

Employee, Worker and Contractor Privacy Notice

Manx Care collects and processes personal data relating to its prospective, current and former employees, workers and contractors to manage the employment relationship. Manx Care is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

The General Data Protection Regulation (GDPR) and Data Protection Act 2018, sets out the data protection legislation that all controllers must adhere to. Under the GDPR, there are six data protection principles that Manx Care must comply with as a controller. These principles provide that the personal data we hold must be:

- Processed in a lawful, fair and transparent manner.
- Collected only for specified, explicit and legitimate purposes and not processed further in a way that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to those purposes.
- Accurate and kept up to date where necessary.
- Kept in a form makes it possible to identify individuals for no longer than is necessary.
- Processed in a way that ensures appropriate security of the data.

Manx Care is responsible for complying with these principles, must be able to demonstrate compliance and is committed to protecting the privacy and security of your personal information

This notice applies to all prospective, current and former employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services.

Personal information

This is information that identifies you, and may include but not be limited to

- Personal contact details such as name, title, addresses, telephone numbers and personal e-mail addresses
- Date of birth
- Marital status
- Next of kin and emergency contact information
- National insurance number, bank account details, payroll records and tax information
- Salary, annual leave, other absences, pension, benefit and expenses information
- Start date and, if different, the date of your continuous employment

- Leave date and reason for leaving
- Location of employment or workspace
- Recruitment information (including immigration status, right to work documents, CV, cover letters, police / DBS checks, referees and references, employment status information, passport, work permits, correspondence, interview notes and results of tests used as part of the recruitment process)
- Employment records (including job titles, work history, working hours, skills, training records, professional memberships and qualifications)
- Performance and appraisal information
- Disciplinary, grievance and complaints information
- CCTV footage and other information obtained via electronic means e.g. swipecard records, biometric data such as fingerprints needed to unlock Manx Care devices such as iPads.
- Your use of our information, assets, equipment and systems
- Photographs

It's important that the personal information we hold about you is accurate and up to date. Please let your line manager or Human Resources know if your personal information changes during your working relationship with us.

Special category personal information

Some of the information we collect is special category data, or sensitive data, which may include:

- your race or ethnicity
- religious beliefs
- trade union membership
- health, including physical and mental health conditions, health, sickness and injury records
- sexual orientation and gender/gender identity
- criminal convictions
- disabilities

Extra safeguards are applied to special category information, and we must be able to demonstrate a legitimate reason to hold and use it.

Lawful basis for processing your information

We will only process your personal data if a lawful basis exists. Article 6(1) (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

We may rely on:

Your consent – if we rely on your consent to process your data you may withdraw your consent at any time by contacting our Data Protection Officer (DPO)

- For example - if during the recruitment process you shared data which was optional

The need to meet a legal obligation in carrying out statutory government functions

- For example – to process payments to you such as monthly salary payments

The need to meet a request you have made for information or a service

- For example – if you requested help and assistance from Manx Care related to your employment with us

The need to prevent or investigate suspected or actual violations of law

- For example – to assist the IOM Police for the prevention or detection of crime

The need to protect the public interest

- For example – racial and ethnic diversity at senior levels

When we collect information about you

- If you apply for a job
When you apply for a position with Manx Care, you will give us relevant information about you
- If you are invited to interview
- If you become an employee
Manx Care will ask you for next of kin / emergency contact information

Why we collect your information

We will use your information to administer your employment and associated functions. Your information may be shared between relevant colleagues e.g. your line manager or head of department and other Government departments such as the Office of Human Resources, who need the information to carry out their duties in relation to your employment.

We use staff data to meet our legal obligations as an employer, which include:

- recruitment and selection
- compliance with work permit requirements
- maintaining staff records, including payroll, benefits, corporate travel and other reimbursable expenses, development and training, absence monitoring, performance appraisal, conduct, management progress, disciplinary and grievance process and complaints, pensions administration, and other general admin and human resource related processes
- monitoring equal opportunities
- payment of trade union membership fees
- providing facilities, including IT systems access, library services and car parking
- the security of and access to Manx Care facilities, the preventing and detection of crime, which may include using CCTV and photo ID badges
- communicating about Manx Care, including news and events
- managing safe environments and fitness to work
- managing human resources process, such as sick pay, managing absence, parental leave, and workforce planning
- occupational health and wellbeing services

Records may be kept in electronic and paper formats. All records are securely stored and accessible only to appropriately authorised persons.

Data sharing with third parties

We may disclose personal and sensitive information to a variety of recipients:

- when there's a legal obligation to share
- when it's necessary for the performance of your employment contract
- when you have consented to the sharing
- professional and regulatory bodies in relation to the confirmation of conduct, including complaints, job description and information provided as part of the recruitment process
- government departments and agencies where we have a statutory obligation to provide information, such as Treasury, Income Tax Division; Office of Human Resources
- third parties who work with Manx Care to provide staff support services e.g. staff welfare
- crime prevention or detection agencies, e.g. the police
- regulatory professional bodies, such as The British Medical Council (BMC) and The Nursing and Midwifery Council (NMC)
- internal and external auditors, for example, the Care Quality Commission
- Attorney General's Chambers
- trade union and staff associations
- other individuals connected to an employee such as relatives or next of kin

Any disclosures of personal data are always made on case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances, and with regard to appropriate security controls. Information is only disclosed to those agencies, bodies and individuals where there is a lawful basis to do so.

Office of Human Resources (OHR)

Manx Care shares employee information with OHR, which acts as a data processor for Manx Care.

The information you provide during the course of your employment (including the recruitment process) will be shared with OHR for maintaining your employment records.

PiP System

When you start your employment with Manx Care, your personal data will be uploaded into the PiP system which is used to record information related to your employment such as holiday records and sickness absences. Government Technology Services (GTS) who provide PiP, will be responsible for maintaining the system. This means that they may occasionally need to access your staff record, but only to ensure that PiP works correctly.

Where this happens, access will be limited and is only to allow any problems with the software to be investigated and fixed as necessary. GTS will not have the right to use this data for their own purposes, a Service Level Agreement is in place to ensure that the data is protected and that they only act on appropriate instructions.

GTS, OHR and Manx Care may access anonymised data about transactions on PiP system in order to support the development and optimal use of the system.

Occupational Health Services

Occupational Health provides a confidential and impartial medical advisory service. The physicians and nurses of the Occupational Health Service provide specialist medical advice to assist managers/supervisors and individuals to understand how health issues may affect work.

The advice from Occupational Health:

- is frequently required as part of the monitoring and management of sickness absences impartial
- aims to assist individuals to regain their health and return to work as quickly as possible
- helps individuals who are unable to return to their normal duties to find the best way forward
- Assists managers and individuals to plan for the impact of absence or health restrictions.

Management Referrals

Reason for Referral

Managers/supervisors may consider referring staff to Occupational Health for a number of reasons, examples of which would include:

- long term or continuing sickness absence where it is not clear when the person is likely to be able to return to work
- persistent and recurrent short term absence
- evidence or concern that the employee's health is being adversely affected by their work
- a possibility that health may be a factor in performance or disciplinary issues
- the need to consider re-deployment, dismissal or retirement because of health reasons
- a health problem or disability which might be able to be accommodated in the workplace
- a diagnoses of an illness that may cause attendance issues. Occupational Health can provide support and strategies to enable managers and individuals to manage the illness and remain in work.

Self-Referral

Any member of staff is able to make a self-referral to Occupational Health and this is completely confidential. Occupational Health staff would only be required to inform your Manager or OHR if they were made aware of any health issues which could seriously affect your fitness to work or the health and safety of yourself and colleagues or clients.

Other Isle of Man Government Departments or Boards

To streamline staff movement, some of your information may be shared if you if you accept an offer with another Isle of Man Government Department or Board

The following information may be shared if there is a legitimate business interest to do so:

- personal data to verify who you are, which may include data such as your name, date of birth, address, NI Number
- employment Information to allow for correct pay and annual leave and sickness entitlements, including your position, salary, and dates of any sickness

- training compliance and competency dates, to reduce the need to repeat nationally recognised training and statutory and mandatory training

How does Manx Care protect data?

Manx Care takes the security of your data seriously. Manx Care and the Isle of Man Government (for GTS and OHR) has policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, altered, misused or disclosed, and is not accessed except by authorised employees in the performance of their duties.

Manx Care has procedures in place to deal with any actual or suspected data security breach and will notify you and the Information Commissioner's Officer of the breach where we are legally required to do so.

Where Manx Care 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.

How long we keep your information

We make every effort to keep all the personal data we hold secure, whether held electronically or as paper copies. We also ensure that only members of staff with a legitimate reason to access your information have permission to do so.

Your information will be kept for no longer than the necessary and in line with the Manx Care Information and Records Retention Policy which can be found on the Manx Care Intranet

Your rights

When it comes to personal data held about you by Manx Care you have the right to:

- ask an organisation if they are storing or using your personal data and you can request a copy of your personal information (this is known as a subject access request)
- request the correction of inaccurate or incomplete information, subject to certain safeguards
- request that your information is deleted or removed where there is no requirement for Manx Care to continue processing or holding it,
- in certain circumstances you may ask that we restrict the use of your information,
- to withdraw your consent for the collection, processing and transfer of personal information (there may be legitimate reasons why it may not be possible to comply with your request, but this will be explained)
- to object to how your information is used in certain circumstances
- to challenge automated decision making

Further information about these rights can be obtained from Information Commissioner's Office:
<https://www.inforights.im/individuals/data-protection/>

How to access your personal data

If you require copies of personal information held by Manx Care, please contact the Manx Care Data Protection Officer by e-mailing DPO-ManxCare@gov.im.

Alternatively you can complete this form:

<https://www.gov.im/about-the-government/statutory-boards/manx-care/information-governance-team/> or you may contact the Information Governance team by phone on: 01624 642621.

Your right to complain

It is your legal right that if you wish to complain on how Manx Care processes your information you can contact the DPO-ManxCare@gov.im

You also have the right to contact the Isle of Man supervisory authority (Information Commissioner's Office)

- **Post:** Isle of Man Information Commissioner
PO Box 69
Douglas
Isle of Man. IM99 1EQ
- **Telephone:** +44 1624 693260
- **Email:** ask@inforights.im

Website: <https://www.inforights.im>