

October 2022

DonnaOckenden

Donna Ockenden Ltd. First Floor, 31 North Street, Chichester, West Sussex, PO19 1LX
VAT No: 168 5906 65 - Registered in England & Wales - Company No: 8604834

Registered Office: 3 Lion Street, Chichester, West Sussex, PO19 1LW

Staff Voices Privacy Notice

KEY SUMMARY

This Privacy Notice applies to individuals participating in the 'Staff Voices' survey issued by Donna Ockenden Limited, being individuals who are or were formerly NHS staff within maternity services¹ at the Nottingham University Hospitals NHS Trust from 2006 until the completion of the independent review.

This Privacy Notice also applies to individuals who have expressed an interest to be contacted by Donna Ockenden Limited for an interview with the review team which can either be conducted following participation in the 'Staff Voices' survey or independently of such survey.

We will use your Personal Data for the purposes of informing the inquiry of cases as part of the maternity review led by Donna Ockenden at the Nottingham Hospitals University NHS Trust (the "**Independent Review**").

This Privacy Notice explains what Personal Data we process, why, how it is legal and your rights.

ABOUT US AND THIS PRIVACY NOTICE

This Privacy Notice is provided by Donna Ockenden Limited ("**we**" or "**us**") who is a controller for the purposes of the Data Protection Laws. We take your privacy very seriously. We ask that you read this Privacy Notice carefully as it contains important information about our Processing activities and your rights.

HOW TO CONTACT US

If you would like this Privacy Notice in another format (for example: audio, large print, braille) please contact us at the details below.

Data Protection Officer: Donna Ockenden

Address: Donna Ockenden Ltd First Floor 31 North St Chichester West Sussex PO19 1LX

Telephone number: 01243 786993

Email: maternityadmin@donnaockenden.com

CHANGES TO THIS PRIVACY NOTICE

Current version: October 2022. You will be notified of any changes to this Privacy Notice.

¹ Or working closely with maternity services for example theatre teams, anaesthetics, neonatology, portering and housekeeping team and others

USEFUL WORDS AND PHRASES

Please familiarise yourself with the following words and phrases as they have particular meanings in the Data Protection Laws and are used throughout this Privacy Notice:

Term	Definition
Controller	This means any person who determines the purposes for which, and the manner in which, any Personal Data is processed.
Data Protection Laws	This means the laws which govern the handling of Personal Data. This includes the General Data Protection Regulation (EU) 2016/679 as it is incorporated into UK law, the Data Protection Act 2018 and further laws and statutory instruments relating to such regulations as may apply from time to time.
Data Subject	This means the individual to whom the Personal Data relates.
ICO	This means the UK Information Commissioner's Office which is responsible for implementing, overseeing and enforcing the Data Protection Laws.
Personal Data	This means any information from which a living individual can be identified including the categories set out under the heading ' <i>What Personal Data will we collect in the 'Staff Voices' survey and/or the interview?</i> '. Any reference to Personal Data, shall also include Special Categories of Data.
Processing	This covers virtually anything anyone can do with Personal Data, including: obtaining, recording, retrieving, consulting or holding it; organising, adapting or altering it; disclosing, disseminating or otherwise making it available; and aligning, blocking, erasing or destroying it.
Processor	This means any person who Processes Personal Data on behalf of the Controller.
Pseudonymised	This means that we replace any information which could be used to directly identify you and replace it with another identifier (e.g. a value or code). We still treat Pseudonymised data as Personal Data.
Special Categories of Data	This means any information relating to: racial or ethnic origin; political opinions; religious beliefs or beliefs of a similar nature; trade union membership; physical or mental health or condition; sexual life; or genetic data or biometric data for the purpose of uniquely identifying you.
Terms of Reference	This means the specification setting out the work being carried out on the Independent Review which can be found at: https://www.ockendenmaternityreview.org.uk/independent-review-of-maternity-services-at-nottingham-university-hospitals-nhs-trust/terms-of-reference/

WHAT PERSONAL DATA WILL WE COLLECT IN THE 'STAFF VOICES' SURVEY AND/OR THE INTERVIEW?

The following types of Personal Data could relate to you or any third party (including respondents and relatives) whose information is volunteered by you:

Personal Data	Special Categories of Data
<ul style="list-style-type: none">• Identification information: including name, contact details (such as email address), address, telephone number;• Biographical information including date of birth, gender, marital status, employment status if relevant (including place of work and job position);• Core Personal Data including:<ul style="list-style-type: none">○ opinions including professional experience and competence of respondents and third parties;○ Information about the provision of medical care and support; Ø○ Investigation or risk management information and reports, for example Datix submissions, SI reports or correspondence associated with complaints as supplied by the Trust;○ other matters within the Terms of Reference.	<ul style="list-style-type: none">• Medical conditions and health data relating to the impact of the incident• Religious or philosophical beliefs• Sexuality and sex life• Racial or ethnic origin• Genetic data (if relevant)

WHY DO WE PROCESS YOUR PERSONAL DATA?

We use your Personal Data for the following purposes listed in this section. We are allowed to do so on certain legal bases as provided below.

Where we are permitted to process your Personal Data based on our 'legitimate interests' (see the table below to see when this happens) we have considered the impact on your interests and rights, and have put in place appropriate safeguards to ensure that the intrusion on your privacy is reduced as much as possible. You can object to Processing that we carry out on the grounds of legitimate interests. See the section headed "Your Rights" to find out how.

Type of Processing	Why do we need it?	Legal basis for Processing
<p>Collecting and storing Personal Data as part of the responses to the 'Staff Voices' survey and/or the interview process as part of evidence in relation to the Independent Review.</p> <p>This includes:</p> <ul style="list-style-type: none"> - recording interviews and preparing attendance notes and transcripts (in both handwritten and electronic form) and other interactions; - reviewing evidence against relevant governance processes and procedures; - undertaking clinical reviews and reviewing medical records, reports, internal and external reviews and board/committee minutes, and online media, and any other evidence or information decided by the Chair of the review to be relevant to the Terms of Reference of the review; - information management, governance and administration information in relation to the handling of personal data collected for the Independent Review. 	<p>To carry out the Independent Review in line with the Terms of Reference.</p>	<p>Personal Data:</p> <ul style="list-style-type: none"> - Legitimate Interests which is necessary in order for us to collect the Personal Data you give to us as part of the 'Staff Voices' survey and/or the interview process for the purposes of ensuring that we can effectively conduct the Independent Review in accordance with the Terms of Reference. At all times, you have the right to object to your Personal Data being processed by us. For more information about your right to object, please see the heading 'Right to object to Processing of your Personal Data' below. <p>Special Categories of Data:</p> <ul style="list-style-type: none"> - Processing is necessary for the reasons of substantial public interest to protect the public against dishonesty, malpractice, or other seriously improper conduct, unfitness or incompetence, mismanagement in the administration of a body or association or failures in services provided by a body or association; - Processing is necessary for the purposes of the prevention or detection of an unlawful act, must be carried out without consent of the data subject so as not to prejudice those purposes and is necessary for reasons of

substantial public interest;

Where the above does not apply, we will ask for the Data Subject's express consent.

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| <ul style="list-style-type: none">- Assessing and responding to general enquiries and complaints raised by data subjects | <p>To assist and respond to your enquiries and complaints about us and our Services</p> |
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Personal Data:

- Legitimate Interests

Special Categories of Data:

- Processing is necessary to establish, exercise or defend legal claims or legal rights

WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?

We use Processors to support our IT systems, and other ad hoc services. If you would like to know the names of our other service providers, please contact us using the details at the start of this Privacy Notice.

We may also share your Personal Data with the following external entities who act as separate controllers of your Personal Data:

- NHS England (for more information see the heading '*How we keep your Personal Data secure*' below);
- Service providers we have retained in connection with the Independent Review such as barristers, solicitors, consultants or experts and other specialists for obtaining their services/professional advice; and
- Courts, police, other law enforcements or regulators where we are required by law to do so.

Transfers of your Personal Data outside the UK or the EEA

We do not transfer your Personal Data outside the UK or the European Economic Area ("EEA").

How we keep your Personal Data secure

We strive to implement appropriate technical and organisational measures in order to protect your Personal Data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of Processing. We aim to ensure that the level of security and the measures adopted to protect your Personal Data are appropriate for the risks presented by the nature and use of your Personal Data. We follow recognised industry practices for protecting our IT environment and physical facilities.

Any information you choose to share with us in this 'Staff Voices' survey or further conversations or information shared will be treated as highly confidential and your response will be Pseudonymised by allocating a unique identifier to you. If you share with us concerns regarding a significant patient safety issue we would need to escalate this to appropriately senior colleagues within NHS England. Where it is possible to do so we would escalate in the interests of safety but we would endeavour to protect your anonymity.

When will we delete your data?

The following categories of Personal data and Special Categories of Data will be kept for the following periods:

Personal data	Retention period
Independent Reviews	We will process your Personal Data for at least 6 years (being the length of time that a legal claim could be brought) or such longer time as may be required by NHS England with NHS England or the Department of Health and Social Care as commissioning bodies (which may be up to 20 years)
General enquiries	6 months from the time the Independent Review is resolved

Upon expiry of the applicable retention period, we will securely destroy your Personal Data.

YOUR RIGHTS

As a Data Subject, you have the following rights under the Data Protection Laws:

- Right to object to Processing of your Personal Data;
- Right of access to Personal Data relating to you (known as data subject access request);
- Right to correct any mistakes in your information;
- Right to prevent your Personal Data being processed;
- Rights in relation to automated decision making (note this does not apply).
- Right to have your Personal Data ported to another Controller;
- Right to withdraw your consent; and
- Right to erasure.

These rights are explained in more detail below. If you want to exercise any of your rights, please contact us (please see "*How to contact us*").

We will respond to any rights that you exercise within one calendar month of receiving your request, unless the request is particularly complex, in which case we will respond within three calendar months.

Please be aware that there are exceptions and exemptions that apply to some of the rights which we will apply in accordance with the Data Protection Laws.

Right to object to Processing of your Personal Data

You may object to us Processing your Personal Data where we rely on a legitimate interest as our

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legal grounds for Processing and in most cases, where you have objected, we will no longer use the information you have provided to us. You also have the right to partially object – for example, you may be happy for us to use the material in a staff survey but not that within an interview.

If you object to us Processing your Personal Data, we must demonstrate compelling grounds for continuing to do so.

We believe we have demonstrated compelling grounds in the section headed "*How is Processing your Personal Data lawful*".

Right to access Personal Data relating to you

You may ask to see what Personal Data we hold about you and be provided with:

- a copy of the Personal Data;
- details of the purpose for which the Personal Data is being or is to be processed;
- details of the recipients or classes of recipients to whom the Personal Data is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers;
- the period for which the Personal Data is held (or the criteria we use to determine how long it is held);
- any information available about the source of that data; and
- whether we carry out an automated decision-making, or profiling, and where we do information about the logic involved and the envisaged outcome or consequences of that decision or profiling.

To help us find the information easily, please provide us as much information as possible about the type of information you would like to see.

Right to correct any mistakes in your information

You can require us to correct any mistakes in your information which we hold. If you would like to do this, please let us know what information is incorrect and what it should be replaced with.

Right to restrict Processing of Personal Data

You may request that we stop Processing your Personal Data temporarily if:

- you do not think that your data is accurate. We will start Processing again once we have checked whether or not it is accurate;
- the Processing is unlawful but you do not want us to erase your data;
- we no longer need the Personal Data for our Processing, but you need the data to establish, exercise or defend legal claims; or

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- you have objected to Processing because you believe that your interests should override our legitimate interests.

Right to data portability

You may ask for an electronic copy of your Personal Data which we hold electronically and which we process when we have entered into a contract with you. You can also ask us to provide this directly to another party.

Right to withdraw consent

You may withdraw any consent that you have given us to process your Personal Data at any time. This means that we will not be able to carry out any Processing which required use of that Personal Data.

Right to erasure

You can ask us to erase your Personal Data where:

- you do not believe that we need your data in order to process it for the purposes set out in this Privacy Notice;
- if you had given us consent to process your data, you withdraw that consent and we cannot otherwise legally process your Personal Data;
- you object to our Processing and we do not have any legitimate interests that mean we can continue to process your Personal Data; or
- your Personal Data has been processed unlawfully or has not been erased when it should have been.

What will happen if your rights are breached?

You may be entitled to compensation for damage caused by contravention of the Data Protection Laws.

Complaints to the regulator

It is important that you ensure you have read this Privacy Notice – and if you do not think that we have processed your data in accordance with this Privacy Notice – you should let us know as soon as possible. You may also complain to the ICO. Information about how to do this is available on its website at <https://ico.org.uk/>.