

Staff Privacy Notice

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Printed copies should not be considered the definitive version

The following notice applies 21 February 2023

1. About NHS Education for Scotland (NES)

NES is a public organisation created in Scotland under section 2 of the National Health Service (Scotland) Act 1978 (the 1978 Act). NES was set up by the NHS Education for Scotland statutory order, (2002, no. 103).

NES is a special health board within NHS Scotland. Our responsibility is developing and delivering education and training for the health and social care workforce. We are also the lead body for digital development in health and social care.

We are one of the organisations which form part of NHS Scotland (NHSS). Our headquarters are:

NHS Education for Scotland

Westport 102
West Port
Edinburgh, EH3 9DN

Data Protection Officer contact details

NES employs a Data Protection Officer to check that we handle personal information in ways that meet data protection law. Our Data Protection Officer is Tracey Gill who can be contacted at this email address:

foidp@nes.scot.nhs.uk

Telephone: 0131 656 3200

Or through our Edinburgh postal address:

Westport 102, West Port, Edinburgh, EH3 9DN

We have notified the Information Commissioner that we process personal data. Our registration number is: Z7921413

The registration details are publicly available from the:

Information Commissioner's Office (ICO)
Wycliffe House
Water Lane
Wilmslow SK9 5AF

To search the online ICO register, please see: [Register of fee payers | ICO](#)

2. About the personal information we use

Personal data, or personal information, 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).

To carry out our activities and obligations as an employer we handle data including:

- name, home address, telephone, personal email address, date of birth, employee identification number and marital status, and any other information necessary for our business purposes which is disclosed in the course of an employee's application for and employment with us
- statutory, mandatory and essential learning, and performance review and appraisal completion information
- national insurance number
- qualification and training information
- statutory and voluntary registration data
- CCTV data
- Swipe access cards

Special categories of personal data

We handle special category (sensitive) information about:

- racial or ethnic origin
- religious or philosophical beliefs
- trade union membership
- health, and
- sex life or sexual orientation.

This is collected only where required by law and used and disclosed only to fulfill legal requirements. For example:

- ensuring we meet legal duties such as sick pay or equal opportunities.
- absence information, e.g. annual leave, sickness absence, study leave, maternity leave, paternity leave, parental and special leave.

- occupational health clearance information
- mandatory monitoring of equality and diversity to ensure that NES is a safe place to work

When you are no longer our employee, we may continue to share your information as described in this notice, so long as this is fair and lawful.

3. Our purposes for using personal information

Your personal data is collected by NES and shared with NHS Scotland for the purposes of employee management. We use information about you in order to:

- evaluate applications for employment
- manage all aspects of your employment with us, including but not limited to: payroll, benefits, pension, corporate travel and other reimbursable expenses, development and training including statutory, mandatory and essential learning, absence monitoring, performance review and appraisal, disciplinary and grievance processes, pensions administration, and other general administrative and human resource related processes
- develop workforce and succession plans
- maintain sickness records, and occupational health programme
- administer termination of employment and provide and maintain references
- maintain emergency contact and beneficiary details, which involves us holding information on those nominated by you
- comply with applicable laws (e.g. health and safety), including judicial or administrative orders regarding individual employees (e.g., child support payments)
- share and match personal information for the national fraud initiative; and
- enable your use of our information and communications systems.

Your personal data will be captured and stored on an electronic system and will be used and shared by human resources (HR) professionals in NES and board(s) where you are working in any capacity.

Occupational health clearance information – referred to as the Occupational Health Passport – will be shared by NES with occupational health professionals in the Board, and Boards where you have been offered employment.

4. Our legal basis for using personal information

NES as data controller, is required to have a legal basis when using personal information.

NES' legal basis for collecting and using staff personal data and/or special category such as health information is because this is necessary when staff have an employment contract with the Board, or are potentially entering into an employment contract.

In some situations, we may rely on another legal basis; for example, when we disclose personal information to meet a court order, our basis is that its use is necessary to comply with a legal obligation.

When we are using more sensitive types of staff personal information, including health information, our legal basis can also be that it is necessary:

- to protect the vital interests of an individual; or
- for the establishment, exercise, or defence of legal claims or in the case of a court order.

On rare occasions we may rely on your explicit consent as our legal basis for using your personal information. When we do this, we will explain what it means, and the rights that are available, to you.

Dedicated privacy notices set out the details for each processing purpose.

When using personal information of those **other than staff** our legal basis is usually that its use is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us. Please see our corporate privacy notice for further detail.

5. Who provides the personal information?

When you do not provide information directly to us, we may hold it because we have received it from other individuals and bodies involved in the delivery and oversight of health and care services in Scotland, or the regulation of professions.

We collect information in a number of ways, for example, correspondence, forms, interview records, references, surveys.

6. Sharing your information with others

There are several reasons why we share information with others ('third parties'). This can be due to our:

- obligations to comply with current legislation, and
- duty to comply with any court order which may be imposed.

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 the appropriate security controls in place.

Information is only shared with those agencies and bodies who have a 'need to know,' or where you have consented to the disclosure of your personal data to such persons.

In order to comply with our obligations as an employer we will need to share your information as follows:

Reasons why we share your personal information	Who we share your information with (the list below is not exhaustive)
Legal obligations, court orders	Human resources, occupational health (NSS) and line managers
Professional registration purposes	Regulatory bodies such as the General Medical Council
Contractual terms and conditions of service	Appraisal Scottish Training Database, The Scottish Advisory Committee on Distinction Awards (SACDA), payroll (NSS)
Training and Development	NHS Scotland training administrators, HR administrators, managers and relevant NES staff
National reporting	Scottish Workforce Information Standard System (SWISS). For more information see: www.swiss.scot.nhs.uk SWISS is the source for workforce official statistics
Pay, time and attendance	Payroll NHS National Services Scotland (NSS), the Scottish Standard Time System (SSTS), Electronic Employee Support System (eESS)
National and Internal Employee Directory	General public, and internally to NHS Scotland employees as NHS Scotland Boards share a single Microsoft 365 tenancy
National Fraud Initiative, Counter Fraud officers	Audit Scotland Every year, the NHS is required to participate in the National Fraud initiative. As part of this, we provide payroll information for data matching. Data matching involves comparing sets of data, such as payroll or benefits records of an organisation, against other records held by the same or another organisation. Further information about the National Fraud Initiative is available from Audit Scotland: www.audit-scotland.gov.uk Counter Fraud Services (NSS) Works in partnership with NHSScotland and across the Scottish public sector to provide a comprehensive service to reduce the risk of fraud and corruption.

Occupational health clearance information – referred to as the Occupational Health

Passport – will be shared by NES with occupational health professionals in the Board, and Boards where you have been offered employment.

Background on sharing and our responsibilities

Privacy laws do not generally require us to obtain your consent for the collection, use or disclosure of personal information for the purpose of establishing, managing or terminating your employment. In addition, we may collect, use or disclose your personal information without your knowledge or consent where we are permitted or required by law or regulatory requirements to do so.

Optima (Employee Assistance Programme)

Sometimes people want to talk to a specialist about work problems. Optima is an independent organisation and they provide impartial help in strict confidence. It is therefore safe to talk to them about work issues.

7. Transferring personal information abroad

NES does not routinely transfer any data outside of the UK, but when information is transferred outside the UK we will do so in full compliance with the NHS Scotland Information Security Policy. NES will ensure that data is only transferred to countries where appropriate data protection safeguards are in place.

8. Retention periods for the information we hold

We only keep your information for as long as it is necessary to fulfill the purposes for which the personal information was collected.

This includes for the purpose of meeting any legal, accounting or other reporting requirements or obligations.

The NHS Scotland retention policy sets out the minimum retention timescales. Please see: [Scottish Government Records Management: Health and Social Care Code of Practice \(Scotland\) 2020](#). Privacy notices for each processing purpose set out retention details.

In some circumstances we will anonymise your personal information so that it can no longer be associated with you. We are allowed to use such de-personalised information without further notice to you.

9. How we protect personal information

We take care to ensure your personal information is only accessible to people with the need and right to know. Our staff have a legal and contractual duty to keep personal health information secure, and confidential. The following security measures are in place to protect personal information:

- Organisational policy and procedures on the safe handling of personal information.

- All staff undertake mandatory training in data protection and information security.
- All staff are required to undertake regular information governance training and to be familiar with information governance policies and procedures.
- Compliance with NHS Scotland Information Security Policy Framework.
- Access controls and audits of electronic systems.

At director level, we have appointed a Senior Information Risk Owner (SIRO) who is accountable for the management of all information assets and any associated risks and incidents.

We also have a Data Protection Officer who is responsible for the Boards' data protection compliance.

We have put in place procedures to deal with any suspected data breach and will notify you and the regulator of a suspected breach where legally required.

10. Your rights regarding your personal data

This section contains a description of your data protection rights within NES.

The right to be informed

NES must explain how your personal data is used. We communicate how personal information is used in several ways, including:

- Privacy notices such as this, some of which are flagged directly to you when we collect your personal data.

For a list of our websites, portals, and third-party online tools and their privacy notices and terms and conditions, please see the tabs at the top of this page, and the links in the final section of this notice.

The right of access

You have the right to ask NES whether it is your processing your personal data. Where we are, you have the right to access the personal data, and be told the:

- Purposes of the processing.
- Kinds of personal data concerned.
- Recipients or kinds of recipient to whom the personal data have been or will be disclosed.
- Where possible, the period foreseen for storage of personal data, or, if not possible, how that period will be set.

- Where the personal data are not collected from you, any available information as to their source.
- The existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved. Also, the significance and any foreseen consequences of such processing for you.

Taking this step is called making a subject access request.

We must provide this information free of charge. However, if you request more than one copy we may charge a reasonable administrative fee.

When you make a subject access request we ask for proof of identity such as a passport, photo ID driving license, or evidence of address. Once we have details of your request and you have given us enough information to find your personal data – for example your staff number – we must respond without delay, within one month (30 days).

If your request is complex, we may take longer to respond - up to two months. If this is going to happen, we will tell you before the first month is up and give a reason.

If you would like to see information we hold about you, please complete the '[NES Subject Access Request Form](#)' (doc).

This should be returned to:

Email: foidp@nes.scot.nhs.uk

You do not have to use this form, but it ensures you give us the details that speed processing. You can also post a request to:

Data Protection Officer, NHS Education for Scotland, Westport 102, West Port, Edinburgh, EH3 9DN

The right to rectification

If the personal information we hold about you is inaccurate or incomplete you have the right to have this corrected (rectified).

If it is agreed that your personal information is inaccurate or incomplete, we will amend your records within one month - or two months where the request is complex. We will contact you quickly to explain any need to extend the timescale in this way.

If NES does not agree that your personal information is inaccurate, we will add a comment to your record stating your concerns about the information. Where this is the case, we must contact you within one month and give our reasons.

If you are unhappy about how we have responded to your request for rectification, we will give you information on how to complain to the Information Commissioner's Office, or to take legal action.

The right to object

When NES is processing your personal information for the performance of a task carried out in the public interest or in the exercise of official authority you have the right to object to the processing, or to seek restriction of further processing.

Where NES can show compelling legitimate grounds for processing your personal information, for instance; patient safety or for evidence to support legal claims, your right to object will not be upheld.

The right to complain

NES employs a Data Protection Officer to check that we handle personal information in ways that meet data protection law. If you are unhappy with the way in which we use your personal information, please tell our Data Protection Officer.

You have the right to raise concerns about the handling of your personal data with the Information Commissioner:

<https://ico.org.uk/make-a-complaint/>

Other rights

Other rights under data protection law only apply to certain cases. These rights include:

- **The right to erasure**

This the right to request that we delete or remove personal information if there's no compelling reason for us to continue using it. The right applies if processing is:

- No longer necessary for the purpose for which the data was collected
- We no longer have a legal basis for using your personal data or you object to us using your personal information, and there is no overriding legitimate interest for us to continue using it
- We have used your personal information unlawfully
- There is a legal obligation to erase your personal information

We can refuse to deal with your request for a number of reasons, including a need to:

- Comply with our legal obligation to perform a public interest task or exercise official authority
- Act in the public interest – for public health, archiving, scientific research, historical research or statistical purposes
- Exercise or defend legal claims

- **The right to data portability**

The right only applies when you submit your personal information directly to us by electronic means and our legal basis for processing the information is consent or contract. This means that in most

circumstances the right to data portability does not apply within NES. Where it applies, you are entitled to:

- Receive a copy of the personal information we hold about you
- Have the personal information transmitted from us to another organisation

- **Rights related to automated decision making and profiling**

You have the right to object to any instances where a decision is made about you solely by automated means without any human involvement. This could include profiling. NES does not make decisions using wholly automated means in a way currently covered by data protection law.

11. Cookies

A cookie is a small data file that certain websites write to your hard drive when you visit them. This NES site uses various types of cookie. These cookies are used to make our websites run more efficiently.

They also allow our web server to remember and store your preferences as you travel around our pages.

The information below describes the use of cookies on this main NES website. Where other NES websites and portals use different cookies, this will be detailed on those websites.

Cookie name	Purpose	Expiry
__utmb	Google Analytics cookie. This stores the domain name (hash code) of site, pages viewed this session, current time	30 minutes
__utmc	Google Analytics cookie. This stores the domain name (hash code) of site.	At end of session
__utma	Google Analytics cookie. This stores the domain name (hash code) of site, a unique visitor id (randomly generated number), time of first visit, time of previous visit, current time, number of sessions since first visit.	2 years
__utmz	Google Analytics cookie. This stores the domain name (hash code) of site, time when cookie last set, total number of visitor sessions, number of different channels or sources through which this site was reached, source of the last cookie update, search hit tag identifier (or just 'organic' if reached via normal search hit), search medium, keyword phrase used to find site.	6 months
NESCookiesWarning	This stores the name of the site (www.nes.scot.nhs.uk), the current time and the expiry time of the cookie. This cookie is used to test whether the visitor has accepted the cookie message.	
datr, fr, wd	We use Facebook pixel to help us understand the users of our website and to make our marketing and advertising campaigns more engaging and relevant to them. Further details on Facebook Pixel cookies.	

Collection and use of technical information

Technical details in connection with visits to this website are sometimes logged and collected in the Turas Hosting platform (Microsoft Azure).

We will make no attempt to identify individual users. However, access to web pages will generally create log file entries in the systems of your Internet Service Provider (ISP) or network services provider.

Log files of all requests for files on Microsoft Azure may be maintained and analysed. Aggregated analyses of these log files are used to monitor website usage. These analyses are used to allow us to monitor and evaluate the effectiveness of our websites. All log file information collected by NES is kept secure and is not provided to any third parties.

12. Caldicott Guardian

Every NHS organisation has a Caldicott Guardian charged with ensuring patient identifiable information is protected in our work. The NES Caldicott Guardian is:

Dr David Felix
Postgraduate Dean of Dental Education
NHS Education for Scotland
Westport 102
West Port
Edinburgh EH3 9DN

13. Updates

We keep our privacy notices under regular review. If there are any changes we will update this page to tell you, for example, about any new uses of personal data.

Check this page to make sure you are aware of what information we collect, how we use it and the circumstances in which we may share it with other organisations.

From time to time, we may also tell you in other ways about the processing of your personal data.

14. Specific Privacy Notices

[The Knowledge Network](#)

[National Digital Platform](#)

[NHS ePortfolios](#)

[NHS Scotland Careers](#)

[TURAS Learn](#)

[Vaccinations](#) [Covid, Pertussis, Seasonal, Travel etc]

[Microsoft Viva Insights Privacy Policy](#) [PDF]

And:

Mailchimp

By recording consent to receive any NES newsletter, you understand that Mailchimp will be responsible for storing and managing your name and email address. You can unsubscribe from this service at any time by clicking on the link at the foot of each newsletter. Or contact us at:

Email: contact.digital@nes.scot.nhs.uk.

The Mailchimp [privacy policy](#) is available online.

Questback

Questback is an online survey tool used to improve the services and resources offered by NES.

The purpose of each survey and how your data is used will always be stated within the survey form. By completing and submitting a survey, you show you understand that Questback will be responsible as a data processor for storing and managing your personal data.

We do not use Questback to collect special category personal data.
To request removal of your details, email us at:

contact.digital@nes.scot.nhs.uk.

The Questback [privacy policy](#) is available online.

15. Your Right to Complain

You have the right to complain about how we use your personal information to the Information Commissioner's Office (ICO).

Details about this are on their website at <https://ico.org.uk/your-data-matters/how-to-make-a-data-protection-complaint/>.

You also have the right to seek independent judicial remedy through the courts.