Special Category Data

Typically, the processing of such data will be based on our need to carry out our legal obligations or exercise rights in connection with employment. From time to time, such processing may also be based on a substantial public interest (such as for equal opportunities monitoring). We may also process this type of information where it is needed in relation to legal claims, where it is necessary to protect your interests (or someone else's interests), or where you have already made the information public.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and family related leave) and comply with CQC requirements.

9. Personal data relating to criminal convictions and offences

We are required to carry out a criminal record check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role. In particular:

- We are legally required by the NHS to carry out criminal record checks for those carrying out clinical roles or roles where you are likely to be alone with patients or carrying out regulated activities with vulnerable adults and children.
- Where the specific role is one which is listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) so is eligible for an enhanced check from the Disclosure and Barring Service.
- Where the specific role requires a high degree of trust and integrity (Health & Social Care Act, Regulation 19, Fit and Proper Persons Employed) and so we would like to ask you to seek a basic disclosure of your criminal records history.

10. Do we need your consent?

For staff employment, we rely on the lawful basis of contract, and we rarely use your consent to process your personal data for the purposes of carrying out your duties as per the conditions of your employment contract.

In certain circumstances, we may approach you for your written consent to allow us to undertake certain additional activities, including additional processing of “special categories” of particularly sensitive personal data. In any such instances, we will provide you with full details of the information that we would like and the reason we would like it, so that you can carefully consider whether you wish to consent.

Furthermore, in any such circumstances, you retain the right to withdraw your consent for that specific processing at any time by contacting the DPO. Upon receipt of any such notification, we will no longer process your personal data for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law. To avoid doubt, the withdrawal of any such consent would not affect the lawfulness of processing based on it before its withdrawal.

To avoid doubt, please note that it is not a condition of your contract with us that you agree to any request for consent to process personal data. Furthermore, from the date of this notice, we do not rely on any consent provision in any contract with you existing at the date of this notice as a basis for processing any personal data (including in respect of any international transfers of such data). The applicable legal bases are described above.

11. What if you fail to provide personal data when requested?

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable Operose Health to enter a contract of employment with you. If you do not provide other information, this will hinder Operose Health's ability to administer the rights and obligations arising as a result of the employment relationship efficiently or at all, whether under our contract with you or our legal obligations.

12. Disclosure of personal data

We may have to share your personal data with the following categories of recipients for the purposes set out above:

- i. members of the Human Resources, Recruitment, and Payroll teams, your line manager, managers in the business area in which you work and IT employees if access to the data is necessary for performance of their roles.
- ii. service providers acting as processors.
- iii. third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service.
- iv. people or organisations we have to, or are allowed to, share your personal data with by law for example, for fraud-prevention or safeguarding purposes, or for regulatory investigations, including with the Care Quality Commission and medical regulators such as the General Medical Council, for tax reporting, fraud-prevention or safeguarding purposes, or for regulatory investigations.
- v. a third party if we restructure or transfer our contracts, business or its assets or have a merger or re-organisation
- vi. any member of HCRG group of companies for internal administrative purposes, located in the UK (Operose Health)

- vii. where necessary to comply with our obligations or as permitted by law and with our legal and other professional advisors including our solicitors and other professional consultants and advisors.
- viii. where we enter into an agreement with third parties in order to be able to carry out our obligations under that agreement.

13. Transfers of personal data outside of the European Economic Area (EEA)

Your personal data is not transferred outside of the UK or European Economic Area.

14. How does Operose Health protect data?

Operose Health takes the security of your data seriously. We use a range of measures to keep data secure by applying technical, physical and administrative controls.

We maintain the confidentiality, integrity and availability of information, while ensuring information is only accessible by those who are entitled to access it.

Where Operose Health engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

We have 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.

15. Your rights

As a data subject, you have a number of rights. Under certain circumstances, and subject to applicable law, you can:

- **Request access** to your personal information (commonly known as a "data subject access request").
- **Request correction** of the personal information that we hold about you (to the extent incomplete or inaccurate)
- **Request erasure** of your personal information where you consider there is no good reason for us continuing to process it.
- **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.

- **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.

Operose Health will typically not charge you any fee in connection with the exercise of your rights, save where permitted by applicable law (including where a request is manifestly unfounded or excessive). In so far as practicable, we will notify the recipients of your personal data of any correction, deletion, and/or limitation on processing of your personal data.

If you would like to exercise any of these rights or make a complaint that we have not complied with your rights as a data subject, please contact our Data Protection Officer, dpo@operosehealth.co.uk or at the address at the top of this letter. You also have the right to complain to the Information Commissioner's Office.

16. Automated decision-making

No automated decision-making or profiling is undertaken.

Changes to our Privacy Notice

This Privacy Notice may be updated to reflect changes to our personal data processing policy and legal obligations. In the event there is a material change to this Privacy Notice, we will inform you via the Operose Health website.