

## **Privacy notice – Applying to become an NMC Council or partner member**

### **How we use your information**

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

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.

This privacy notice describes how we will use your information if you apply to become a member of the Council or a partner member. This document forms part of a number of privacy notices. To find out more about our how we handle personal data visit our website at: <https://www.nmc.org.uk/contact-us/data-protection/privacy-notice/>. This privacy notice describes the information we collect and how we use your information.

If your application is successful, we will provide you with a further privacy notice once appointed, which will explain how we use your information when you are a member of the Council or a partner member.

### **Data Controller**

The NMC is the data controller in relation to your personal information.

### **What information do we collect when you apply to work for us?**

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

- your name and biographical information including photographs;
- any contact details that you provide us which can include phone numbers and your private and professional email and postal addresses;
- a copy of your passport or other information about your nationality and entitlement to work in the UK;
- information you provided to us in your CV and during the appointment process including references, education and career history;
- information you share with us about medical or health conditions, including whether or not you have a disability or health condition for which we may need to make reasonable adjustments;
- information you chose to share with us through equality and diversity monitoring about protected characteristics, such as your gender, sexual orientation, religion or belief and ethnic origin;
- CCTV images of you;

- Declarations by you of:
  - 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;
  - your eligibility to be appointed 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;
  - any associations or matters in which you have a financial interest or where a conflict of interest or the appearance of such a conflict could arise, including membership of, or associations with, organisations.

### **What information do we collect if you are successful?**

If you reach a certain point in an appointment process, we will gather information as part of our due diligence 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, such as:

- searches of our fitness to practise and registration records or other information held about you by the NMC if you are a registrant;
- 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;
- DBS checks.

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

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

- search consultants;
- application forms, CVs and other supporting statements you provide us;
- your passport or other identity documents;
- interviews or other forms of assessment;
- internet search engine results;
- third parties, such as referees nominated by you.

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

We need to process your information in order to assess your application to become a Council or partner member and to ensure a fair and lawful recruitment process.

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

We do not collect information about your health during the application process other than information you choose to give us about any reasonable adjustments you require during the appointment process.

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**

As part of the recruitment 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 or partner member.

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

The information you provide us will be held by the Governance team and, if we are using search consultants to help us with the recruitment, information will be 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 the recruitment process, including:

- members of the selection panel, which could include external parties;
- the Privy Council (for Council member appointments);
- internally, including with members of the HR and recruitment team 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 also share your contact details with other teams in the NMC or third parties for work-related purposes, for example, if you, as part of the application process, have requested to meet with the Chief Executive and Registrar, we would share some of your information with the private office staff to arrange this.

We may also share your information as permitted or required by law with external third parties in the following ways:

- 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.

If you are successful and appointed as a Council member, we will share some of your information with the Charity Commission, and the Office of the Scottish Charity Regulator. We also may share some of your information with our banks, who may also request that you provide further additional information to evidence your identity.

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

We need to appoint Council and partner members in order to perform our public interest functions. 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-committees to which partner members can be appointed.

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. In certain cases we are also required to process your personal information to fulfil our legal obligations. For example, we are required to check whether someone has any unspent convictions for offences involving dishonesty or deception before appointing them to be a Council member. We also have to carry out checks in accordance with our obligations under the Charities Act 2011 and confirm you are a fit and proper person under the Finance Act 2010.

We are 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. We collect information about disabilities applicants may have in order to make reasonable adjustments if required.

Our legal basis for processing information about whether or not you require us to make reasonable adjustments for the purpose of the appointment process is that it is necessary to comply with our legal obligations.

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

### **How long does the NMC 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 are set out in the corporate retention schedule. If you would like a copy of our retention schedule, please contact the Secretary to the Council.

If your application is successful, your information will be kept by us and we will provide you with a further privacy notice explaining how we will use your information during the time you are appointed and after your appointment ends.

Our corporate retention schedule is available on our website at <https://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 purpose other than that for which it was collected, we will provide you with information on that purpose and any other relevant information.

### **International transfers of data**

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.

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**

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 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.

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.

Our legal basis for recording CCTV is that we 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.

### **What if you do not provide personal data?**

Certain information, such as contact details, your right to work in the UK and payment details, are necessary to enable the NMC to appoint you. If you do not provide this information, we will not be able to finalise your appointment.

## **Your rights**

### **Right to be informed**

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.

You can request further information or clarification on our use of your information from the Secretary to the Council.

### **Right of access**

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

In most cases the information will be provided to you free of charge. Only if the request is manifestly unreasonable or excessive or is a repeated request for the same information can we apply a charge. We would apply a charge based on the costs of providing the information.

There are circumstances where we will hold information but cannot provide it in response to a request. If we were compelled by law not to disclose it 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).

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

### **Right to rectification**

You have the right to ask us to rectify any information we hold if it is incorrect.

Where proportionate and practical, we will ensure that any organisation we have shared the information with also corrects it. If you have a request relating to this right, please contact the Secretary to the Council.

### **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. It does not arise where we are compelled by law to keep information about you or where it is integral to our activities as a regulator.

If you have a request relating to this right, please contact the Secretary to the Council.

### **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 please contact the Secretary to the Council.

### **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 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.

To make a request, please contact the Secretary to the Council.

### **Right to object**

You have the right to object to us processing your information.

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.

You can tell us of your objection by contacting the Secretary to the Council.

### **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.

No decision will be made about you based on automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

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

If you have an enquiry about our use of automated decision making, please contact the Secretary to the Council.

### **Consent**

If you have consented to the processing of your information you have the right to withdraw that consent at any time. To withdraw your consent please contact the Secretary to the Council.

As outlined in this privacy notice, in most instances the legal basis on which we process your information for appointment purposes is a legal basis other than consent.

### **Data Protection Officer**

You can contact our Data Protection Officer by emailing [DPO@nmc-uk.org](mailto:DPO@nmc-uk.org).

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

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**

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&dprequest@nmc-uk.org](mailto:foi&dprequest@nmc-uk.org).

Updated Date: 1 May 2020