

Privacy notice for panel members and legal assessors

How we use your information

The Nursing and Midwifery Council (NMC) collects and processes your personal information if you're appointed as 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 when you become a panel member or legal assessor. 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/.

This privacy notice describes the information we collect and how we use your information.

Data Controller

The NMC is the data controller regarding your personal information.

What information do we collect?

We collect and process a range of information about you. This includes:

- your photograph, name and biographical information
- any contact details you give us, which can include phone numbers and your private and professional email and postal addresses
- your date of birth
- your gender
- details of your membership of, or associations with, organisations where a conflict of interest could arise or could be perceived to arise
- the terms of your appointment
- hearings and other fitness to practise events in which you've taken part and decisions you've made
- your bank and taxation details, including your national insurance number
- information about your allowances and expenses
- a copy of your passport or other information about your nationality and entitlement to work in the UK
- information you gave us in your CV and during the appointment process including references, education and career history

- information you give us during any reappointment process
- assessments of your performance, including development opportunities and related materials
- information you share with us about medical or health conditions, including dietary requirements, or whether you have a disability or health condition for which we need to make reasonable adjustments
- 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
- CCTV images of you
- records of your activity on IT systems
- where relevant, registration and / or fitness to practise history if you're on our register or have otherwise been asked to contribute to a fitness to practise investigation
- recordings of your voice and conversations where meetings are recorded or where telephone calls are recorded for training purposes
- a copy of your driving licence and details of any car you own and intend to use for NMC business.

How do we collect information about you?

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

- you, for example during hearings
- search consultants
- application forms, CVs and other supporting statements you provide to us
- your passport or other identity documents
- interviews or other forms of assessment
- from forms or surveys completed during the selection process or during your term(s) of appointment (such as declarations of interests)
- from correspondence with you
- third parties, such as referees nominated by you
- Your declarations of:
 - any matter in your personal or professional history which could cause embarrassment to the NMC or undermine confidence in the NMC or professional regulation

- 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
- details of your membership of, or associations with, organisations where a conflict of interest could arise or could be perceived to arise

Why do we process your personal information?

We collect and process your information for the following reasons:

- to manage the contractual relationship between you and the NMC
- to confirm your continuing 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
- to pay any allowance and reimburse expenses to which you are entitled
- to run and maintain a system of fitness to practise events and publish decisions.
- to manage the relationship between you and the NMC

How and why we collect health information

We don't collect information about your health other than information you choose to give us about any reasonable adjustments you require while working for us.

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

If you're appointed as a panel member, you're required to notify us if you're cautioned or convicted of an offence. This is to satisfy us that you haven't breached your Code of Conduct or otherwise been disqualified from being a member of the practice committees. If we're aware you've received a caution or conviction we'll use this information to start an investigation to determine if you are still eligible to be appointed as a legal assessor.

If you're appointed as a legal assessor you're required to ensure that you remain eligible to practise the law in the UK and maintain one of the qualifications listed under Article 34(5) of the Nursing and Midwifery Order 2001. You must notify us if your circumstances change. You're also required to notify us if you're cautioned or convicted of an offence. If you notify us of a conviction or caution we'll use this information to start an investigation to determine if you remain eligible to be appointed as a legal assessor.

How do we store your information?

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

Who has access to your information?

The Panel Member Support team will hold the information you give 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:

- the Appointments Board, which is provided with your identifying personal information and assessment forms and scores for the purposes of appointment. Your performance monitoring information for the purposes of suspension, termination, reappointment or practice committee transfers.
- the Council is provided with your identifying personal information for the purposes of appointments, reappointments and practice committee transfers.
- our Finance department
- IT staff to the extent that those individuals need access to information about you for the performance of their roles
- transcription companies who produce transcripts of hearings
- hearing parties such as nurses, midwives or nursing associates subject to Fitness to Practise proceedings where disclosure is required to ensure we comply with our overarching legal obligation to ensure the fairness of NMC proceedings.

legal advisors in the event of a complaint or legal claim

We publish some of your information on our public website including:

- your personal data, such as your name, is included in Open Council meeting papers related to your appointment, reappointment or practice committee transfers.

- declared interests, which are published on a public register of panel member interests on the NMCs website (with the exception of: political party membership, and part-ownership of a business where the business is not one that has a contractual arrangement with contracts relating to the NMC).
- your personal data, such as your name, is included in the written determinations that record the decisions you make on fitness to practise events. These determinations are publically available and published on our website.

Our legal basis for processing your information

When we collect and process your information in connection with your appointment as a panel member or legal assessor, we do so to perform our public interest function and to ensure that we are complying with our legal obligations as set out in our legislation.

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

As a panel member or legal assessor 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.

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 applicants may have in order to make reasonable adjustments if required.

Where we collect and process your emergency contact details, we do so under the legal basis that it's in both of our legitimate interests, as we may need to contact your next of kin in an emergency.

How do we protect your information?

We take the security of your data seriously. We have internal policies and controls in place to keep your data secure. You can view our information security policy and data protection policies on our website at: www.nmc.org.uk/contact-us/data-protection/privacy-notice/.

How long do we keep your information?

We only keep your data for as long as we need it. 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.

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

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.

Keeping your information up to date

It's your responsibility to update us when your contact or personal details change.

International transfers of data

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

We have policies and procedures to ensure that your data 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 is controlled by the building owners or management company.

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?

You have some obligations as part of your appointment to provide us with your information.

We need certain information, such as contact details, your right to work in the UK and payment details, to set you up on our payroll system. Failure to provide this information may affect your appointment.

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.

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.

Right to rectification

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

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.

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.

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 doesn't 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.

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 when processing is carried out automatically.

To make a request email 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.

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 for panel members or legal assessors.

If you have an enquiry about our use of automated decision making, contact foi&dparequest@nmc-uk.org.

Consent

If you've 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.

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.

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/.

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 in relation to 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.

Updated Date: 15 October 2021