

Welcome to Operose Health's Employee Privacy Notice

This Privacy Notice applies to the processing of employee personal data collected by Operose Health.

1. Important information and who we are

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

- **Operose Health Limited.** Registered in England & Wales No: 100014577. Registered office: 77 Cavendish Street, London, England, W1W 6XB
- **Operose Health (Group) Limited.** Registered in England & Wales No: 05685937. Registered office: Rose House Bell Lane Office Village, Bell Lane, Little Chalfont, Amersham, Buckinghamshire, HP6 6FA
- **Operose Health Corporate Management Limited.** Registered in England & Wales No: 07666277. Registered office: Rose House Bell Lane Office Village, Bell Lane, Little Chalfont, Amersham, Buckinghamshire, HP6 6FA
- **Operose Health (Group) UK Limited.** Registered in England & Wales No: 05555460. Registered office: Rose House Bell Lane Office Village, Bell Lane, Little Chalfont, Amersham, Buckinghamshire, HP6 6FA
- **The Practice Properties Limited.** Registered in England & Wales No: 05483424. Registered office: Rose House Bell Lane Office Village, Bell Lane, Little Chalfont, Amersham, Buckinghamshire, HP6 6FA
- **The Practice Surgeries Limited.** Registered in England & Wales No: 06545745. Registered office: Rose House Bell Lane Office Village, Bell Lane, Little Chalfont, Amersham, Buckinghamshire, HP6 6FA
- **The Practice U Surgeries Limited.** Registered in England & Wales No: 05770108. Registered office: Rose House Bell Lane Office Village, Bell Lane, Little Chalfont, Amersham, Buckinghamshire, HP6 6FA
- **Phoenix Primary Care Limited** Registered in England & Wales No: 06280242. Registered office: Rose House Bell Lane Office Village, Bell Lane, Little Chalfont, Amersham, Buckinghamshire, HP6 6FA
- **Phoenix Primary Care (South) Limited** Registered in England & Wales No: 07470273 Registered office: Rose House Bell Lane Office Village, Bell Lane, Little Chalfont, Amersham, Buckinghamshire, HP6 6FA
- **Chilvers and MCCrea Limited** Registered in England & Wales No: 04149500 Registered office: Rose House Bell Lane Office Village, Bell Lane, Little Chalfont, Amersham, Buckinghamshire, HP6 6FA

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Operose Health®

For the purposes of the EU General Data Protection Regulation (GDPR), each of these entities except for The Practice Properties Limited is a Data Controller and responsible for your personal data (collectively referred to as "Operose Health", "we", "us" or "our" in this Privacy Notice). We work closely with other healthcare providers who may also be data controllers of your personal data.

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 and
- we will only use or process personal data in accordance with the law

To fulfil these requirements, we set out in this Privacy Notice how Operose Health collects, uses, retains and discloses personal data.

It is important that you read this Privacy Notice so that you understand how and why we are collecting and/or processing personal data about you. If you have any questions, please contact us at the address provided below.

Data Protection Officer

Operose Health has appointed a Data Protection Officer (DPO) who is responsible for overseeing questions in relation to this Privacy Notice.

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

- Email address: operosehealth.dpo@nhs.net
- Postal address: 77-79 New Cavendish Street, London, W1W 6XB
- Telephone number: 020 3917 3314

What is personal data?

Operose Health collects and processes personal data relating to its employees.

"Personal data" means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). There are "special categories" of more sensitive personal data which (along with data about criminal offences or convictions) require a higher level of protection, such as information about a person's health or sexual orientation, [trade union membership or religious or philosophical beliefs].

Operose Health is committed to being transparent about how it collects and uses data and to meeting its data protection obligations. This privacy notice describes how we collect and use personal data during and after your working relationship with us, in accordance with the General Data Protection Regulation.

What personal data does Operose Health collect or hold?

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

Application stage

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

We ask you for your personal details including name and contact details. We will also ask you about your previous experience, education, referees and for answers to questions relevant to the role you have applied for.

You will also be asked to provide equal opportunities information. This is not mandatory information – if you don't provide it, it will not affect your application. This information will not be made available to any staff outside of our recruitment team, including hiring managers, in a way which can identify you. Any information you do provide, will be used only to produce and monitor equal opportunities statistics.

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: you will be asked to attend our office with original documents, we will take copies
- Proof of your qualifications: you will be asked to attend our office with original documents, we will take copies
- 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, or if they are active within a political party. If you complete a declaration, the information 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; you will need to complete a questionnaire which will help to determine if you are fit to undertake the work that you have been offered, or advise us if any adjustments are needed to the work environment or systems so that you may work effectively.

The information you provide will be held by a third party who 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.

Recruitment agencies

For some vacancies, we sometimes advertise through various recruitment agencies.

They will collect the application information and might ask you to complete a work preference questionnaire which is used to assess your suitability for the role you have applied for, the results of which are assessed by recruiters. Information collected by the agency will be retained for 12 months following the end of our agreement.

How long is the information retained for?

If you are successful, the information you provide 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. This includes your criminal records declaration, fitness to work, records of any security checks and references.

If you are unsuccessful at any stage of the process, the information you have provided until that point will be retained for six months from closure.

Information generated throughout the assessment process, for example interview notes, is retained by us for six months following closure.

Equal opportunities information is retained for six months following closure, whether you are successful or not.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request by contacting our DPO.

How we make decisions about recruitment?

You are able to ask about decisions made about your application by speaking to your contact within our recruitment team or by emailing hradvice@operosehealth.co.uk.

Final recruitment decisions are made by hiring managers and members of our recruitment team. All of the information gathered during the application process is taken into account:

- **Contact Information:** including your name, address and contact details, including email address and telephone number, date of birth and gender.
- **Identification Information:** including a copy of your driving licence or passport (where relevant).
- **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 application process).
- **Employment History:** including details of your qualifications, professional/regulatory body registrations, skills, experience and employment history, including start and end dates (including reasons) with previous employers.

- **Remuneration and Benefits Information:** including information about your current and historic remuneration, salary, entitlement to benefits such as pensions or insurance cover.
- **Payment Information:** such as details of your bank account and national insurance number, payroll records and PAYE/tax status information.
- **HR Information,** for example:
 - the terms and conditions of your employment.
 - professional indemnity insurance details.
 - information about your marital status, next of kin, dependants and emergency contacts.
 - employment records (including copies of right to work documentation, location of workplace, history training records and professional memberships).
 - your photograph.
 - training records and development requirements.
- **Schedule and absence management Information,** including:
 - details of your schedule (days of work and working hours) and attendance at work.
 - details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave.
 - leaving date and reasons for leaving.
- **Performance Information:** including assessments of your performance, including appraisals, supervisions, performance reviews and ratings, performance improvement plans and related correspondence.
- **Grievance or disciplinary Information:** details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence.
- **Usage Information:** information about your use of our information and communications systems.
- **CCTV and Access Information:** (in certain sites) and other information obtained through electronic means such as swipe card records.

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

- information about your nationality and entitlement to work in the UK, including a copy of your passport.
- information about your criminal record.
- information about your race or ethnic origin, sexual orientation and religion or belief.
- information about medical or health conditions and immunisation history, including whether or not you have a disability for which the organisation needs to make reasonable adjustments.

How is personal data collected?

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

i. *Direct interactions.*

For example, data might be collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); 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*

In some cases, 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.

Why does Operose Health process personal data?

In order to fulfil our duties as an employer we need to process your data.

Please note that depending on the purpose for which we use your Personal Data, we may rely on more than one legal basis for processing.

The relevant processing conditions are as follows:

- i. **Consent:** the data subject has given consent to the processing of his or her personal data for one or more specific purposes.
- ii. **Performance of a Contract:** processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- iii. **Legal obligation:** processing is necessary for compliance with a legal obligation to which the controller is subject.
- iv. **Vital interests:** processing is necessary in order to protect the vital interests of the data subject or of another natural person.
- v. **Public interest:** 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.
- vi. **Legitimate interests:** processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Set out below are some examples of why Operose Health processes data. Operose Health needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract (ground ii above). For example, we need to process your data to provide you with an employment contract,

to pay you in accordance with your employment contract and to administer benefit, pension and insurance entitlements.

In some cases, Operose Health needs to process data to ensure that it is complying with its legal obligations (ground iii above). For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.

In other cases, Operose Health has a legitimate interest in processing personal data before, during and after the end of the employment relationship e.g. we may transmit data within our group for our internal administrative purposes i.e. to determine your suitability for a position you have applied for, to ensure you are paid your final salary, or to provide employer references.

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	Performance of a contract 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	Performance of a Contract Legal Obligation
Check that you are legally entitled to work in the UK	Identification Information HR Information	Performance of a Contract 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	Performance of a Contract Legal obligation
Operate and keep a record of disciplinary and grievance processes	Contact Information	Performance of a Contract

	Grievance or disciplinary Information	
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	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	Performance of a Contract
Provide and administer benefits	Payment Information Remuneration and Benefits Information	Performance of a Contract
Administer the contract we have entered into with you	Payment Information Remuneration and Benefits Information	Performance of a Contract
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	Contact Information	Performance of a Contract Legitimate interests
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	Contact Information Schedule and absence management Information	Performance of a Contract
Ensure effective general HR and business administration and planning, including accounting and auditing	HR information	Performance of a Contract Public interest
Make arrangements for the termination of the working relationship	Contact Information	Performance of a Contract

	HR Information	
For meetings education, training and development requirements	Contact Information HR Information	Performance of a Contract Public interest
Provide references on request for current or former employees	Contact Information	Legal obligation
Comply with Operose Health’s safeguarding responsibilities	Contact Information HR Information	Performance of a Contract Legal obligation
Monitor use of our information and communication systems to ensure compliance with our IT and security policies	Usage Information	Performance of a Contract Legal obligation Public interest Legitimate interests
Operating CCTV for the detection and prevention of crime	CCTV and Access Data	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	Performance of a Contract Legal obligation

Some of the above grounds for processing will overlap and there may be several grounds for which to justify our use of personal data.

Special Category Data

The processing of "special categories" of personal data generally requires additional justification under applicable law.

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.

Where Operose Health processes other special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, this is done for the purposes of equal opportunities monitoring.

We have in place an appropriate policy document and safeguards as required by applicable law in respect of the processing of such data.

Personal data relating to criminal convictions and offences

We envisage that we will hold information about criminal convictions. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

We will use information about criminal convictions and offences in the following ways: to determine suitability for a role working with children and vulnerable adults during the recruitment process and every year/three years thereafter in accordance with Disclosure and Barring Service guidelines.

We are allowed to use your personal information in this way to carry out our obligations under the Rehabilitation of Offenders Act and Health & Social Care Act for employees involved in a regulated activity (the provision of healthcare).

We will only use your personal data for the purposes for which we collected it, unless we reasonably 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 data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

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 would 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.

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.

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 (in which case personal data we hold about our patients or visitors to the Website may be one of the assets the third party takes over).

- vi. any member of Centene Corporation group of companies for internal administrative purposes, located in the UK (Operose Health), US (Centene Corporation) and Spain (Ribera Salud and Futurs).
- 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.
- ix. dependent upon your role, we may share some of your data with Complex Care clients or funders when required to show the suitability of employees working in their homes on a care package. This information will be limited to information required to make the assessment such as your training received and work experience history. In such scenarios we will inform you that the client or funder (e.g. Clinical Commissioning Group) has requested your information.

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

Your personal data may be transferred outside the UK and the European Economic Area for the purposes set out above. While some countries have adequate protections for personal data under applicable laws, in other countries steps will be necessary to ensure appropriate safeguards apply to it. These include imposing contractual obligations or other safeguards to provide adequate levels of protection.

We take steps to ensure that, when we transfer your personal data outside the EEA, we have adequate safeguards in place in line with applicable data protection laws. For more information about this protection, please contact us at operosehealth.dpo@nhs.net

How does Operose Health protect data?

Operose Health takes the security of your data seriously.

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

We process information assets consistently to a high standard to prevent compromise by external and internal threats, both deliberate and accidental.

We raise and maintain security awareness to help avoid the unintentional or malicious disclosure of confidential information, which could cause inconvenience and distress to others, be unlawful, and to avoid causing financial and reputational damage to Operose Health.

We use a range of measures to keep data secure by applying technical, physical and administrative controls.

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.

In some circumstances we may anonymise your personal data so that it can no longer be associated with you, in which case we may use such information without further notice to you (as, once anonymised, it will cease to constitute personal data and not within scope of the General Data Protection Regulation and Data Protection Act 2018).

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.

Information flows and information assets

Operose Health maps each individual data flow in and out in order to understand what data it holds and processes. These data flow maps are reviewed and updated annually as part of the requirement to complete a Data Security Protection Toolkit. Operose Health also holds an Information Asset Register which describes where and how these data flows are stored. Please contact the DPO for further details.

Data Protection Impact Assessment (DPIA)

We carry out DPIAs on processing that is likely to result in high risk to individuals to help identify and minimise data protection risks.

If you would like a copy of a specific DPIA that we have carried out, please contact our DPO.

For how long does Operose Health keep data?

Operose Health will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are set out in our Information Lifecycle Management Policy, a copy of which is available on the Operose Health website. Personal data is held for no longer than is necessary or only for as long as required by statute.

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, please contact our Data Protection Officer, operosehealth.dpo@nhs.net or at the address at the top of this letter.

If you believe that Operose Health has not complied with your data protection rights, please contact our Data Protection Officer, operosehealth.dpo@nhs.net or at the address at the top of this letter. You can complain to the Information Commissioner's Office, the UK supervisory authority for data protection issues.

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.