

## SPIRE CONSULTANT PRIVACY NOTICE

### Executive Summary

1. As custodian of your personal data, we must treat that information in accordance with all applicable law and guidance. This Privacy Notice provides you with a detailed overview of how we will manage your data, from the point at which it is gathered and onwards. We will use that information for a variety of purposes. This Privacy Notice will give you all the details you need on how we use your information, and how we will comply with the law in doing so.
2. In addition, you have a number of rights as a data subject. You can, for instance, seek access to your personal information, object to us using your information in particular ways and request rectification of any information which is inaccurate or deletion of information which is no longer required (subject to certain exceptions). This Privacy Notice also sets out your rights in respect of your personal information, and how to exercise them.
3. For ease of reference, this Privacy Notice is broken into separate sections below with headings which will help you to navigate through the document. We are also open to suggestions for improvement, and if you have any feedback on this Privacy Notice then do please feel free to contact our Data Protection Officer with your thoughts.

### Introduction

1. In this Privacy Notice we use "we" or "us" or "our" or "Spire" to refer to the Spire company who is processing your personal information.
2. This Privacy Notice sets out details of how we may collect and use your personal data during the course of your professional relationship with us as an independent contractor and after this relationship has ended. It applies to all Consultants who hold practising privileges at any Spire hospital. For the purposes of this privacy notice, the term "Consultant" applies to all doctors granted practising privileges under the Consultants' Handbook.
3. Please take your time to read this Privacy Notice carefully. This Privacy Notice does not form part of any contract between you and Spire to provide services, including your practising privileges. We may update this Privacy Notice at any time. We may also notify you in other ways from time to time about the processing of your personal information.
4. This Privacy Notice will be published on Spire's microsite on 16 May 2018. It will not, however, be effective until **25 May 2018** when the GDPR comes into force.

## About us

5. If your professional relationship is with Spire Healthcare Limited, the relevant data controller for your personal information is Spire Healthcare Limited, 3 Dorset Rise, London, EC4Y 8EN, Company No. 01522532.
6. If your professional relationship is with Montefiore House Limited, the relevant data controller for your personal information is Montefiore House Limited, 3 Dorset Rise, London, EC4Y 8EN, Company No. 07414715.

## Our Data Protection Officer and how to contact us

7. Spire has appointed Jayne O'Hara as the Spire Group Data Protection Officer ("**DPO**"). The DPO helps ensure that the Spire group of companies comply with data protection law. Our DPO has responsibility for data protection compliance in respect of the companies set out above.
8. The DPO can be contacted by:
  - a) Telephone: 020 7427 9071;
  - b) Email: [dataprotection@spirehealthcare.com](mailto:dataprotection@spirehealthcare.com); or
  - c) Post: Data Protection Officer, Spire Healthcare, 3 Dorset Rise, London, EC4Y 8EN
9. If you would like further information about any of the matters in this Privacy Notice or have any other questions about how we collect, store or use your personal information, please contact the DPO using the details above.

## What personal information do we collect?

10. We will collect, use and store your personal data for a wide variety of reasons in connection with the professional relationship between us. We have set out below the main categories of personal data which we may collect, which includes:
  - personal contact information (including your name, home address, personal telephone number(s) and personal email address)\*
  - business contact information (including e-mail address and telephone number)
  - job title
  - date of birth\*
  - driving licence number / copy of driving licence
  - national insurance number\*
  - gender

- marital status
- emergency contact information and next of kin
- photograph
- GMC number
- documents evidencing your right to practise, such as training records (and potentially including information about your immigration status where relevant)\*
- bank account details\*
- documents gathered during the application process for practising privileges (including CV, application form, cover letter, any other information obtained as part of the application process, occupational health information, references, including transfer of information from your Responsible Officer, professional memberships and qualifications, background vetting information)\*
- documents maintained and updated during your working relationship relating to professional memberships and qualifications and statutory and mandatory training including, but not limited to, appraisal and revalidation, ICO and GMC registration, and annual indemnity insurance\*
- general personnel records including details of training, information relating to any concerns about performance matters, drug and alcohol testing, along with a copy of practising privileges, acceptance of the Spire Consultants' Handbook and appraisal documentation
- information gathered through Spire's monitoring of its IT systems, building access records and CCTV recording\*
- information about your use of our information and communications systems
- personal data which you otherwise voluntarily provide

11. The personal data provided by you and identified at \* above is mandatory in order for us to administer the professional relationship between us and / or comply with statutory requirements relating to immigration or taxation. Failure to provide mandatory personal data may affect our ability to accomplish the purposes stated in this Privacy Notice and potentially affect your ongoing professional relationship with Spire.

12. The list set out above is not exhaustive, and there may be other personal data which we collect, store and use in the context of the professional relationship. We will update this Privacy Notice from time to time to reflect any notable changes in the categories of personal data which we process.

13. The majority of the personal data which we process will be collected directly from you. In some circumstances your personal data may be provided by third parties, such as former or current employers (for instance in the context of any NHS work you undertake), other private healthcare providers where you have previously or currently hold practising privileges, background check providers, credit reference agencies, official bodies (such as regulators or criminal record

bureaus), other medical professionals, training and occupational health providers and company advisors.

### **Special Categories of Personal Information**

14. Certain categories of data are considered by the law to be "special categories of personal data" and are subject to additional safeguards. We limit the special categories of personal data which we process to the extent which is necessarily required as part of the professional relationship between us and in order to grant, and continue to provide, practising privileges. In particular, we will process the following such information:

- a) Infectious disease status; and
- b) Occupational Health record.

### **Health Information**

15. We may process information about an individual's physical or mental health in compliance with our obligations in relation to the professional relationship between us, and in particular the extent to which this may inhibit your ability to practice at Spire.

16. We will always treat information about health as confidential and it will only be shared internally where there is a specific and legitimate purpose to do so. We have implemented appropriate physical, technical, and organisational security measures designed to secure your personal data against accidental loss and unauthorised access, use, alteration, or disclosure.

17. Health information will typically be retained during the course of an individual's professional relationship with Spire. Following the termination of a Consultant's practising privileges, we will typically retain health information for 6 years subject to any exceptional circumstances and/or to comply with particular laws or regulations (although subject to the specific retention periods set out in more detail at paragraph 32 below).

### **Disclosure and Barring checks/information (DBS)**

18. Given the nature of our organisation, we ask new Consultants to disclose their criminal record history and we carry out criminal record checks (or in certain circumstances, as set out in the Consultants' Handbook, obtain original enhanced disclosure certificates (which have been issued within the last 10 years or less)) on all our Consultants as part of our background vetting process, after a Consultant has accepted an offer of practising privileges from Spire and in compliance with our obligations in connection with your role. In all cases, we carry out or conduct the checks in accordance with the applicable law.

19. The DBS checks may be repeated periodically during the course of the professional relationship in line with our regulatory obligations.
20. We will always treat DBS information as confidential and it will only be shared internally where there is a specific and legitimate purpose to do so. We have implemented appropriate physical, technical, and organisational security measures designed to secure your personal data against accidental loss and unauthorised access, use, alteration, or disclosure.
21. DBS information will be deleted once the applicable checks have been completed, subject to any exceptional circumstances and/or to comply with particular laws or regulations. DBS information will typically be retained for a maximum of 6 months.
22. We have implemented appropriate physical, technical, and organisational security measures designed to secure your personal data against accidental loss and unauthorised access, use, alteration, or disclosure. In addition, this monitoring will always take place in accordance with appropriate safeguards as required under applicable law, including:
  - the provision of information relating to ethnic origin, race, nationality, sexual orientation and disability for the purposes of monitoring will be voluntary and processed for this purpose only with your consent;
  - wherever possible, the monitoring will be conducted on the basis of using anonymised data so individuals cannot be identified; and
  - the information processed for monitoring purposes will be maintained separately from general management and other records.

#### **How do we use your personal data?**

23. We use your personal data for a variety of purposes in order to perform our obligations in respect of granting you practising privileges at Spire, to comply with legal obligations, and as necessary as part of the professional relationship between us or otherwise in pursuit of our legitimate organisational interests. Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information. We have set out below the main purposes for which your personal data is processed:
  - checking you are legally entitled to work in the UK
  - determining whether you will be offered practising privileges
  - paying you
  - ascertaining your fitness to work

- to manage and assess performance, including the conduct of annual appraisals and to monitor compliance with the standards included in the Consultants' Handbook for maintaining practising privileges
- to comply with legal requirements, such as reporting to the local tax authority or professional regulators
- to address concerns about performance
- to protect Spire's confidential and proprietary information, and intellectual property
- to monitor the proper use of Spire's IT systems
- to prevent fraud against Spire and its clients
- to safeguard the interests of Spire's clients and patients (including transferring information about a consultant's fitness to practice with other organisations they work with and the GMC)
- to comply with any statutory or regulatory obligations
- if an organisational transfer or change of ownership occurs
- to comply with Spire's contractual obligations

24. If we sell all or part of its business, we may provide personal data about you to any prospective purchaser in the course of negotiations. At all times, we shall comply with our legal obligation in respect of the provision of such information and so far as possible, such data will be provided in an anonymous form. If this is not possible, the prospective purchaser will be required to keep the information confidential.

25. Again, this list is not exhaustive and we may undertake additional processing of personal data in line with the purposes set out above. We will update this Privacy Notice from time to time to reflect any notable changes in the purposes for which we process your personal data.

### **When do we share your personal data?**

26. We will share your personal data with other parties only in limited circumstances and where this is necessary in connection with your practising privileges, or to administer the professional relationship with you, or to comply with a legal obligation, or otherwise in pursuit of our legitimate business interests as follows, to:

- background vetting specialists
- training providers
- occupational health providers
- external learning providers
- HMRC, the Department of Health and/or any other applicable government bodies
- accountants, lawyers and other professional advisers
- any applicable regulatory body, including (but not limited to) the Care Quality Commission, Healthcare Improvement Scotland, Health Inspectorate Wales and the GMC
- other organisations with which you work (including your NHS Trust)

- third party funders of patient care, such as insurance companies and the NHS
- NHS organisations, including NHS Resolution, NHS England

27. In all cases not governed by regulation or legislation (for example where there is a legal obligation to provide personal data (eg to a regulator)), your personal data is shared under the terms of a written agreement between Spire and the third party which includes appropriate security measures to protect the personal data in line with this Privacy Notice and our obligations. The third parties are permitted to use the personal data only for the purposes which we have identified or as is permitted by law, and not for their own purposes, and they are not permitted to further share the data without our express permission.

28. We may also share your personal data with employers within the National Health Service or other companies within the Spire group of companies from time to time for the purposes set out in this Privacy Notice.

29. We (or third parties acting on our behalf) may store or process information that we collect about you in countries outside the European Economic Area ("**EEA**"). Where we make a transfer of your personal information outside of the EEA we will take the required steps to ensure that your personal information is protected. We will only do so to the extent that it is relevant and necessary. The United States and the EEA have in place a framework, known as Privacy Shield, to facilitate compliance with data protection obligations when transferring personal data. Privacy Shield has been assessed by the EU Commission, and deemed to provide adequate protection to personal data. We have put in place written data transfer agreements to protect the personal data.

30. If you would like further information regarding the steps we take to safeguard your personal information, please contact the DPO using the details set out above.

#### **How long do we keep personal information for?**

31. We will only keep your personal information for as long as reasonably necessary to fulfil the relevant purposes set out in this Privacy Notice and in order to comply with our legal and regulatory obligations. Under some circumstances we may anonymise your personal data so that it cannot be used to identify you, and is therefore not personal data. We reserve the right to retain and use such anonymous data for any legitimate business purpose without further notice to you.

32. We will typically retain data for the periods set out below, subject to any exceptional circumstances and/or to comply with particular laws or regulations:

<b>Type of Record</b>	<b>Start of Retention Period</b>	<b>Minimum Retention Period</b>
Current CV	Cessation of Consultant's Practising Privileges.	6 years
Training records- Paediatric safeguarding and resus training	Cessation of Consultant's Practising Privileges.	6 years
DBS certificate	Receipt	6 months
ICO registration	Cessation of Consultant's Practising Privileges.	6 years
Application form	Cessation of Consultant's Practising Privileges.	6 years
Acceptance of Spire handbook	Cessation of Consultant's Practising Privileges.	6 years
Hepatitis B status	Cessation of Consultant's Practising Privileges.	6 years
Occupational health record	Cessation of Consultant's Practising Privileges.	6 years
Annual indemnity certificate	Cessation of Consultant's Practising Privileges.	(at least 3 years)
Annual appraisal	Cessation of Consultant's Practising Privileges.	30 years
Bi-annual review	Cessation of Consultant's Practising Privileges.	30 years
Hospital/ Consultant correspondence	Cessation of Consultant's Practising Privileges.	30 years
Information from external parties (references)	Cessation of Consultant's Practising Privileges.	30 years
Full appraisal (Spire only consultants)	Cessation of Consultant's Practising Privileges.	30 years
Photographic identification	Cessation of Consultant's Practising Privileges.	6 years
GMC licence and revalidation	Cessation of Consultant's Practising Privileges.	6 years
NHS CCSD Indemnity 'Panel' terms signature sheet	Cessation of Consultant's Practising Privileges.	6 years

33. If you would like further information regarding the periods for which your personal information will be stored, please contact the DPO for further details.

### **Your rights**

34. Under data protection law you have certain rights in relation to the personal information that we hold about you. You may exercise these rights at any time by contacting us using the details set out above.

### **Your rights include:**

#### ***The right to access your personal information***



35. You are usually entitled to a copy of the personal information we hold about you and details about how we use it.
36. Your information will usually be provided to you in writing, unless otherwise requested. If you have made the request electronically (eg by email) the information will be provided to you by electronic means where possible.
37. Please note that in some cases we may not be able to fully comply with your request, for example if your request involves the personal data of another person and it would not be fair to that person to provide it to you. Such requests have to be considered on a case-by-case basis.

#### ***The right to rectification***

38. We take reasonable steps to ensure that the information we hold about you is accurate and complete. However, if you do not believe this is the case, you can ask us to update or amend it.

#### ***The right to erasure (also known as the right to be forgotten)***

39. In some circumstances, you have the right to request that we delete the personal information we hold about you. However, there are exceptions to this right and in certain circumstances we can refuse to delete the information in question. In particular, for example, we do not have to comply with your request if it is necessary to keep your information in order to perform tasks which are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims or information that we need to maintain you practising privileges with us.

#### ***The right to restriction of processing***

40. In some circumstances, we must "pause" our use of your personal data if you ask us to. We do not have to comply with all requests to restrict our use of your personal information. In particular, for example, we do not have to comply with your request if it is necessary to keep your information in order to perform tasks which are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims or information that we need to maintain you practising privileges with us.

#### ***The right to data portability***

41. In some circumstances, we must transfer personal information that you have provided to us to you or (if this is technically feasible) another individual/ organisation of your choice. The information must be transferred in an electronic format.

***The right not to be subject to automatic decisions (ie decisions that are made about you by computer alone)***

42. You will not be subject to decisions based solely on automated data processing without your prior consent.

***The right to complain to the Information Commissioner's Office***

43. You can complain to the Information Commissioner's Office (ICO) if you are unhappy with the way that we have dealt with a request from you to exercise any of these rights, or if you think we have not complied with our legal obligations.

44. More information can be found on the Information Commissioner's Office website:  
<https://ico.org.uk/>

45. Making a complaint will not affect any other legal rights or remedies that you have.

**Your duty to inform us of any changes**

46. It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

**Updates to this Privacy Notice**

47. We may update this Privacy Notice from time to time to ensure that it remains accurate. In the event that these changes result in any material difference to the manner in which we process your personal data then we will provide you with an updated copy of the Privacy Notice.

48. This Privacy Notice was last updated on: 16 May 2018.