

Privacy Notice

Privacy Notice – How Occupational Health Use Your Personal Information

This Privacy Notice explains what personal information we collect about you, how we store this personal information, how long we retain it and with whom and for which legal purpose we may share it.

Who we are

Occupational Health Services are teams of doctors, nurses, physiotherapists and administrative staff who provide occupational health services to Trust employees. These teams may also include clinical psychologists, psychiatrists and occupational therapists. As the data controller and data processor of your personal information we are committed to protecting your rights and will ensure that any personal data will be handled in accordance with the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR) 2018.

All the information that we hold on you is treated in the strictest of confidence and is stored in a secure occupational health electronic management information system or manually in locked filing cabinets in a secure filing room.

Lawful basis for processing this information (GDPR)

The lawful basis for processing this personal information is outlined below:

- Article 6(1) (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- Article 9(2)(h) specifically authorises processing of data as Occupational Medicine is a specialist category thus “processing is necessary for the purposes of Occupational Medicine”; and
- Article 9(3) which states that processing is permitted “When these data are processed by a regulated health professional”.

In addition all HSC employees are required to observe the Common Law Duty of Confidentiality and standards set out by national and professional guidelines to:

- Keep records about you in a safe secure and confidential manner;
- Maintain full and accurate records of the care we offer to you; and
- Ensure that you have access to your information in your preferred format.

What Data will be collected?

The following data may be collected and held by the Occupational Health Department:

- Personal Information (e.g. Name, Address, Date of Birth, Health & Care number, telephone contact numbers) disability to ensure appropriate adjustments are made in the workplace ;
- Characteristics (ethnicity, gender);
- Health records;
- Personal information may be collected with your consent from your GP/Specialist;
- Employment history;
- Occupational health information and notes (medical information including physical health or mental health condition, learning or developmental impairments results of any investigations e.g. x-rays and laboratory tests, immunisation data, contact tracing data, health surveillance records, social history); and
- Information relating to health and safety, including risk assessments.

Who will it be collected from?

- Human Resources;
- Managers;
- Employers;
- Doctors / Nurses / Health Care Specialists and administrative staff working in Occupational Health; and
- GP / HSC Clinicians / Regional & Trust laboratory and x-ray systems/ Northern Ireland Electronic Care records (NIECR).

NIECR is a computer system that health and social care staff can use to obtain information about your medical history. Occupational Health clinicians will only access this system with your permission to do so and usually in your presence, and after explaining why such access would be helpful for your continued care or the management of your case. Your permission will be sought each time you attend Occupational Health if your NIECR record needs to be accessed. You have the right to refuse access to your NIECR.

NIECR records contain the following information:

- Lab tests;
- X-rays and results of other forms of imaging investigations;
- Referrals;
- Investigation requests;
- Specialist appointments;
- Clinic letters and discharge summaries (relating to any admissions to hospital);
- Primary Care records e.g. Emergency Care Summary Information
- Community records; and
- Social Care records.

You can find out more information about NIECR [here](#)

How will it be collected?

Occupational Health Services use a variety of means including questionnaires, forms and requests from third parties:

- Written;
- Email;
- Verbal; and
- Telephone.

Why is it collected?

- For the purposes of preventative or occupational medicine and for the assessment of the working capacity of the employee. This advice will include fitness to work and support that may be required in the course of your work;
- To ensure the health and safety of the employee at work and to allow consideration of adjustments that may be required to support their ability to work;
- Data is collected and retained on current and former employees to ensure compliance with legal and professional requirements; and
- Data may also be used for research, audit, activity trend analysis or statistics in an anonymised form.

What we do with your data?

We use your personal information for the following purposes:

- Contact details such as names, addresses, telephone numbers to remind you about your appointments and send you relevant correspondence;
- information relating to disability to ensure appropriate adjustments are made in the workplace;
- GP contacts in case of emergency or request for medical information / treatment. This request will only be made with your express consent;
- Access to systems including NIECR for clinical assessment purposes. Access to your NIECR records will only be taken with your fully informed consent usually at the time of access;
- Provide clearance for fitness to work;
- Provide advice to management about on-going fitness to work and adjustments required to support you in your place of work;
- Undertake assessments for consideration of retirement on the grounds of ill health;
- Provide relevant immunisation and prophylactic treatment following exposure to infectious diseases or blood borne viruses;
- Provide physiotherapy care;
- Undertake Health Surveillance programmes;
- Investigation and reporting of complaints, and untoward incidents;
- Information relating to health and safety, including risk assessments and
- Report events to the appropriate authorities when we are required to do so by law e.g. for communicable disease, under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

Who will my information be shared with?

Information is treated in a lawful, ethical manner and in compliance with professional standards. We will not share information about you to third parties without your written or verbal informed consent unless:

- The law requires us to do so;
- There is deemed to be a serious risk of harm to the public / service users. In Occupational Health practice the most likely circumstances in this regard are where an employee's own health endangers that of others including patient safety, but the employee refuses the disclosure of information which would allow potential harm to be avoided. In such exceptional circumstances the disclosure will only be made to the relevant authority (for example, to the individual's employer or to the Driver & Vehicle Agency), the disclosure will be restricted only to the minimum necessary information, and the individual will be informed that the disclosure has been made and for what purpose.
- Your confidential information from your clinical record will not be passed to any other person outside the Occupational Health Services without your written or verbal informed consent *, unless the disclosure is a requirement:
 - Imposed by a judge or court of law;
 - To satisfy specific legislative requirements; or
 - Due to someone exercising statutory powers that enable them to receive such information, i.e. General Medical Council/Nursing & Midwifery Council (GMC/NMC)
- Any disclosures of personal data are always made on a case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances and with the appropriate security controls in place. Personal Information is only shared with those agencies and bodies who have a "need to know" or where you have consented to the disclosure of your personal data to such persons.

* Written consent will be sought during face to face consultations and in the case of telephone or virtual consultations verbal informed consent will be sought.

How will the data be stored?

The Trust has a legal duty to ensure that all personal data relating to staff is held securely. Strict policies and procedures are in place regarding the management of and access to such data. These can be located on the Trust's Intranet or available on request through the Information Governance Department:

- Your records will be stored in accordance with HSC Trusts' Occupational Health Medical records storage policy in accordance with GDPR Regulations. They are stored in manual and electronic form; and
- Manual records will be stored in a locked cabinet to which only Occupational Health staff has access. Confidential information sent by email will be appropriately secured when sent outside the Trust, in line with Trust's Information Security Policies.

How long will data be held for?

- We will retain your information in line with the Department of Health's specific guidance 'Good Management, Good Records Retention and Disposal Schedule'. This guidance can be accessed on the [Department of Health's website](#);
- Management referral information will be held for 6 years after the employee has left their job or until 75 years of age (whichever is soonest) as recommended by the British Medical Association (BMA); and
- Health surveillance records will be retained in accordance with the requirements of Health & Safety legislation and specifically the Control of Substances Hazardous to Health (COSHH) Regulations 2002.

What are your rights?

Individuals have certain rights under GDPR, namely:

- The right to obtain **confirmation that their personal information is being processed**, and **access to personal information**
- The right to have personal information **rectified if it is inaccurate or incomplete**
- The right to have personal information **erased and to prevent processing, in specific circumstances**
- The right to **'block' or suppress processing** of personal information, in specific circumstances
- The right to **portability**, in specific circumstances
- The **right to object** to the processing, in specific circumstances
- The rights in relation to **automated decision making and profiling**

Full web addresses for each of the above links are provided in Appendix 1.

If you want to know more about how we use your information or if you are unhappy with any aspect about how we use your information you can contact the Data Protection Officer in your HSC organisation.

Individual's rights under GDPR

The right to obtain confirmation that their personal information is being processed, and access to personal information:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/>

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

The right to have personal information rectified if it is inaccurate or incomplete:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-rectification/>

The right to have personal information erased and to prevent processing, in specific circumstances:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-erasure/>

The right to 'block' or suppress processing of personal information, in specific circumstances:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-restrict-processing/>

The right to portability, in specific circumstances:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-data-portability/>

The right to object to the processing, in specific circumstances:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-object/>

The rights in relation to automated decision making and profiling:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/automated-decision-making-and-profiling/what-does-the-gdpr-say-about-automated-decision-making-and-profiling/>