

How we use your personal information

There are some specific circumstances where the right to erasure does not apply and organisations can refuse to deal with a request- these are instances where the personal data is processed for the following reasons:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation or for the performance of a public interest task or exercise of official authority;
- for public health purposes in the public interest;
- archiving purposes in the public interest, scientific research historical research or statistical purposes;
- the exercise or defence of legal claims.

The right to restrict processing

Under GDPR, you have a right to 'block' or suppress processing of personal data- when processing is restricted, organisations are permitted to store the personal data, but not further process it, and they can retain just enough information about you to ensure that the restriction is respected in the future.

Organisations will be required to restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, organisations should restrict the processing until they have verified the accuracy of the personal data.
- Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and the organisation is considering if their legitimate grounds override those of the individual.
- When processing is unlawful and the individual opposes erasure and requests restriction instead.
- If they no longer need the personal data but the individual requires the data to establish, exercise or defend a legal claim

If you have any queries regarding GDPR, please contact:
leedscg.dataprotectionoffice@nhs.net

The GDPR (General Data Protection Regulation) came into force on 25 May 2018 and this regulation has replaced the Data Protection Act 1998.

Both employers and their employees have new responsibilities to consider in order to help ensure compliance to this regulation.

Organisations must have a valid reason for having personal data about individuals (the "legal basis"), and this data should not be held for any longer than necessary.

How your data is used

The GDPR) requires employers to provide employees with a privacy notice or fair processing notice, setting out specified information about the processing of their personal data- this is the purpose of this document.

The Data Controller for this data is XXXXXX, on behalf of the Practice.

The Data Protection Officer for the practice is XXXXXX,

Please see the table overleaf for a list of the types of data Leeds the practice may hold about you, and the legal basis they use for doing so- please note that this list is not exhaustive.

An employee's right to request their personal data

Employees have a right to access information that an employer may hold on them. This could include information regarding any grievances or disciplinary action, or information obtained through monitoring processes.

If you want to see the personal data the Practice holds for you, you can contact the XXXXXX, and make a Subject Access Request.

If you are unhappy about the way your data is being processed you can contact the Information Commissioner's Office (ICO):

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113
www.ico.gov.uk

Examples of the data the Practice may hold

Type of data and its use	Shared with	Legal basis
Name, Address and employment history (with job application)	Human Resources	6.1 (a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
Name, Address and Bank details, used to ensure that you are paid promptly	Payroll	6.1 (b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
Salary and payment details used to calculate your pension entitlement	Pension scheme	6.1 (c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
Name and address	DBS	6.1 (c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
Your name and/or image on the practice website (this will only apply to specific individuals)	General Public	6.1 (a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
Sick notes provided by your GP to cover absence due to illness etc	Not shared outside the practice	6(1)(f) 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
Disciplinary notices	Not shared outside the practice	6(1)(f) 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

Your rights regarding your data

The GDPR provides the following rights for individuals:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling.

In regards to your rights

- Your data will be stored for the standard legal length of time specified for each data type
- You have the right to request access to your data
- You have the right to the rectification or erasure of data; to request restriction of processing; or to object to processing (*please note that there are certain conditions under which the practice may not be obliged to do this- please see the following sections for examples of when these may occur*)
- the right to data portability- to have the data in an easily readable form (this is only applicable to data you have provided to the practice)
- where the legal basis for processing is consent, the right to withdraw consent at any time;
- the right to lodge a complaint with the supervisory authority if you think the data held is incorrect or you do not wish it to be processed further

Right to rectification

You are entitled to have personal data rectified if it is inaccurate or incomplete.

If this personal data in question has been disclosed to third parties, they must be informed of the rectification where possible and you must also be informed about the third parties to whom the data has been disclosed.

Any request to rectify your data must be responded to within one month, although this can be extended by two months where the request for rectification is complex.

If action is not taken in response to your request for rectification, you will be informed why and also informed of your right to complain to the supervisory authority and to a judicial remedy.

Right to erasure

The right to erasure does not provide an absolute 'right to be forgotten'. You have a right to have personal data erased and to prevent processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When you withdraw consent (this is only applicable if the legal basis used is "consent").
- When you object to the processing and there is no overriding legitimate interest for continuing the processing.
- The personal data was unlawfully processed (i.e. otherwise in breach of the GDPR).
- The personal data has to be erased in order to comply with a legal obligation.
- The processing causes damage or distress