

# Board Member Fit and Proper Person Test (“FPPT”) Privacy Notice

Sherwood Forest Hospitals NHS Foundation Trust is required to provide you with details on the type of personal information which we collect and process. In addition to any other privacy notice which we may have provided to you, this notice relates to the information collected and processed in relation to the FPPT.

Information the Trust is required to collect in order to comply with its requirements under the FPPT is held in the Electronic Staff Record (“ESR”) that is commissioned by NHS England.

The type of personal information we collect is in relation to the FPPT for board members and is described below, much of which is already collected and processed for other purposes than the FPPT:

1. Name, position, title
2. Employment history –including detail of all job titles, organisation, departments, dates, and role descriptions.
3. References.
4. Job descriptions and person specifications from previous roles.
5. Date of medical clearance.
6. Qualifications.
7. Record of training and development in application/CV.
8. Training and development in the last year.
9. Appraisal information incorporating the new leadership competency framework, when published by NHS England.
10. Records of any upheld, ongoing or discontinued disciplinary, complaint, grievance, adverse employee behaviour or whistleblowing related findings.

11. DBS status.
12. Registration/revalidation status, where required.
13. Insolvency check.
14. Companies House register search to ensure that no board member is disqualified as a director.
15. A search of the Charity Commission's register of removed trustees.
16. A check with the CQC, NHS England and relevant professional bodies, where appropriate.
17. Social media check.
18. Employment Tribunal judgement check.
19. Exit reference completed (where applicable).
20. Annual self-attestation signed, including confirmation (as appropriate) that there have been no changes.

Processing of this data is necessary on the lawful basis set out in Article 6(1)(e) UK GDPR as the foundation for the database. This is because it relates to the processing of personal data which is necessary for the performance of the fit and proper person test which is carried out in the public interest and/or in the exercise of official authority vested in the controller.

As a CQC-registered provider, ensuring directors are fit and proper is a legal requirement on the Trust for the purposes of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, and the Trust is required to make information available connected with compliance to the CQC.

### **How we get the personal information and why we have it**

Most of the personal information we process is provided to us directly by you as part of your application and recruitment process to satisfy recruitment checks and the FPPT requirements.

The Trust may also receive personal information indirectly, from the following sources in the following scenarios:

- References, when we have made a conditional offer to you.
- Publicly accessible registers and websites for our FPPT.
- Professional bodies for FPPT to test registration and or any other 'fitness' matters shared between organisations.
- Regulatory bodies, eg CQC and NHS England.

The Trust will use the information that you have given it to:

- conclude whether or not you are fit and proper to carry out the role of board director
- inform the regulators of our assessment outcome.

The Trust may share this information with NHS England, CQC, future employers (particularly where they themselves are subject to the FPP requirements), and professional bodies.

Under the UK General Data Protection Regulation (UK GDPR), the lawful basis upon which the Trust relies on for processing this information is that it needs to perform a public task.

### **How we store your personal information**

Your information is securely stored. The Trust will keep the ESR FPPT information, including the board member reference, for the prescribed career long period. We will then dispose of your information in accordance with the Trust's policies and procedures.

### **Your data protection rights**

Under data protection law, you have rights including:

- Your right of access – You have the right to ask us for copies of your personal information.
- Your right to rectification – You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

- Your right to erasure – You have the right to ask us to erase your personal information in certain circumstances.
- Your right to restriction of processing – You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- Your right to object to processing – You have the right to object to the processing of your personal information in certain circumstances.
- Your right to data portability – You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.
- You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact the [insert SAR email address] if you wish to make a request.

If you have any enquiries about the FPPT and/or this Privacy Notice, please contact the Director of Corporate Affairs [sally.brookshanahan@nhs.net](mailto:sally.brookshanahan@nhs.net)

### **How to complain**

If you have any concerns about our use of your personal information, you can make a complaint to us at **ADD IN** . You can also complain to the ICO if you are unhappy with how we have used your data.

### **The ICO's contact details are**

Information Commissioner's Office  
 Wycliffe House  
 Water Lane  
 Wilmslow  
 Cheshire  
 SK9 5AF

Helpline number: 0303 123 1113 ICO website: <https://www.ico.org.uk>

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|--------------|--------------------------------|
| Contact:     | SIRO]                          |
| Address:     | [for the person or team above] |
| Phone Number | [for the person or team above] |
| E-mail:      | [for the person or team above] |