

## **CLIENT DATA PRIVACY NOTICE**

Welcome to Newton's privacy notice which applies to those whose data we may process on behalf of one or more of our clients. We may update it at any time.

We have separate Privacy Notices for the following groups of people:

- users of our website
- employees and contractors;
- candidates applying for roles at Newton; and
- those agreeing to take part in our marketing activities/events.

Our client is the "data controller" and bears primary responsibility for your personal data. Newton Consulting Limited is a "data processor" (referred to as "Newton", "we", "us" or "our" in this privacy notice) and we also have certain responsibilities for its security. We will have an agreement with our client in which it is clearly set out how we hold and use personal data about you and the limitations on such use. Using your personal data allows us to better advise our client to assist them in making efficiencies, change ways of working and/or achieve better outcomes for people, who may include you.

Newton respects your privacy. We think that it is important to be transparent about how we collect and use your personal data and are committed to protecting the privacy and security of the information we hold about you. This privacy notice provides more information about how we do this and provides you with certain information that must be provided under the retained EU law version of the UK General Data Protection Regulation (**UK GDPR**).

In the course of advising our clients we may collect and use certain information about you, whether as an employee, worker, contractor or volunteer working for or with our client or, in the health and social care sector, as a patient, service user or family member. Some information we collect and use will be personal data.

Personal data is any data which identifies you as an individual which may include your name, address or phone number.

### **1 CONTACT**

If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact us using the details set out below:

Full name of legal entity: Newton Consulting Limited

Email address: [sarah.dasilva@newtonimpact.com](mailto:sarah.dasilva@newtonimpact.com)

Postal address: 2 Kingston Business Park, Kingston Bagpuize, Abingdon, Oxfordshire, OX13 5FE

Telephone: 01865 601300

### **2 DATA PROTECTION PRINCIPLES**

We will comply with data protection law and principles, which means that your data will be:

- used lawfully, fairly and in a transparent way;
- collected only for valid purposes and not used in any way that is incompatible with those purposes;
- relevant to and limited to the purposes for which it was collected;
- accurate and kept up to date;
- kept only as long as necessary for those valid purposes; and
- kept securely.

### **3 WHAT PERSONAL DATA DO WE COLLECT?**

Wherever possible we limit the personal data we receive from our clients and work using data which has either been anonymised (no-one can identify to whom it relates) or pseudonymised (e.g. using a different name or reference number so whilst someone may be able to identify you from the data, this will usually be someone in the client and not us). This means that we can often work on your information without ever knowing it was yours. Controlling access to systems and networks also allows us and our clients to restrict access to your personal data.

Where required, with our health and social care clients we will together conduct a data protection impact assessment (also known as a **DPIA**) to ensure that we comply with the law, that your personal data is protected and we have considered the privacy impact of the work we propose to do with our clients.

#### **3.1 EMPLOYEES, WORKERS, CONTRACTORS AND VOLUNTEERS**

However, where we do obtain, store or use personal data about you, in the case of employees, workers, contractors or volunteers of our clients, this may include some of the following or other data of a similar nature:

- personal and/or work contact details, such as name, title, addresses, telephone numbers and email addresses;
- date of birth, gender or information about your marital status, next of kin, dependants and emergency contacts;
- recruitment information (including references, start and end dates with previous employers and other information included in a CV or cover letter or as part of the application process);
- information about your nationality and entitlement to work in the UK or relating to any visa requirement;
- photographs or videos;

- terms and conditions of your employment; employment records (including job titles, work history, remuneration and benefits, working hours, leave, training records and professional memberships);
- assessments of your performance, including appraisals, performance reviews and ratings, people scores, training you have participated in, performance improvement plans and related correspondence, any disciplinary or grievance procedures in which you have been involved, including any warnings; and
- information about your use of our client’s information and communications systems, including CCTV footage and information obtained through electronic means such as key fob access or swipe card records.

We may also collect, store and use the following types of more sensitive personal data:

- information about your race or ethnicity, religious beliefs, sexual orientation and political opinions/affiliation/political party membership;
- information about your health, including any medical condition, health and sickness records;
- information about your trade union membership status;
- genetic information and biometric data; and
- information about criminal convictions and offences.

### **3.2 PATIENTS, SERVICE USERS AND THEIR FAMILIES**

Where we do obtain, store and or use a range of personal data about you and/or your family members, in the case of patients and service users of our clients and their families, this may include some of the following, or other data of a similar nature which would be agreed with our client in advance and recorded in our agreement and/or DPIA:

- personal and/or work contact details, such as name, title, addresses, postcode, telephone numbers and email addresses;
- NHS number or other unique ID;
- gender, date of birth or information about your marital status, next of kin, dependants and emergency contacts;
- for children, safeguarding information, information about education, special educational needs, free school meal status and details about home to school transport; and
- photographs or videos.

We may also collect, store and use the following “special categories” of more sensitive personal data:

- information about your physical or mental health, including any medical condition, hospital, health and sickness and social care records;

- information about any disabilities or special needs; information about housing or other support needs including care packages and reablement;
- genetic information and biometric data;
- information about your race or ethnicity, religious beliefs and sexual orientation; and
- information about criminal convictions and offences.

Where personal data relates to a child, we take particular care with our client to minimise the use of such personal data, to determine the legal basis for sharing and appropriate safeguards, with the interests of the child being paramount.

We work with our health and social care clients to ensure that we both comply with the national data opt out. If you have opted out of your data being used for any purpose except for direct care in line with the national data opt out, we will work with our clients with a view to ensuring that your data is not included in the data we receive from our client.

#### 4 HOW IS YOUR PERSONAL DATA COLLECTED?

We collect personal data about you in a variety of ways. Primarily we obtain it from our clients' records. However, we may obtain some from you directly, for example, during interviews or meetings or through surveys to or in which you may be invited to participate as part of our work with our client.

At the start of each programme with each client we discuss and agree a suitable and proportionate approach to what data, including personal data, is required, how it will be collected, where it will be stored, who will have access to it and an appropriate retention period. Sometimes collection, storage and use will be only within our client's own network. Sometimes it may be within our network or an appropriate external server. In either case appropriate technical and organisational measures will be agreed and implemented for its protection and the agreed practicalities surrounding data sharing will be recorded in our agreement with the client and/or the DPIA.

#### 5 WHY DO WE NEED TO PROCESS YOUR PERSONAL DATA?

We will need to collect, store and use personal data about you or sometimes your family members or dependants for a number of reasons:

- it is necessary **to perform a task carried out in the public interest (GDPR Article 6(1)(e)) (which may include the delivery of health or social care services)**. For example, to assist our clients to deliver services and support to you, manage such services, train and manage the employment of their workers who deliver those services, monitor spending and quality of those services and plan improvements to them; or
- **to pursue legitimate interests of our own, or those of third parties (GDPR Article 6(1)(f))**. It is often necessary in supporting our client that we use personal data. When we do this, we always make sure that your fundamental interests and rights do not override

those interests. Example include, the review of client employee data to identify potential efficiencies and improvements within the client's business; to assist our health and social care clients in the provision of direct care or on programmes to improve physical and mental health outcomes; or to understand demand and capacity for health and social care provision to enable our clients to take action to create capacity and maintain flow.

“Special categories” of personal data require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data. We may process special categories of personal data in the following circumstances:

- it is necessary for reasons of **substantial public interest (with a basis in law) (GDPR Article 9(2)(g))**. For example, in order to address health inequalities (such as access to services) within the health and care system ;
- it is necessary for the provisions of **health and social care (GDPR Article 9(2)(h))** as is the case in our health and social care programmes; and
- it is necessary for reasons of public interest in the area of **public health (GDPR Article 9(2)(i))**, provided that one of the conditions in Part 1 of Schedule 1 of the Data Protection At 2018 are also met.

The examples given do not form an exhaustive list of purposes for which your personal data will be processed but give an illustration of the types of activities we undertake. We reserve the right to add to them at any time.

## 6 SITUATIONS IN WHICH WE USE YOUR PERSONAL DATA

Examples of the situations in which we will process your personal data are listed below. In particular, we will process your personal data in performing our contracts with our clients. including:

- to support our clients in improving the efficiency of their business, authority or service which may include analysis of employee rotas, HR and recruitment practices, salary;
- to support our health and social care clients through live studies and data analysis to understand baselines, trends, patterns and variation in key measures (e.g. acute admissions or community based care) across their system and understand where opportunities exist to make improvements. In addition, we will investigate individual patient/service user journeys across the health and social care system (for example, through case reviews with practitioners) to ensure that any changes ultimately deliver improved experiences and outcomes;; and
- to conduct data analytics studies to review and better understand employee retention and attrition rates.

## 7 SPECIAL CATEGORIES OF PERSONAL DATA

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We will use your special categories of personal data in ways including the following and other similar scenarios:

- for employees, we will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and the health and safety of others and to assess your fitness to work, to assist our clients to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits;
- for patients and service users and their families, we will use information about your physical or mental health, or disability status, to assist our clients in planning the provision of services to improve the outcomes for you and others; and
- for employees, we will use information about your race or national or ethnic origin, religious or other beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting (for example, Newton asks that its employees participate in an annual equality and inclusion survey), and to comply with National Security Clearance requirements.

We may also use information relating to criminal convictions where the law allows us to do so. We may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

## **8 WHO HAS ACCESS TO YOUR PERSONAL DATA?**

Your information will be shared only in accordance with the agreement we have with our client. Typically, this restricts access to where access to such personal data is necessary in order to carry out the particular programme for them.

Where information is processed on Newton's systems, Newton may use the following subprocessors:

- Files.com, for the purposes of transferring information securely from clients to Newton;
- Microsoft 365 and Power Platform, for the purposes of analysing, transforming or otherwise using information to deliver programmes for our clients;
- Microsoft Azure, for the purposes of Cloud storage.

Newton has conducted adequate due diligence on each of these subprocessors to ensure that they are capable of providing the level of protection required by Newton's clients when sharing information. All of these subprocessors are hosted in either the UK or EEA.

## **9 HOW DO WE PROTECT YOUR PERSONAL DATA?**

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

We have also put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify our client, you and any applicable regulator of a suspected breach where we are legally required to do so.

Where we engage third parties to process personal data on our behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

## 10 INTERNATIONAL TRANSFERS

Where your data is held within Newton's IT systems, it may be transferred to countries outside the United Kingdom (UK). Where personal data is transferred outside the UK, we require that appropriate safeguards are in place.

Whenever we transfer your personal data out of the UK, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by virtue of an adequacy regulation under section 17A or adequacy decision under section 18(2) each of the DPA 2018.
- Where we use certain service providers, we may use specific standard clauses approved by the Secretary of State under section 119A of the DPA 2018 which give personal data the same protection it has in Europe.

where we use a service provider who is a member of a larger corporate group and this will involve the service provider transferring personal data outside the UK (but within their group of companies) the service provider may have binding corporate rules in place (checked and verified by us).

Newton's Microsoft Azure and 365 servers, which are used for processing Personal Data on Newton's network, are located outside the UK, though all are within the EEA (Ireland). For the purposes of secure file transfers, Newton uses files.com. We have agreed with files.com that all data will be stored on Amazon Web Services servers within the London region.

Please contact [sarah.dasilva@newtonimpact.com](mailto:sarah.dasilva@newtonimpact.com) if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 11 FOR HOW LONG DO WE KEEP YOUR PERSONAL DATA?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting

requirements. Typically, this is for the duration of our work with our client and only a short period after that for administrative purposes. After this period, we will securely destroy your personal data.

In some circumstances we may anonymise your personal data so that it can no longer be associated with you, in which case we may use such information without further notice to you.

## 12 WHAT ARE YOUR RIGHTS?

Under certain circumstances, by law you have the right to:

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it;
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected;
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below);
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal data for direct marketing purposes;
- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it; and
- **Request the transfer** of your personal data to another party.

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, in the first instance please contact our client, as data controller, in writing. They may in turn request our assistance in meeting such request.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

If you believe that we or our client have not complied with your data protection rights, you can complain to the data controller or the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.



We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

### **13 AUTOMATED DECISION-MAKING**

Automated decision-making takes place when an electronic system uses personal data to make a decision without human intervention.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

### **14 CHANGES TO THIS PRIVACY NOTICE**

We keep our privacy policy under regular review and may update this privacy notice at any time. We may also notify you in other ways from time to time about the processing of your personal data.