

# ELFS Privacy Notice for the Staff of our clients

## Introduction

On 25<sup>th</sup> May 2018 the Data Protection Act 2018 (DPA 2018) and the General Data Protection Regulation (GDPR) came into force in the UK.

Together, these are the biggest changes to data protection laws for 20 years.

The intention of GDPR is to standardise Data Protection requirements for organisations operating within the EU.

GDPR gives you more control over how your information is used and be able to check what information is held about you.

## Who are we?

ELFS Shared Services (We) are an added value third party supplier of Financial Services to NHS Client Organisations throughout the UK.

The services we provide include all aspects of NHS Finance, Payroll, Pensions and IT Systems Development.

We are fully committed to keeping your information safe and secure. Your privacy and the privacy of the information we process is of the utmost importance to us.

This Privacy Notice sets out how we handle your personal data and the lawful basis by which we process it.

We hope our Privacy Notice is clear and transparent however if you have any questions we are happy to provide additional information or explanation if needed. Details about how to contact us are at the end of this document.

## The information we process will include:-

- **Basic personal information including** name, address, date of birth and contact details
- **Statutory Information including** PAYE and National Insurance details

- **Financial Information including** bank accounts, transactional and payroll information and history

Whilst we receive information from you, we also receive information about you from other individuals or organisations, such as data concerning your salary or pension. Where the source of staff personal data is not obtained from the individual it relates to, we will make every effort to ensure that it is correct. If you are aware of any incorrect personal data, please let us know.

## Why we process your personal data

We collect and hold personal information about you or your business in order to fulfil both statutory and contractual obligations to provide Financial Services to our Client Organisations.

This includes:

- To manage all aspects of an employee's employment record, including, but not limited to, payroll, benefits, travel and other reimbursable expenses
- To manage all aspects of NHS and Local Pension Schemes

## The basis for processing your personal data and your sensitive personal data

The first principle of GDPR requires that all personal data is processed lawfully, fairly and in a transparent manner. There are 6 lawful bases for the processing of data within GDPR as follows:-

- a) Consent
- b) Contract
- c) Legal Obligation
- d) Vital Interests
- e) Public Task or Official Authority
- f) Legitimate Interests

As a third party supplier of Financial Services to the NHS we process data in line with GDPR and DPA 2018 and have determined that our lawful basis for processing your **personal data** falls under GDPR **Article 6 (c) Legal Obligation**.

This is because in order to conduct our business we have a number of legal obligations which are laid down in statute which may include:-

- Passing data to HMRC to comply with Payroll obligations for employees
- Passing data to the Department for Work and Pensions (DWP) for National Insurance
- To prevent and detect fraud and mistakes

Personal data can also fall into ‘Special Category’ data, which means this information is more sensitive. Sensitive Personal Data includes:-

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade Union Membership
- Data concerning health, or sex life and sexual orientation
- Genetic data
- Biometric data where processed to uniquely identify a person

When processing this information we also need an additional lawful basis. We have determined that our lawful basis for processing your **sensitive personal data** falls under GDPR **Article 9 (2) (b)** which states that the processing of data is ‘necessary for the carrying out of obligations under employment, social security or social protection law, or a collective agreement’.

### **Sharing your personal information**

We may share your information with other organisations as explained below:

- as required by law
- to prevent and detect fraud and mistakes
- to make payments to NHS Service providers and clients
- to secure the effective and efficient delivery of NHS and related services
- for benefits and tax administration

Examples of who we may share your information with include:

- HM Revenue and Customs (HMRC)
- The Department for Work and Pensions (DWP)
- NHS Counter Fraud Authority
- NHS Pensions
- NHS England
- NHS Digital

### **Third Party Service Providers working on our behalf**

We will not sell or rent your information to any third parties for marketing purposes.

We may however pass your information to our third party service providers/subcontractors and other associated organisations for the purpose of completing our lawful tasks and providing services to you.

Any third party service providers we use have a binding contract in place that requires them to keep your information secure and not to use it for their own or any other purposes.

Your information will not be transferred outside the European Economic Area.

## How long we keep your personal data

We are required by legislation and other regulatory requirements to retain your data. The period of retention required varies with the type of data processed.

The Records Management Code of Practice for Health and Social Care 2016 sets out what people working with or in NHS organisations in England need to do to manage records correctly.

## Your Rights

By law you have a number of rights (outlined below) when it comes to your personal data but, how some of these rights apply in detail depends on the legal basis for processing.

Your Rights	What does this mean?
The right to be informed	You have the right to be provided with clear, transparent and easily understandable information about how we use your personal data and your rights.
The right of access	You have the right to obtain access to your personal data that we are processing and certain other information.
The right to rectification	You are entitled to have your personal data corrected if it is inaccurate or incomplete. Please inform us of any data which you would like rectified and we will usually respond within a month of the request. We will pass on the changes to any third parties who need to change their records and let you know this has been done.
The right to erasure	This is also known as ‘the right to be forgotten’ and enables you to request the deletion or removal of your personal data where there’s no compelling reason for us to keep using it. This is not a general right to erasure; there are exceptions but where possible we will comply with your request.
The right to restrict processing	You have rights to ‘block’ or suppress further use of your personal data. When processing is restricted, we can still store your personal data, but may not use it further. We keep lists of people who have asked for further use of their personal data to be ‘blocked’ to make sure the restriction is respected in future.
The right to data portability	You have rights to obtain and reuse your personal data for your own purposes across different services. We will do our best to provide the information in an easy to read format.

The right to object to processing	You have the right to object to ask us to stop processing your data however this may prevent us from fulfilling our contract with you.
*Rights related to automated decision making including profiling	The GDPR restricts us from making solely automated decisions, including those based on profiling, that have a legal or similarly significant effect on individuals.

\*Please note that the ELFS do not, at present, carry out automatic processing of your data.

In addition, if you have given your consent to anything we do with your personal data, you have the right to withdraw your consent at any time (although if you do so, it does not mean that anything we have done with your personal data with your consent up to that point is unlawful).

### **Changes to our Privacy Notice**

Any changes we may make to our Privacy Notice in the future will be posted on our website.

### **Data Protection Officer**

Data Protection Officers are responsible for upholding your rights and making sure we process your information correctly

If you have any questions, queries or concerns you can contact our Data Protection Officer by emailing [DPOELFS.ELHT@nhs.net](mailto:DPOELFS.ELHT@nhs.net) or by writing to:

Data Protection Officer

East Lancashire Financial Services

Arkwright Court

2nd Floor, Viscount House

Commercial Road

Darwen

Lancashire

BB3 0FG

### **Further Information**

You have the right to lodge a complaint about the way we handle or process your personal data with a supervisory authority. The supervisory authority for the UK is the Information Commissioner:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

ICO helpline on 0303 123 1113

<https://ico.org.uk/global/contact-us/>