

NHS Wales Shared Services Partnership (NWSSP)

Procurement Services

Privacy Notice

1. Introduction

NHS Wales is made up of several health organisations that include the NHS Wales Shared Services Partnership (NWSSP). They provide many services on an All Wales basis. This includes Procurement.

This Notice has been issued by the Information Governance function within NWSSP to assist and facilitate the Procurement process within NHS Wales.

If you have any questions regarding this information, please use the contact email address shown at the bottom of this Notice.

2. Your rights

This Notice covers your rights under a law called the Data Protection Act 2018. It emphasises the NWSSP's need to make sure that we explain how we use your information during the Procurement process.

The information we give you about our use of your information will be:

- Brief, easy to read and easily accessible;
- Written in clear, plain language; and
- Free of charge.

3. What laws do we use?

The law determines how we can use your information. The laws we follow that allow us to use your information are listed below:

- EU Public Contracts Directive, the Public Contracts Regulations 2015
- Data Protection Act 2018
- Human Rights Act
- Freedom of Information Act
- Common Law Duty of Confidence - Confidentiality
- Computer Misuse Act
- Audit Commission Act
- Regulation of Investigatory Powers Act
- The EU Public Contract Directive 2014
- The Public Contracts Regulations 2015
- NHS Act 2016
- Health and Social Care Act 2012 / Health and Social Care Bill 2011

The NWSSP Procurement Services directorate administer the processes that involve Procurement for NHS Wales, and is the holder and user of your information.

4. What types of personal information do we use for Procurement?

The information listed below, that you provide as part of your Invitation to Tender (ITT) or Request for Quotation (RFQ) are used for Procurement purposes. These include:

- Contact details of bidders, their staff or sub-contractors such as their name, address, telephone number and email addresses;
- Copy of the company registration;
- Bank account details;
- Financial turnover/accounts;
- Evidence of Insurances held;
- Details of any Professional misconduct;
- TUPE data (as applicable);
- Criminal Activity/Criminal Record including DBS Checks;
- Health and Safety Records;
- Evidence of the payment of social taxes;
- Anonymised patient census data,
- Specific individuals who may deliver specific services under the contract, and
- Any other information gathered from other documents required in the ITT or RFQ documentation

NWSSP Procurement services only deal with information relevant to the procurement or delivery of the contract.

5. Where we get your Information

- Tender/quotation documents;
- CVs of staff proposed for the provision of the goods/services/works;
- Responses to questions as set out in a Standard Selection or Pre-Qualification Questionnaire of the ITT or RFQ;
- Copies of certificates of different nature; and
- Other documentation required in the ITT or RFQ documentation

6. What is the purpose of processing information?

The purpose of the processing is to use the various information in order to evaluate the proposals received in response to a call for quotation/tender referring to exclusion and award criteria as set out in the ITT or RFQ documentation. Processing the information will allow Procurement services to award the contract to the best candidate in terms of the most economically advantageous submission based on advertised award criteria.

The purpose of publishing a call for tender/quotation is to open the competition, to increase the choice of potential suppliers, thereby achieving a better value for money result, while at the same time developing market opportunities for companies.

7. Sharing your information

There are reasons why we share information for Procurement purposes.

This is normally for the procurement evaluation and contract management process that includes:

- Shortlisting potential bidders;
- Evaluating tenders or quotations;
- Appointing successful bidders to the contract;
- Contract management activities.

Under the law, your information is shared only with those individuals that are responsible for the above activities. It is important to note that anyone receiving information about you is under their own legal duty to also keep it confidential and protect the security of the information.

8. Who we may share your information with includes:

- Working Groups established to support the procurement process including NHS Staff, Procurement Staff, Finance, Human Resources and Legal services;
- Welsh Government;
- Consultants commissioned by NWSSP Procurement Services who assist with the Procurement Process;
- Other public bodies and members of their staff participating on the Evaluation Panel where the NWSSP Procurement Services collaborate on Joint Procurement activity;
- Other Tenderers who have been unsuccessful as part of a debrief, this would include instances where the NWSSP Procurement Services intends to award you a contract by sharing your personal information including the advantages of your tender/quotation including advantages of your quality/price submission. This would be ahead of a formal award in accordance with the NWSSP Procurement Services obligation to notify the outcome of the procurement procedure and spend as required by the EU Public Contracts Directive, the Public Contracts Regulations 2015;
- Bodies charged with a monitoring or inspection task in application of EU/UK law (e.g. internal audits, Wales Audit Office);
- Members of the public, in accordance with the NWSSP Procurement Services obligation to publish information on the outcome of the procurement procedure and spend as required by the EU Public Contracts Directive, the Public Contracts Regulations 2015.
- These publications will be in the Official Journal of the European Union, on Sell2Wales <https://www.sell2wales.gov.wales> and the NWSSP Procurement Services Website [www.
<http://www.nwssp.wales.nhs.uk/procurement-services>](http://www.nwssp.wales.nhs.uk/procurement-services)

We only request, use and share the minimum information necessary as required by law.

We will never sell your information and we will not share it without the appropriate legal authority.

9. Security of your Information

The NWSSP takes its responsibility to look after your personal information very seriously. This is regardless of whether it is electronic or in paper form.

We also employ someone who is responsible for managing information and its confidentiality to ensure:

- Your information is protected; and
- Inform you how it will be used.

All staff are required to undertake training on a regular basis. Comprehensive training is required to help protect the information that has been given to the NWSSP. The training makes sure that all staff working in the NHS are aware of their responsibilities about the handling of your information regardless of the department that they work in.

10. What are you entitled to?

The NWSSP has a process in which you will be able to request access to your information, if you require it. This is so that you know what we hold and why.

You have the right:

- To know the details of how your information is used (if not explained above); and
- To have copies of your information.
- There may be certain circumstances where we won't be able to provide your information to you, for example if your information also contains the information of someone else and we don't have their consent to share the information.

If you want to know more please contact the [NWSSP Information Governance Manager](#) for further information about your rights of access. All requests for information are handled on a case-by-case basis.

The NWSSP tries to answer all requests for access to information as quickly as possible. The organisation is obliged to provide a response to your request within a month of receiving it, but this can be extended if the request is complex and extensive. We will keep you informed should we need more time to respond to your request.

11. Do I have to pay a fee?

The information will usually be provided free of charge. However, we could ask for a small fee. This is where the request is large or repeated and will be based on the cost of providing it. If you wish to find out more about fees for information, then please contact the [Information Governance Manager](#).

12. How will information be provided?

The information will be provided in a format that can be used on another system easily if it is electronic (i.e. Microsoft Word or Excel). Otherwise, it will be supplied on paper. All requests for information will be provided in a way that is suitable to your needs, so if you need it in a specific format, i.e. large print, Braille, or in another language, we will endeavour to meet your needs.

13. Permission (consent)

For the use of your personal information to be lawful, the NWSSP may ask for permission from you. This is not necessary if the use is for a lawful basis under current regulation such as for procurement purposes.

Any permission (consent) that is collected from you should have been given freely and you should not have been pressured to do so. This should have been done clearly and you should be aware of what the use of your information means.

14. Informing you and obtaining your consent

If your permission is asked for, you will be provided with information regarding this by use of this Privacy Notice. This will explain what you are being asked to give permission for. The NWSSP will have to prove that it gave you information and that you were fully aware of what you were giving permission for.

If permission is requested, you could provide this in several ways that include by writing, ticking a box on a web page, by choosing options in a mobile phone app, or by any other action that shows your acceptance of the use of your information.

15. What about stopping use?

When a request for stopping use is received, the NWSSP will still store the information but will not use it anymore. NWSSP has a Data Retention Policy which mandates how long records, including personal data, must be retained. Retention periods are determined by legislation and business requirements. In most cases, NWSSP will hold your data for 3 years after last contact, unless a legal or regulatory obligation requires that we hold this data for a superseding period of time.

All information will be kept securely on our systems. All personal data will be held in accordance with the

Any changes that include the stopping of the use of your information will be told to you at the time.

16. Automated decision taking

The NWSSP also provides safeguards against risks that involve processes that include automated decision-making.

This applies to you when:

- It is an automatic process; and
- There is a legal effect on a decision made with your information.

The Procurement Services department may take a small number of automated decisions with your information but there is mostly some human involvement in this.

An example of an automated process would be purchase requests and approvals, where the correct information is gathered and then channelled through the necessary series of approvals using an automated workflow.

However, the NWSSP will take steps to identify how many automated decisions it makes and whether these are acceptable.

The NWSSP will ensure that any automated profiling is fair and lawful. The NWSSP will use correct procedures, to include reducing errors and where data is not accurate.

17. What about rights to correct or delete inaccurate information?

You are entitled to request that the NWSSP correct any mistakes in your information. The NWSSP must ensure that proven inaccurate or incomplete information is either erased or corrected. All requests for rectification will be responded to within 1 calendar month, letting you know what action we have taken.

18. Keeping your information

We will only store information for as long as necessary.

For example, information related to contracts is kept for at least 6 years following the discharge of the Contract in question. For agreements sealed as a deed this is 12 years following the discharge of the contract.

19. Making a complaint

If you wish to make a complaint about any issues you have experienced regarding your information, then please contact:

Tim Knifton
Information Governance Manager
02920 902272
tim.knifton@wales.nhs.uk

If you are still unsatisfied following your complaint and this remains unresolved, you have the right to make a complaint to the:

Information Commissioner's Office,
2nd Floor,
Churchill House,
17 Churchill Way,
Cardiff, CF10 2HH

Email: wales@ico.gsi.gov.uk
Website: www.ico.org.uk

20. Further information

For more information relating to this leaflet or questions on the content of this information, please contact NWSSP Procurement Services:

Email: ProcurementServicesenquiries@wales.nhs.uk
Phone: 02920 903700

Website: <http://www.nwssp.wales.nhs.uk/procurement-services>