

Privacy notice – NMC Council members, partner members and associates

How we use your information

1. The Nursing and Midwifery Council (NMC) collects and processes your personal information if you are appointed as a Council member, partner member or associate.
2. A partner member is a person who is not a member of the Council and is appointed to a discretionary committee of the Council in accordance with the Standing Orders. An associate is a person appointed by the Council to an Associate role under the scheme set up by the Council under paragraph 15(1) of Schedule 1 of the Nursing and Midwifery Order 2001. Partner members and Associates are not trustees of the NMC and do not have voting rights on Council. Unless otherwise specified, information of Council members, partner members and associates is dealt with in the same manner for the purpose of this notice.
3. This privacy notice describes how we will use your information when you become a member of the Council, a partner member or an associate. This document forms part of a number of privacy notices. To find out more about how we handle personal data visit our website at: <https://www.nmc.org.uk/contact-us/data-protection/privacy-notice/>.
4. This privacy notice describes how we use your information.
5. This notice applies to current and former Council members, partner members and associates.

Data Controller

6. The NMC is the data controller of your personal information.

What information do we collect?

7. We collect and process a range of information about you. This includes:
 - 7.1. your photograph, name and biographical information;
 - 7.2. any contact details that you provide us which can include phone numbers and your private and professional email and postal addresses;
 - 7.3. your date of birth;
 - 7.4. your gender;
 - 7.5. details of your membership of, or associations with, organisations where a conflict of interest could arise or could be perceived to arise

- 7.6. the names and relationship to you, of your close family members where you have told us that they are people who may be expected to influence, or be influenced by you in relation to any business dealings with the NMC;
- 7.7. the terms of your appointment;
- 7.8. your bank and taxation details, including your national insurance number;
- 7.9. information about your allowances and expenses;
- 7.10. a copy of your passport or other information about your nationality and entitlement to work in the UK;
- 7.11. information you provided to us in your CV and during the appointment process including references, education and career history;
- 7.12. information you provide to us during any reappointment process;
- 7.13. assessments of your performance, including development opportunities and related materials;
- 7.14. information you share with us about medical or health conditions, including dietary requirements, or whether or not you have a disability or health condition for which we need to make reasonable adjustments
- 7.15. information you chose to share with us through equality and diversity monitoring about protected characteristics, such as your sexual orientation, religion or belief and ethnic origin;
- 7.16. CCTV images of you;
- 7.17. records of your activity on IT systems;
- 7.18. registration and / or fitness to practise history, where relevant, if you are a registrant or you have otherwise been asked to contribute to a fitness to practise investigation.
- 7.19. recordings of your voice and conversations where meetings are recorded to aid note-taking or where telephone calls are recorded for training purposes;
- 7.20. a copy of your driving licence and details of any motor vehicle that you own where you intend to use it for NMC business.

How do we collect information about you?

8. We collect information about you in a variety of ways, including:
 - 8.1. information you provide to us through application forms, supporting statements or CVs; your passport or other identity documents;

- 8.2. from forms or surveys completed by you during the selection process or during your term(s) of appointment (such as declarations of interests and annual self-assessments);
- 8.3. from correspondence with you or through interviews and meetings;
- 8.4. information from third parties, including those who may have provided references or search consultants;
- 8.5. Declarations by you of:
 - 8.5.1. any matter in your personal or professional history which could cause embarrassment to the NMC or Privy Council or undermine confidence in the Privy Council, NMC or professional regulation;
 - 8.5.2. your eligibility for appointment or reappointment which, in addition to the above, could also include any previous criminal history, bankruptcy and insolvency, fitness to practise findings by another regulator or your inclusion on a disbarring register;
 - 8.5.3. details of your membership of, or associations with, organisations where a conflict of interest could arise or could be perceived to arise
 - 8.5.4. the names and relationship to you, of your close family members where you have told us that they are people who may be expected to influence, or be influenced by you in relation to any business dealings with the NMC.

Other ways we gather information about you

9. Information gathered as part of our due diligence to ensure that there are no matters which would cause embarrassment to the NMC and/or Privy Council or undermine confidence in the Privy Council, NMC or professional regulation such as:
 - 9.1. searches of our fitness to practise and registration records or other information held about you by the NMC if you are a registrant;
 - 9.2. searches of social media and blogs;
 - 9.3. Companies House directorships, shareholdings and disqualifications;
 - 9.4. Charity Commission trustee registers;
 - 9.5. internet search engine results for previous appointments, news articles or other documents in the public domain;
 - 9.6. DBS checks.

Why do we process your personal information?

10. We collect and process your information for the following reasons:
 - 10.1. to confirm your continuing eligibility to hold office as a Council member, partner member or associate;
 - 10.2. as a public body, we are transparent about those who hold office, make decisions or act in an advisory capacity;
 - 10.3. to ensure that there are no matters which would cause embarrassment to the NMC or Privy Council or undermine confidence in the Privy Council, NMC or professional regulation;
 - 10.4. to ensure the Council is effective and able to meet its primary purpose which is the protection of the public;
 - 10.5. to manage the relationship between you and the NMC.
11. For example, we need to process your information to pay any allowance and reimburse expenses to which you are entitled.

How and why we collect health information

12. We do not collect information about your health other than information you choose to give us about any reasonable adjustments you require during the appointment process.
13. We are under a legal obligation to make reasonable adjustments to prevent people with disabilities from being placed at a substantial disadvantage, as well as ensuring they have a fair and equal chance of accessing our services.

How and why we collect caution and conviction information

14. As part of the recruitment process we may process personal data in relation to any previous convictions or cautions you have received. This is to help assess your suitability as a Council member, partner member or associate.

How do we store your information?

15. Your information will be stored in a range of different places, including in your personnel file, in the NMC's HR management systems and in other IT systems (including our email system).

Who has access to your information?

16. The Governance team will hold the information you provide to us and, if we used search consultants during your appointment process, information will have been collected by them and shared with us, or collected by us and shared with them. In addition we may also share your information with internal and external parties where required, and permitted for the NMC to undertake its legitimate business activities, including:

- 16.1. the Privy Council, the Charity Commission, and the Office of the Scottish Charity Regulator;
 - 16.2. the NMC's banks for banking purposes (not applicable to Partner members or associates);
 - 16.3. the appointed Investment Fund Manager for the purposes of managing the NMC's investments. Due to the global nature of these investments, portfolio(s) are governed by both US and European Rules and subject to respective taxation requirements. In order to comply with these rules, information about you may be shared with our Investment Fund Manager (an external third party) so they may comply with the relevant legislation in both the US and Europe (in the US, the Dodd-Frank Act; and in Europe, the European Markets Infrastructure Regulations). The Investment Fund Manager may undertake external verification checks which involves searching, via an external service provider (which may be located outside the EU/EEA), in a number of databases, some of which are held by credit reference agencies and fraud prevention agencies, which may keep a record of your information. This applies to all Council members as trustees of the NMC (not applicable to Partner members or associates);
 - 16.4. internally, including with members of the HR and recruitment team, Finance (including payroll), internal and external auditors, and IT staff but only to the extent that those individuals need access to information about you for the performance of their roles. We may share your contact details with other teams in the NMC or third parties for work-related purposes, for example, if you have agreed to participate in a committee or sub-group or wish for us to add you to a mailing list.
17. We may also share your information as permitted or required by law with external third parties in the following ways:
- 17.1. to obtain pre-appointment references;
 - 17.2. to collect Income Tax and National Insurance Contributions (NICs);
 - 17.3. to carry out a Disclosure and Barring Service (criminal records) check;
 - 17.4. for external audit or National Audit Office certification purposes;
 - 17.5. for media or other external communications activities that you undertake on behalf of the Council. This would only be done after first seeking your agreement to deal with the media.
18. We will publish some of your information on our public website including your:
- 18.1. name and biographical information;
 - 18.2. term of appointment and membership of the Council's discretionary committees (where applicable);
 - 18.3. declared interests;

- 18.4. records of decisions and statements you have made in the form of minutes of Council and / or discretionary committee meetings, where applicable;
 - 18.5. statements you have made as part of, and / or the description of, external communication activities you have undertaken on behalf of the Council.
19. We are required by law to publish and lay before the UK parliament an annual report and accounts which details the activities of the NMC. This report will include some of your information including:
- 19.1. your name;
 - 19.2. your term of appointment and membership of the Council's discretionary committees (where applicable);
 - 19.3. allowances and reimbursements for expenses that you have been paid (applies to Council members and associates only);
 - 19.4. decisions that you have taken and / or statements you have made as a member of the Council and / or its discretionary committees.
20. This report is also publically available on our website and in print.
21. We also share your information with suppliers that process information on our behalf and provide services to us. This includes, but is not limited to, setting up an online profile for you with our travel and accommodation providers, which will include your full name and email address so that travel can be booked in your name and confirmation sent to you.

Our legal bases for processing your information

22. When we collect and process your information in connection with your appointment as a Council member, partner member or associate, we generally do so to perform our public interest functions and to ensure that we are complying with our legal obligations.
23. Our governing legislation states that we must have a Council. The Council is our governing body which sets our strategic direction, takes key decisions and makes sure we fulfil our statutory duty to protect the public. The Council can also create committees and sub-committee to which partner members can be appointed.
24. As a Council member, partner member or associate our legal basis for processing your information is generally that it is necessary to perform our public interest tasks as set out in our legislation.
25. In certain cases we are also legally required to process your personal information. For example, as a Council member or associate we have to carry out ongoing checks to ensure that you remain eligible for office.

26. We are also under a legal obligation to make reasonable adjustments to the way we offer our services to prevent people with disabilities from being placed at a substantial disadvantage and ensure people with disabilities have a fair and equal chance to accessing our services.
27. Our legal basis for processing information about whether or not you require us to make reasonable adjustments during the period of your appointment is that it's necessary to comply with our legal obligations.

How do we protect your information?

28. We take the security of your information seriously. We have internal policies and controls in place to keep your information secure. Our information security policy and data protection policies are viewable on our website at:
<https://www.nmc.org.uk/contact-us/data-protection/privacy-notice/>.

How long does the NMC keep your information?

29. We will only keep your information for as long as we need it for. We will keep all the information we have about you for the duration of your appointment. We keep some information about you for a period of time after your appointment has ended. Retention periods can vary depending on why we need your information and they are set out in the corporate retention schedule on our website
<https://www.nmc.org.uk/contact-us/data-protection/privacy-notice/#retention-schedule>.
30. If in the future we intend to process your personal information for any other purpose, we will provide you with that purpose and any other relevant information.

International transfers of information

31. We will only transfer your personal information outside the United Kingdom where we use a supplier to process personal information on our behalf and the supplier operates outside the UK.
32. We have policies and procedures in place to ensure that where your information is processed outside the UK it is adequately protected.

Use of Closed Circuit Television (CCTV) at our sites

33. CCTV is in operation at our sites at:
 - 33.1. 23 Portland Place, London
 - 33.2. 1 Westfield Avenue, London
 - 33.3. 2 Stratford Place, London
 - 33.4. 114-116 George Street, Edinburgh.

34. Where we are not the sole occupier of the building (all offices other than 23 Portland Place) there is additional CCTV, which the building owners or management company control.
35. We record CCTV images of people when entering and leaving our premises as well as at strategic locations throughout the buildings. This is for the purposes of security and safety monitoring and the investigation of alleged criminal offences. We may share our CCTV images with law enforcement and courts if necessary.
36. Our legal basis for recording CCTV is that we have a legitimate interest in maintaining the security and safety of our organisational buildings.
37. For more information about how we use CCTV, you can ask to see the CCTV policy.

Your personal information on our IT systems

38. We necessarily have to use IT systems to process your personal information. In addition, our IT systems create information about you by, for example, sending emails to and from our corporate IT network. If you send emails containing personal information, this may result in the processing of information about your private, as well as it being and stored by our IT systems. For further details about how your personal information is stored, processed, accessed, monitored or deleted from our IT systems, you can ask to see the ICT user policy.

What if you do not provide personal data?

39. You have some obligations as part of your appointment to provide us with your information.
40. Certain information, such as contact details, your right to work in the UK and payment details, are necessary to enable the NMC to set you up on our payroll system. Failure to provide this information may affect your appointment.

Your rights

Right to be informed

41. Generally, you have the right to know about how and why we collect and use your information. This privacy notice forms part of our work to inform you about the information we hold about you and how we use it.
42. You can request further information or clarification on our use of your information from the Secretary to the Council.

Right of access

43. You have the right to request a copy of information we hold about you.
44. There are circumstances where we will hold information about you but will not be able to provide it in response to a request. For example, an exemption may apply if we were compelled by law not to disclose information about you or if doing so

would interfere with the rights of another person (for example the names of other people on the same records). In such circumstances we would tell you that this is the case (unless compelled by law not to do so). We would also not supply information about a person if we have not been given enough details to identify them from that information.

45. You can request a copy of the information we hold about you from the Secretary to the Council.

Right to rectification

46. You have the right to ask us to rectify any information we hold if it is incorrect.
47. Where proportionate and practical we will ensure that any organisation we have shared the information with also corrects it. We ask you to provide us with up to date information if your details change.
48. If you have a request relating to this right, please contact the Secretary to the Council.

Right to erasure

49. In some circumstances you may have the right to ask us to remove information we hold about you.
50. There are limitations to this right. It does not arise where we are compelled by law to keep it or where it is integral to our activities as a regulator.
51. If you have a request relating to this right, please contact the Secretary to the Council.

Right to restrict processing

52. You have the right to ask us to restrict the processing of your information for specific purposes for specific periods of time.
53. In many instances the right to restrict the processing of your information does not arise, for example, where we process your information because of a legal obligation.
54. To make a request to restrict processing please contact the Secretary to the Council.

Right to data portability

55. You have the right to request your information in a machine readable format, using common standards or file types. This right only applies where you have provided the information to us yourself and we are processing the information based on your consent, or to fulfil a contract and when the processing is carried out by automated means.
56. To make a request, please contact the Secretary to the Council.

Right to object

57. You have the right to object to us processing your information.
58. There are a number of exemptions to this right. If we are not able to comply with your request we will advise you of our decision within one month of your request setting out the reasons.
59. You can tell us of your objection by contacting the Secretary to the Council.

Rights related to automated decision making including profiling

60. We do not currently use automated decision making as part of our Council member, partner member or associate recruitment process.

Consent

61. If you have consented to the processing of your data you have the right to withdraw that consent at any time. To withdraw your consent please contact the Secretary to the Council.
62. As outlined in this privacy notice, in most instances the legal basis on which we process your data for appointment purposes is a legal basis other than consent.

Data Protection Officer

63. You can contact our Data Protection Officer by emailing DPO@nmc-uk.org.

Your right to complain to the Information Commissioner's Office (ICO)

64. In addition to raising a complaint with us, you have a right to complain to the Information Commissioner's Office (ICO). The contact details for the ICO can be found at <https://ico.org.uk/>

If more than one data controller processes your data

65. The NMC is the data controller in relation to your personal information. If a party also obtains your information through their relationship with the NMC, as detailed above, that party will also be a data controller in relation to your information. To exercise your data protection rights, for example to obtain a copy of information which is held about you, you will need to contact the third party as well as making a request to the Secretary to the Council or if you prefer: foi&dparequest@nmc-uk.org.

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