

## MP Locums Privacy Policy

<b>Company Name:</b>	MP Locums Healthcare Ltd (T/A MP Locums)
<b>Company Contact details:</b>	Linda Russell, Compliance Manager. <a href="mailto:Linda.russell@mplocums.com">Linda.russell@mplocums.com</a>
<b>Document</b>	Privacy Policy (when personal data is obtained directly from the data subject)
<b>Topic:</b>	Data protection
<b>Date:</b>	March 2018
<b>Version:</b>	Version 1

MP Locums is a recruitment business which provides work-finding services to its clients and work-seekers. MP Locums must process personal data (including sensitive personal data) so that it can provide these services – in doing so, MP Locums acts as a data controller.

You may give your personal details to MP Locums directly, such as on an application or registration form or via our website. MP Locums must have a legal basis for processing your personal data. For the purposes of providing you with work-finding services and/or information relating to roles relevant to you we will only use your personal data in accordance with the terms of the following statement.

### 1. Collection and use of personal data

#### a. Purpose of processing and legal basis

MP Locums will collect your personal data (which may include sensitive personal data) and will process your personal data for the purposes of providing you with work-finding services. This includes for example, contacting you about job opportunities, assessing your suitability for those opportunities, updating our databases, putting you forward for job opportunities, arranging payments to you and developing and managing our services and relationship with you and our clients.

In some cases we may be required to use your data for the purpose of investigating, reporting and detecting crime and also to comply with laws that apply to us. We may also use your information during the course of internal audits to demonstrate our compliance with certain industry standards.

The legal bases we rely upon to offer these services to you are:

- Your consent
- Where we have a legitimate interest
- To comply with a legal obligation that we have
- To fulfil a contractual obligation that we have with you

## **b. Legitimate interest**

This is where MP Locums has a legitimate reason to process your data provided it is reasonable and does not go against what you would reasonably expect from us. Where MP Locums has relied on a legitimate interest to process your personal data our legitimate interests are as follows:

- Managing our database and keeping work-seeker records up to date;
- Contacting you to seek your consent where we need it;
- Providing work-finding services to you, including sending your information to our clients where you have demonstrated an interest in doing that particular type of work; and
- Contacting you with information about similar types of work that you have used from us recently.

## **c. Recipients of data**

MP Locums will process your personal data and/or sensitive personal data with the following recipients:

- Clients that we introduce or supply individuals to. This includes but is not limited to: NHS Clients; GP Practices; and NHS Out of Hours;
- Candidates' former or prospective new employers that we obtain or provide references to.
- If you have a prescribed connection to MP Locums: MEDSU;
- Any NHS or other third parties who carry out audits to ensure that we run our business correctly;
- Payroll service providers who manage your payroll on our behalf;
- Any umbrella companies that you are registered with in order to process your payroll;
- Any Occupational Health Supplier we require to use to provide Occupational Health Clearance for EPP/NON EPP Fitness to Work Certificate & Online Mandatory Training;
- Other recruitment agencies in the supply chain (e.g. master/neutral vendors and second tier suppliers);
- Any public information sources and third-party organisations that we may use to carry out suitability checks on work-seekers e.g. Companies House, the Disclosure and Barring Service (DBS), National College for Teaching and Leadership (NCTL), Nursing and Midwifery Council (NMC), General Medical Council (GMC), DVLA.
- Government, law enforcement agencies and other regulators e.g the Police, Home Office, HMRC, Employment Agencies Standards Inspectorate (EASI), Local Authority Designated Officers (LADOs),

## **d. Statutory/contractual requirement**

Your personal data is required by law and is a contractual requirement necessary to fulfil our obligations to the NHS Framework requirements.

## **2. Data retention**

MP Locums will retain your personal data only for as long as is necessary for the purpose we collect it. Different laws may also require us to keep different data for different periods of time.

The Conduct of Employment Agencies and Employment Businesses Regulations 2003, require us to keep work-seeker records for at least one year after the date on which we last provide you with work-finding services.

We must also keep your payroll records, holiday pay, sick pay and pensions auto-enrolment records for as long as is legally required by HMRC and associated national minimum wage, social security and tax legislation.

Where MP Locums has obtained your consent to process your personal and sensitive personal data (PVG/DBS record), we will do so in line with our retention policy (see Appendix A).

Upon expiry of that period MP Locums will seek further consent from you. Where consent is not granted MP Locums will cease to process your personal data and sensitive personal data.

### 3. Your rights

Please be aware that you have the following data protection rights:

- The right to be informed about the personal data MP Locums processes on you;
- The right of access to the personal data MP Locums processes on you;
- The right to rectification of your personal data;
- The right to erasure of your personal data in certain circumstances;
- The right to restrict processing of your personal data;
- The right to data portability in certain circumstances;
- The right to object to the processing of your personal data that was based on a public or legitimate interest;
- The right not to be subjected to automated decision making and profiling; and
- The right to withdraw consent at any time.

Where you have consented to MP Locums processing your personal data and sensitive personal data you have the right to withdraw that consent at any time by contacting Linda Russel or Claire Douglas on 01324 710500.

There may be circumstances where MP Locums will still need to process your data for legal or official reasons. We will inform you if this is the case. Where this is the case, we will restrict the data to only what is necessary for the purpose of meeting those specific reasons.

If you believe that any of your data that MP Locums processes is incorrect or incomplete, please contact us using the details above and we will take reasonable steps to check its accuracy and correct it where necessary.

**You can also contact us using the above details if you want us to restrict the type or amount of data we process for you, access your personal data or exercise any of the other rights listed above.**

### 4. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out in it please contact:

Linda Russell or Claire Douglas on 01324 710500.

You also have the right to raise concerns with Information Commissioner's Office on 0303 123 1113 or at <https://ico.org.uk/concerns/>, or any other relevant supervisory authority should your personal data be processed outside of the UK, if you believe that your data protection rights have not been adhered to.

<b>Document type</b>	<b>How long to keep for (and source of requirement)</b>
<b>Personnel records</b>	
<ul style="list-style-type: none"> <li>• Work-seeker records including application form/CV, ID checks, terms of engagement (see also below), details of assignments, opt-out notices and interview notes</li> <li>• Hirer records including client details, terms of business (see below), assignment/vacancy details.</li> </ul>	1 year from the last date of providing work-finding services as an Employment Agency or Employment Business (Conduct of Employment Agencies and Employment Businesses Regulations 2003 (Conduct Regulations))
Terms of engagement with temporary worker and terms of business with clients	6 years in order to deal with any civil action in the form of contractual claim (Limitation Act 1980) (5 years in Scotland).
Working time records: <ul style="list-style-type: none"> <li>• 48 hour opt out notice</li> <li>• Annual leave records</li> </ul>	2 years from the time they were created
References	1 Year following the introduction or supply of a work-seeker to a client.
Records held relating to right to work in the UK	2 years after employment or engagement has ended – must not
Criminal records checks/ Disclosure Barring checks	As a registered body we will 'handle all information provided to them by DBS, as a consequence of applying for a DBS product, in line with the obligations under Data protection Act

<p>National Minimum Wage documentation:</p> <ul style="list-style-type: none"> <li>• Total pay by the worker and the hours worked by the worker</li> <li>• Overtime/shift premia;</li> <li>• Any deduction or payment of accommodation;</li> <li>• Any absences eg rest breaks, sick leave, holiday;</li> <li>• Any travel or training during working hours and its length;</li> <li>• Total number of hours in a pay reference period</li> </ul>	<p>For HMRC purposes: 3 years after the end of the pay reference period following the one that the records cover (National Minimum Wage Act 1998)</p> <p>Or 6 years (5 in Scotland) in order to show that you have paid at least national minimum wage rates if a breach of contract claim is brought against you.</p>
<p>Statutory maternity, paternity, adoption pay</p>	<p>3 years from the end of the tax year to which it relates</p>
<p>Pensions auto-enrolment (including auto-enrolment date, joining date, opt in and opt out notices, contributions paid)</p>	<p>6 years except for opt out notices which should be kept for 4 years.</p>
<p>Gender pay gap reporting</p>	<p>1 year (but the statement must be kept on the Government website and organisation's own website for 3</p>
<p><b>Company financial records</b></p>	
<ul style="list-style-type: none"> <li>• Payroll information</li> <li>• CIS records</li> </ul>	<p>3 years from the end of the tax year</p>
	<p>3 years from the end of the tax year</p>
<p>ITEPA (the intermediaries legislation) records</p>	<p>Report due every quarter, to be kept for no less than 3 years after the end of the tax year to which they relate.</p>

## **Annex A**

### **a) The lawfulness of *processing* conditions for *personal data* are:**

1. *Consent* of the individual for one or more specific purposes.
2. *Processing* is necessary for the performance of a contract with the individual or in order to take steps at the request of the individual to enter into a contract.
3. *Processing* is necessary for compliance with a legal obligation that the controller is subject to.
4. *Processing* is necessary to protect the vital interests of the individual or another person.
5. *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 *data controller*.
6. *Processing* is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of the individual which require protection of *personal data*, in particular where the individual is a child.

### **b) The lawfulness of *processing* conditions for *sensitive personal data* are:**

1. Explicit *consent* of the individual for one or more specified purposes, unless reliance on *consent* is prohibited by EU or Member State law.
2. *Processing* is necessary for carrying out data controller's obligations under employment, social security or social protection law, or a collective agreement, providing for appropriate safeguards for the fundamental rights and interests of the individual.
3. *Processing* is necessary to protect the vital interests of the individual or another individual where the individual is physically or legally incapable of giving *consent*.
4. In the course of its legitimate activities, *processing* is carried out with appropriate safeguards by a foundation, association or any other not-for-profit body, with a political, philosophical, religious or trade union aim and on condition that the *processing* relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without the *consent* of the individual.
5. *Processing* relates to *personal data* which are manifestly made public by the individual.
6. *Processing* is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
7. *Processing* is necessary for reasons of substantial public interest on the basis of EU or Member State law which shall be proportionate to the aim pursued, respects the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the individual.
8. *Processing* is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of EU or Member State law or a contract with a health professional and subject to the necessary conditions and safeguards.
9. *Processing* is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare and of medicinal products or medical devices, on the basis of EU or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the individual, in particular professional secrecy.
10. *Processing* is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard fundamental rights and interests of the individual.