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Data Protection – Privacy Notices

Policy Application

This policy applies to all employees, temporary staff (such as agency), Council Members, Associates, contractors and other authorised users of PHARMACEUTICAL SOCIETY NI information technology (IT) including all personnel affiliated with third parties, and to all equipment owned or leased by the PHARMACEUTICAL SOCIETY NI. “Associates” includes, but is not limited to, any non-Council members who are serving on Council committees, Statutory Committees, Registration Appeals Panellists, members of the Pharmacy Forum and any associated committees or working groups. Where the policy refers to “Council members” and/or “associates”, this means all those referred to in this paragraph unless it is otherwise indicated.

Purpose and Scope

This policy sets out the PHARMACEUTICAL SOCIETY NI approach to the obligations imposed on the PHARMACEUTICAL SOCIETY NI by the Data Protection Act 2018 (the DPA 2018) in particular its responsibilities and activities in relation to the types of data collected, how it is obtained and how it is used. In addition this policy sets out the Privacy Statement (appendix 1) as used by the organisation in the collection of information.

Policy Statement

One of the key changes brought about by the Data Protection Act 2018 (DPA 2018) is how individuals’ rights in respect of their personal data have been enhanced and improved.

The PHARMACEUTICAL SOCIETY NI is committed to ensuring that its systems and processes support the rights individuals have in respect of their personal data and that, as an organisation, we outline clearly how information is collected, stored and how such information is used.

About this Notice

This Notice explains how the Pharmaceutical Society NI processes personal data – that is to say, the various ways in which the Pharmaceutical Society NI obtains, holds, uses and discloses personal data. The Notice does this by referencing the main purposes for which the Pharmaceutical Society NI processes personal data.

This Notice also explains what your rights are in relation to personal data processed by the Pharmaceutical Society.

This notice will be reviewed formally and updated annually at the start of each year. It will also be updated and amended during the year, as needed.

Relevant Law

The way in which the Pharmaceutical Society NI processes personal data is governed by data protection law the Data Protection Act 2018 (“DPA 2018”).

Explanation of terms used in this Notice

The following terms are defined by the DPA 2018. A short explanation is given below (though it is not intended to substitute for the legal definitions).

By **personal data**, we mean information relating to a living, identified or identifiable person.

By **special category personal data** we mean:

- personal data that reveals any of the following about an individual: racial or ethnic origin; political opinions; religious or philosophical beliefs; or trade union membership; and
- Personal data that consists of: genetic data; biometric data used for the purpose of identifying an individual; data concerning health; or data concerning an individual's sex life or sexual orientation.

By **criminal offence data**, we mean data about whether an individual has committed or has been convicted of a criminal offence.

When you contact the Pharmaceutical Society NI

The nature of your communication will dictate the information we need to collect from you. If you are a registered pharmacist or are applying for entry onto one of our registers, it is likely that we will need to ask for personal data to assist with your enquiry. If you are raising a concern about a registered pharmacist, it is likely that we will need to collect personal data to investigate your concerns. General enquiries, such as, checking a pharmacist's registration, will likely not require the collection of personal data.

Phone calls

The Pharmaceutical Society NI does not record any calls which are made to or from this organisation.

Written communication – emails

All business critical emails relating to a case, registration or an enquiry from the member of the public or an employer or emails sent to a member of staff, including those sent to info@psni.org.uk or complaints@psni.org.uk, are saved onto the Pharmaceutical Society NI's server. Non business emails are deleted by the relevant member of staff within six months, business related emails are kept for seven years and then deleted and emails in regard to investigations are retained in the relevant Fitness to Practise (FtP) file for up to 100 years.

Written communication - web forms

All web forms are stored on the Pharmaceutical Society NI server.

Written communication – letters

All letters received by the Pharmaceutical Society NI are filed. Moving forward it is hoped that all letters and written communications will be scanned and saved as electronic files.

Use of personal data in connection with registration and application

Registration

Under the Pharmacy (Northern Ireland) Order 1976 as amended, the Pharmaceutical Society NI has a statutory responsibility to maintain a register of pharmacists and a register of students (known as pre-registration trainees) and pharmacy businesses.

Individuals who apply for registration as pharmacists and pre-registration trainees will be required to provide personal data to the Pharmaceutical Society NI. This may include special category data (e.g. data about an applicant's health) and criminal conviction data (in cases where an applicant is required to declare a past criminal conviction).

The Pharmaceutical Society NI may need to contact referees, or other persons who are named by the applicant in the application form or provided subsequently, in order to verify information given by the applicant or to obtain further information about the applicant. Where the applicant declares any information about a health issue, the Pharmaceutical Society NI may need to obtain information from medical practitioners or other healthcare professionals involved in the applicant's care or treatment. Information may also need to be shared with our contracted Occupational Health providers.

The application form for registration also directs registrants to an equality monitoring questionnaire (completion of which is voluntary). Some of the information that the Pharmaceutical Society NI holds as a result of completion of this form will be special category personal data (e.g. data about individuals' racial or ethnic origin). However, these forms can be completed anonymously.

Register Maintenance

Once pharmacists are successfully registered on the Pharmaceutical Society NI's Registers, we require pharmacists to undertake a retention process on an annual basis. The Annual Retention Fee is the fee all registered pharmacists must pay each year to remain on the Register. We will collect banking transaction and payment data for this purpose.

We will also confirm and update personal information, collect indemnity declarations and continuing professional development (CPD) data at these times.

The Pharmaceutical Society NI's online portal allows pharmacists to complete the retention process with the Pharmaceutical Society NI. This website uses essential cookies and we record personal information changes, banking and transaction information, IP and online activity data from the website for security purposes.

Sharing Register data

The Pharmaceutical Society NI may share our Register information with healthcare bodies in the UK. All disclosures in relation to Fitness to Practice are contained within our Disclosure Policy 2014.

Use of personal data in connection with fitness to practise - assessment and investigation

Under the Pharmacy (Northern Ireland) Order 1976 as amended, the Pharmaceutical Society NI has a statutory responsibility to investigate whether the fitness to practise of registrants is impaired. Where FtP is impaired, this may lead to various consequences including the imposition of conditions on a practitioner's registration as pharmacist, the suspension of that registration or erasure from the Register.

The Pharmaceutical Society NI has statutory powers to obtain information for the purposes of its FtP functions and it may exercise these powers to help it investigate the issues.

In connection with its FtP functions, the Pharmaceutical Society NI may process personal data about registrants, informants (including persons who have raised concerns with the Pharmaceutical Society NI about a registrant) and other relevant individuals (e.g. persons who have been treated by the registrant but who are not themselves informants). This may include special category personal data (e.g. information about health). It may also include criminal conviction data (e.g. where an FtP issue arises as a result of a registrant's criminal conviction).

For the purposes of investigating an FtP complaint about a registrant, the Pharmaceutical Society NI may need to share details of the complaint with the registrant, their current and (in some circumstances) previous employer(s), their legal representatives and other individuals or organisations (example, the Health Trusts, the Department of Health (NI), RQIA, PSNI).

The Pharmaceutical Society NI may need access to the medical records of the informant or other relevant individuals (where the FtP issue relates to clinical matters). The Pharmaceutical Society NI may also need to obtain information about the health of registrants (e.g. where the FtP issue relates to the registrant's health), informants or other relevant individuals such as other patients treated by the registrant.

An FtP concern may be raised by various routes including online, by email or letter, from employers or from the Department of Health (NI) Medicines Inspectorate.

Assessment and investigation

The issues raised will initially be considered by the Registrar of the Pharmaceutical Society NI to determine whether the matter should go forward to be considered for further investigation.

Where cases are referred for further investigation, the Registrar or the Legal Officer will obtain whatever information is necessary in order to complete their investigation. This may include sharing relevant information with a clinical adviser for comment.

Where the concerns raised relate to a registrant's health, the Pharmaceutical Society NI may need access to the registrant's medical records and it may be necessary for the Pharmaceutical Society NI to contact the registrant's GP or other medical practitioners involved in the care and treatment of the registrant. It may also be necessary for the registrant to have a health assessment and for information to be shared with our contracted Occupational Health providers for that purpose. As part of this assessment, hair and blood samples may be taken.

When an investigation is complete, the Registrar and Legal Officer will assess the case and will conclude that either:

- the complaint and/or information received does not raise an allegation that fitness to practise may be impaired – the case will be closed; or
- the complaint and/or information received does raise an allegation that fitness to practise may be impaired – the case, and information relating to it, will be referred to the Scrutiny Committee or directly to the Statutory Committee.

Consideration by Committees

If a Fitness to Practise case is referred by the Registrar to be heard by one of the Pharmaceutical Society NI's Practice Committees, then the Legal Officer/Registrar will take responsibility for the conduct of the case before the Committee on behalf of the Pharmaceutical Society NI. This may include engaging a third party legal firm to carry out this work. The Legal Officer/Registrar is also responsible for the conduct of cases where the Pharmaceutical Society NI are seeking an Interim Order and/or Review cases .

Where necessary, the Legal Officer/Registrar/third party legal firm will need to share information with witnesses, including expert witnesses, for this purpose.

In preparation of a case, particularly a case involving the health of a registrant, the Legal Officer/Registrar/third party legal firm may need access to the registrant's medical records and it may be necessary for the Pharmaceutical Society NI to contact the registrant's GP or other medical practitioners involved in the care and treatment of the registrant. It may also be necessary for the registrant to have a health assessment and for information to be shared with our contracted service provider for that purpose. As part of this assessment, hair and blood samples may be taken.

Hearings

Hearings before the Pharmaceutical Society NI's Statutory Committee as a rule take place in public, unless the Chair deems it prudent to go into committee. For the purposes of the hearing, information about the relevant FtP issues will be provided to the members of the committee. This may include special category data or criminal conviction data about registrants, complainants or relevant third parties. Where Interim Order hearings by the Statutory Committee take place, these are normally held in private.

Where an individual is legally represented in connection with an FtP investigation, the Pharmaceutical Society NI may ask for the individual's consent to disclose information about the investigation to the legal representative. In such cases, the basis on which the Pharmaceutical Society NI discloses the information is that the individual has given consent or, in relation to special category personal data, has given explicit consent to the disclosure.

Otherwise, the basis on which the Pharmaceutical Society NI processes personal data in connection with FtP matters is that the processing is necessary for the exercise of the Pharmaceutical Society NI's statutory functions in relation to FtP.

Where the Pharmaceutical Society NI processes special category personal data or criminal conviction data in connection with FtP matters, it does so on the basis that the processing is necessary for the exercise of the Pharmaceutical Society NI's statutory functions in relation to FtP and the processing is also in the substantial public interest.

In some cases, the provision of information to the Pharmaceutical Society NI in connection with FtP matters will be a statutory requirement pursuant to the Pharmaceutical Society NI's powers in relation to FtP. Where a registrant fails to provide information, or provides inaccurate information, this may in itself give rise to an FtP complaint against the registrant.

Use of personal data for employment purposes

In order to carry out its various functions, the Pharmaceutical Society NI has a number of employees and contractors. The Pharmaceutical Society NI holds personal data about people who apply to be employees and about current or former employees. This may include special category personal data (e.g. about health) and criminal conviction data.

For recruitment purposes, the Pharmaceutical Society NI collects, stores and manages recruitment documentation. All personal data in connection with the application will be stored by the Head of Business Operations and will be stored and disposed of in line with our Data Protection Policies. This includes information provided by unsuccessful applicants.

All new employees of the Pharmaceutical Society NI are required to provide various items of personal data. This may include data about health, copies of passports, evidence of the right to work and an equality and diversity form.

Where employees are unfit to attend work, they are required to provide information about their absence through an HR Cloud-based system called "Breathe". This information will be made available to the employee's line manager and the Pharmaceutical Society NI's HR Department.

Employees may be referred to the external Occupational Health provider and, with the consent of the member of staff, the Pharmaceutical Society NI may receive copies of an individual's occupational health report.

Performance reviews are usually conducted by an employee's line manager. Statements from the member of staff and their manager about performance are stored by the HR Dept. Information about performance reviews may also be held by the line manager.

Information about an individual's disciplinary record will be held by the Pharmaceutical Society NI's HR department.

The HR department may prepare reports on matters such as absence and performance to present to the Pharmaceutical Society NI's senior management team. Such reports will be anonymised and do not contain personal data.

The basis on which the Pharmaceutical Society NI processes personal data in connection with employment is that the processing is necessary for the exercise the various statutory functions conferred on the Pharmaceutical Society NI.

Where the Pharmaceutical Society NI processes special category personal data or criminal conviction data in connection with employment, it does so on one or more of the following bases:

- the processing is necessary for the exercise of the Pharmaceutical Society NI's statutory functions and is also in the substantial public interest;
- the processing is necessary for performing or exercising the Pharmaceutical Society NI's legal obligations and rights in connection with employment; and
- the processing is necessary for health purposes (including occupational health or the assessment of an employee's working capacity).

In addition, some special category personal data is processed by the Pharmaceutical Society NI in the context of employment for the purpose of equality monitoring. It is optional to provide this information and it is collected and processed only with the consent of the employee.

Use of personal data for associate engagement purposes

In order to carry out its various functions, the Pharmaceutical Society NI engages a number of associates who provide expert advisory, investigatory or adjudicatory services. These associates perform roles such as Fitness to Practise Panel Members or Advisers, Registration Appeal Panel Members, Registration External Examiners, Clinical Advisers, Expert Witnesses, Council members and members of other statutory and standing committees.

The Pharmaceutical Society NI holds personal data about people who apply to be associates and about current or former associates. This may include special category personal data (e.g. about health) and criminal conviction data.

For recruitment purposes, the Pharmaceutical Society NI collects, stores and manages recruitment documentation for associates. All personal data in connection with the application will be stored by the Head of Business Operations and will be stored and disposed of in line with our Data Protection Policies. This includes information provided by unsuccessful applicants.

Associates of the Pharmaceutical Society NI are required to provide various items of personal data including names, contact details, bank account details, identification, evidence of the right to work and details of qualifications, skills, experience and employment history. Such data will be held by the Pharmaceutical Society NI's HR department and basic contact information such as names, addresses and telephone numbers are stored in the Pharmaceutical Society NI's shared contacts.

In addition, some special category personal data about associates is processed by the Pharmaceutical Society NI for the purpose of equality monitoring. It is optional to provide this information and it is collected and processed only with the consent of the associate.

The basis on which the Pharmaceutical Society NI processes personal data about associates is that the processing is necessary for the exercise the various statutory functions conferred on the Pharmaceutical Society NI. The data is used to verify an associate's identity and work rights, enable performance of the contract for services between the parties (including communication, payment of fees and reimbursement of expenses, if applicable) and monitor and provide feedback on work quality.

Where the Pharmaceutical Society NI processes special category personal data or criminal conviction data about associates, it does so on one or more of the following bases:

- the processing is necessary for the exercise of the Pharmaceutical Society NI's statutory functions and is also in the substantial public interest;
- the processing is necessary for performing or exercising the Pharmaceutical Society NI's legal obligations and rights in connection with the contract for services with the associate; and
- the processing is necessary for health purposes (including occupational health or the assessment of an associate's working capacity).

Some associates are paid through our payroll system and the Pharmaceutical Society NI may share their personal data with third parties in connection with payroll processing, taxation and pension contributions, if applicable.

Retention information is available in the Pharmaceutical Society NI's retention schedule.

Use of personal data when applying for a job with us

As part of your application, you will be asked to provide personal data which the Pharmaceutical Society NI needs to process in order to manage and keep records of the recruitment process, assess your suitability for employment and decide to whom

to offer a job. We may also need to process job applicant data to respond to and defend against legal claims.

We also process health information if we need to make reasonable adjustments to the recruitment process to support applicants who have a disability. In some cases, the Pharmaceutical Society NI needs to collect and process data to ensure compliance with our legal obligations, for example, checking an applicant's eligibility to work in the UK before employment starts.

If your application is successful, the Pharmaceutical Society NI will also process your data to prepare your contract and offer of employment.

You are encouraged to provide equality and diversity information, such as racial origin, disability, religious belief or sexual orientation, which will be anonymised and used for monitoring purposes. Please note that you may choose not to provide this information and it will not affect your application in any way.

Your data will be held in confidential files held by the Pharmaceutical Society NI's HR Department. Your data will be shared with the relevant line manager, selection panel members and senior managers who are involved in the decision-making process. Your information will be held on file for a maximum of 12 months.

The Pharmaceutical Society NI's websites

The Pharmaceutical Society NI operates only one website: www.psni.org.uk

For information about the processing of personal data in the form of cookies in connection with the Pharmaceutical Society NI's website, see the dedicated cookies information here.

Further information about the processing of special category of personal data

As explained above, some of the personal data processed by the Pharmaceutical Society NI is special category data or criminal conviction data.

Please see the Pharmaceutical Society NI's guidance on disclosing – Disclosure Policy.

Further information about how the Pharmaceutical Society NI complies with data protection law (as set out in the DPA 2018) in relation to such data is set out in the Pharmaceutical Society NI's Data Protection Policy. This is the Pharmaceutical Society NI's appropriate policy document for the purposes of the DPA 2018.

Period of retention

The period for which personal data will be retained by the Pharmaceutical Society NI is set out in our Pharmaceutical Society NI Retention Schedule.

Your rights

Under the DPA 2018, you have various rights in connection with any personal data about you that is held by the Pharmaceutical Society NI.

The Pharmaceutical Society NI's Data Subjects Rights Policy sets out in more detail what the Pharmaceutical Society NI does to ensure the rights of the individual under the DPA 2018 are respected and responded to appropriately. This policy also explains in more detail how the Pharmaceutical Society NI will process and respond to requests for rectification, or erasure, or objections to processing under the DPA 2018.

In summary your rights include the following:

- if you are a patient who has complained to the Pharmaceutical Society NI, you are able to withdraw your consent at any point;
- you can ask us for access to personal data about you that is held by the Pharmaceutical Society NI;
- you can ask for personal data about you that is held to be erased;
- you can ask us to restrict the processing of personal data about you so that the data will only be used for limited purposes (which are set out in the DPA 2018);
- you can object to the processing of your personal data; and
- you can ask for personal data about you that you have provided to the Pharmaceutical Society NI to be provided to you in a structured, commonly used and machine-readable format, and you can transmit that data to another data controller.

All of these rights are set out in detail in the DPA 2018 which explain the conditions for the exercise of these rights and any limitations. Various exemptions may apply including exemptions arising from the regulatory functions that are carried out by the Pharmaceutical Society NI.

The Pharmaceutical Society NI's Data Protection Officer

The Pharmaceutical Society NI's **Data Protection Officer** (DPO) assists in monitoring internal compliance, informs and advises on data protection obligations and acts as a contact point for data subjects and the Information Commissioner.

If you have any questions or concerns about how the Pharmaceutical Society NI is using and sharing your personal data, you can contact the Pharmaceutical Society NI's Data Protection Officer by emailing: mark.neale@psni.org.uk

The Information Commissioner

The Information Commissioner's role is to improve the information rights practices of organisations by gathering and dealing with concerns raised by members of the public.

Information about their work, including how to submit a complaint, is available on their website: ico.org.uk. They can also be contacted by calling their advice line on 028 9027 8757 / 0303 123 1114 or emailing casework@ico.org.uk.

Appendix 1

Privacy Statement

The following statement is to be shared with all individuals whose data is collected by the PHARMACEUTICAL SOCIETY NI. This statement is published on our website and is to be available on request. Where information is to be collected for the purposes of registration and retention, this statement is to be made available to all registrants or applicants.

PSNI Data Protection Statement

The Pharmaceutical Society NI is a data controller registered with the Information Commissioner's Office. We will make use of personal data provided to support our work as the regulatory body for Pharmacists and registered Pharmacies in Northern Ireland and for our work as the professional leadership body for Pharmacists in Northern Ireland. We will process your personal data for purposes including updating the register, administering and maintaining registration, processing complaints, monitoring fitness to practise, CPD monitoring and compiling statistics.

The Pharmaceutical Society NI will not share your personal data on a commercial basis with any third party. We may, however, share your data with third parties to meet our statutory aims, objectives, powers, and responsibilities under the Pharmacy (Northern Ireland) Order 1976, the regulations made under the Order and other legislation. We may pass information to organisations with a legitimate interest including other regulatory and enforcement authorities, the Health and Social Care Board, employers, and the Department of Health.

We will publish pharmacists' fitness to practise records on our website as described in our Disclosure and Publication Policy.

Your name, address, telephone numbers, email address, employment details and registration with other bodies are used for registration, CPD, finance and regulatory processing. These details are held securely in paper and digital form and disposed of according to our data retention policy. By completing the registration process, you agree to The Pharmaceutical Society NI holding and processing these details under Data Protection Act 2018 Schedule 9 paras 3,4,5 (c) (e), 6 (1).

Employment data can also be used to develop regulatory activities and services in relation to the workforce. This information, as a statistic, may be made publicly available.

Your personal details are used by the Head of Public Affairs, Policy Standards and Engagement Lead and Policy Officer for communication activities to provide up to date information on regulatory activities. Declarations of health or character will be primarily processed by the Registrar and Legal Officer and, in some instances, the Registration Coordinator. This information can be used in conjunction with Fitness to Practice processed and can, where appropriate, be shared with relevant governing bodies.

Your personal details are also used by the Pharmacy Forum for the purpose of communications in relation to professional leadership activities. This can be sent by postal mail or email and, under Data Protection Act 2018, are sent under legitimate interests. The Pharmacy Forum will also use your data to send periodic communications to raise

awareness and seek financial support for the charitable work and activities of the Pharmacists' Advice and Support Service (PASS).

Your financial data is processed by the Head of Business Operations and Finance Assistant. Your payments are processed by Global Payments online and Elavon when processed as a terminal card payment.

You are entitled to see the information we hold about you. If you wish to see this information, please send your request in writing to: Data Protection Office, Pharmaceutical Society NI, 73 University Street, Belfast, BT7 1HL, detailing the information you wish to see. We are required to respond within 30 days. If you do not wish your information to be stored, where we are able to, we will remove upon request any information required. Please contact the data protection officer on 02890326927.