

# Privacy notice – Applying to become an NMC panel member or legal assessor

## How we use your information

The Nursing and Midwifery Council (NMC) collects and processes your personal information if you apply to become a panel member or legal assessor.

Unless otherwise specified, information of panel members and legal assessors is dealt with in the same manner for the purposes of this notice.

This privacy notice describes how we'll use your information during your application process. This document forms part of a number of privacy notices. To find out more about how we handle personal data visit our website at: [www.nmc.org.uk/contact-us/data-protection/privacy-notice/](http://www.nmc.org.uk/contact-us/data-protection/privacy-notice/).

If your application is successful, we'll provide you with a further privacy notice once appointed, which will explain how we use your information when you become a panel member or legal assessor.

## Data Controller

The NMC is the data controller regarding your personal information.

## What information do we collect when you apply for appointment?

### Panel Members

We collect information about you in a variety of ways, including:

- information you provide to us through application forms, supporting statements or CVs; your passport or other identity documents;
- from forms or surveys you completed during the selection process or during your term(s) of appointment (such as declarations of interests and annual self-assessments);
- from correspondence with you or through interviews and meetings;
- information from third parties, including those who may have provided references or search consultants;
- Your declarations of:
  - your eligibility for appointment or reappointment which, in addition to the above, could include any previous criminal history, bankruptcy and insolvency, fitness to practise findings by another regulator or your inclusion on a disbarring register;
  - details of your membership of, or associations with, organisations where a conflict of interest could arise or be perceived to arise

- the names and relationship to you of your close family members, where you've told us they may influence you, or be influenced by you, regarding any business dealings with the NMC.
- searches of our fitness to practise and registration records or other information held about you by the NMC if you're on our register;
- searches of social media and blogs;
- Companies House directorships, shareholdings and disqualifications;
- Charity Commission trustee registers;
- internet search engine results for previous appointments, news articles or other documents in the public domain;
- personal information that you choose to provide us through an anonymous equality, diversity and inclusion survey including your ethnicity, gender, sexual orientation, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief.

## **Legal Assessors**

We collect information about you in a variety of ways, including:

- information you provide to us through application forms, supporting statements or CVs; your passport or other identity documents;
- from forms or surveys you completed during the selection process or during your term(s) of appointment (such as declarations of interests and annual self-assessments);
- from correspondence with you or through interviews and meetings;
- information from third parties, including those who may have provided references or search consultants.

## **How do we collect information about you?**

We collect information about you in a variety of ways, including from:

- what you tell us as part of the application process;
- search consultants;
- application forms, CVs and other supporting statements you provide us;
- your passport or other identity documents;
- interviews or other forms of assessment;
- third parties, such as referees you nominated.

## **Why do we process your personal information?**

We collect and process your information for the following reasons:

- to confirm your eligibility to hold office as a panel member or legal assessor;
- as a public body, we're transparent about those who hold office, make decisions or act in an advisory capacity;
- to ensure there are no matters which would undermine trust and confidence in the NMC or professional regulation.

## **How and why we collect health information**

We don't collect information about your health during the application process other than information you choose to give us about any reasonable adjustments you require.

We're 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**

As part of the appointment process we may process personal data in relation to any previous convictions or cautions you've received. This is to help assess your suitability as a panel member or legal assessor.

## **Who has access to your information?**

The Panel Member Support team will hold the information you give us. We may also share your information with internal and external parties including:

- the Appointments Board, which is provided with your identifying personal information such as your name, and your assessment scores for the purposes of recommending your appointment to the Council;
- members of the selection panel, which could include external parties;
- internally, including our Finance department and IT staff but only to the extent that those individuals need access to information about you for the performance of their roles;
- to obtain pre-appointment references;
- to undertake due diligence searches such as a Disclosure and Barring Service (criminal records) check and disqualification from being appointed as a director of a company with Companies House.

## **Our legal basis for processing your information**

Our legal basis for processing your information is generally that it's necessary to perform our public interest tasks as set out in our legislation.

We need to appoint panel members and legal assessors in order to perform our public interest functions and/or to exercise our official authority.

We also process your personal data because it's necessary for the performance of our contract with you or to take steps to enter into a contract with you.

We're under a legal obligation to make reasonable adjustments to the way we offer our services. This prevents people with disabilities from being placed at a substantial disadvantage and ensures they have a fair and equal chance to access our services. We collect and process information about disabilities in order to make reasonable adjustments if required.

## **How do we protect your information?**

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 is available on our website at: <https://www.nmc.org.uk/contact-us/data-protection/privacy-notice/>.

## **How long do we keep your information?**

We only keep your information for as long as we need it for and this will depend on whether your application results in your appointment. Retention periods can vary depending on why we need your information and they're set out in the corporate retention schedule.

Our corporate retention schedule is available on our website at [www.nmc.org.uk/contact-us/data-protection/privacy-notice/#retention-schedule](http://www.nmc.org.uk/contact-us/data-protection/privacy-notice/#retention-schedule).

If your application is successful, we'll keep your information. We'll also give you a further privacy notice explaining how we'll use your information while you're appointed and after your appointment ends.

If in the future we intend to process your personal data for a different reason than it was collected, we'll tell you why and give you any other relevant information.

## **International transfers of data**

We'll only transfer your personal information outside the UK if we use a supplier operating outside the UK to process personal information on our behalf.

We have policies and procedures to ensure that your information is adequately protected if it's processed outside the UK.

## **Use of Closed Circuit Television (CCTV) at our sites**

CCTV is in operation at our sites at:

- 23 Portland Place, London
- 1 Westfield Avenue, London
- 2 Stratford Place, London
- 114-116 George Street, Edinburgh.

Where we're not the sole occupier of the building (all offices other than 23 Portland Place) there's additional CCTV, which the building owners or management company control.

We record CCTV images of people when entering and leaving our premises as well as at strategic locations throughout the buildings. This is for security, safety monitoring and investigating any alleged criminal offences. We may share our CCTV images with law enforcement and courts if needed.

Our legal basis for recording CCTV is that we use our premises to perform our regulatory functions. We consider that ensuring the security and safety of our premises is necessary for to perform a task carried out in the public interest and/or in our official authority as a regulator.

We also have a legitimate interest in maintaining the security and safety of our organisational buildings.

For more information about how we use CCTV, you can ask to see the CCTV policy.

## **Your personal data on our IT systems**

We have to use IT systems to process your personal data. Our IT systems also create data about you, for example by recording websites you visit and emails you send from our corporate IT network. If you use our IT systems for personal use, it may result in data about your private life being processed and stored by our IT systems. For more information about how your personal data is stored, processed, accessed, monitored or deleted from our IT systems, please refer to our ICT user policy.

## **What if you don't provide personal data?**

We need certain information, such as contact details, to enter into a contract with you. If you don't provide this information we won't be able to enter into a contract with you.

## Your rights

### Right to be informed

You have the right to know 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.

You can request further information or clarification on our use of your information at any time by emailing us at [foi&dprequest@nmc-uk.org](mailto:foi&dprequest@nmc-uk.org).

### Right of access

You have the right to request a copy of the information we hold about you.

In most cases the information will be provided free of charge. We can only apply a charge if the request is manifestly unreasonable, excessive or a repeated request for the same information. In such cases we'd apply a charge based on the costs of providing the information.

There are circumstances where we'll hold information but won't be able to provide it on request. In such circumstances we'd tell you that this is the case (unless compelled by law not to do so). We also wouldn't supply information about a person if we haven't been given enough details to identify them from that information.

You can request a copy of the information we hold about you by emailing [foi&dprequest@nmc-uk.org](mailto:foi&dprequest@nmc-uk.org).

### Right to rectification

You have the right to ask us to correct any incorrect information.

Where proportionate and practical we'll ensure that any organisation we've shared the information with also corrects it.

You can make your request by emailing [foi&dprequest@nmc-uk.org](mailto:foi&dprequest@nmc-uk.org).

### Right to erasure

In some circumstances you may have the right to ask us to remove information we hold about you.

There are limitations to this right, for example if we're compelled by law to keep information about you or it's integral to our activities as a regulator.

To make your request email us at [foi&dprequest@nmc-uk.org](mailto:foi&dprequest@nmc-uk.org).

### Right to restrict processing

You have the right to ask us to restrict the processing of your information for specific purposes for specific periods of time.

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.

To make a request to restrict processing contact [foi&dparequest@nmc-uk.org](mailto:foi&dparequest@nmc-uk.org).

### **Right to data portability**

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've given us the information, we're processing the information based on your consent or to fulfil a contract, and the processing is carried out automatically.

To make a request email [foi&dparequest@nmc-uk.org](mailto:foi&dparequest@nmc-uk.org).

### **Right to object**

You have the right to object to us processing your information. This includes the right to object to direct marketing and the right to object to your information being used for research.

There are some exemptions to this right. If we're unable to comply with your request we'll advise you of our decision within one month of your request, setting out the reasons.

You can object by contacting [foi&dparequest@nmc-uk.org](mailto:foi&dparequest@nmc-uk.org).

### **Rights related to automated decision making including profiling**

You have the right to request human intervention in any automated decision making processes where this process is not based on your consent, authorised by law or necessary for the performance of a contract.

Automated decision making is where a decision about you is taken using an electronic system without human involvement. We don't use automated decision making anyone applying to become a panel member or legal assessor.

If you have an enquiry about our use of automated decision making, contact [foi&dparequest@nmc-uk.org](mailto:foi&dparequest@nmc-uk.org).

### **Consent**

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, contact [foi&dparequest@nmc-uk.org](mailto:foi&dparequest@nmc-uk.org).

As outlined in this privacy notice, in most instances we process your data for employment purposes on a legal basis other than consent.

### **Data Protection Officer**

Our Data Protection Officer can be contacted by emailing [DPO@nmc-uk.org](mailto:DPO@nmc-uk.org).

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

You have a right to complain to the Information Commissioner's Office (ICO). The contact details for the ICO are available at [ico.org.uk/](https://ico.org.uk/).

## **If more than one data controller processes your data**

The NMC is the data controller regarding your personal information. If a recruitment agency or online recruitment site introduced you to the NMC before you applied to us, that agency or recruitment site will also be a data controller regarding your data. To exercise your data protection rights you may need to contact the agency or recruitment website, which is also a data controller regarding your personal data. For example to obtain a copy of information which is held about you, you'll need to contact the agency as well as making a request to us at [foi&dprequest@nmc-uk.org](mailto:foi&dprequest@nmc-uk.org).

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