

## **PRIVACY NOTICE - SUMMIT OCCUPATIONAL HEALTH LTD**

Summit OH Ltd as both Data Controller and Data Processor is committed to protecting the rights of the individual and acknowledge that any personal data of yours that we handle will be processed in accordance with the Data Protection Act 1998 (DPA) and the new General Data Protection Regulations (GDPR)2018 and other statutory professional guidance

### **What Data will be collected:**

The following data maybe collected, held and stored by Summit OH Ltd:

- Personal information (eg Name, address, Date of Birth)
- Characteristics (ethnicity, gender)
- Past and Present job roles
- Health records & health surveillance records

### **Who will it be collected from:**

- Human Resources/Managers
- General Practitioners
- Employees
- Occupational Health Physicians, physiotherapists
- Also access to medical records involve consent to obtaining and release to 3<sup>rd</sup> parties

### **How will it be collected:**

- Information by post
- Via Email
- Verbal (face to face and telephone)
- Health assessments (eg hearing tests, lung function tests, drug/alcohol testing)
- Health questionnaires

### **Why is it collected:**

- For the purpose of preventive or occupational medicine, for the assessment of the working capacity of the employee. To ensure the health and safety of the employees at work and to allow consideration of any adjustments that may be required to support their ability to work.
- Data may also be used for research, audit or statistics but will be anonymised if this is the case
- To assist employers to fulfil their obligations under Health & Safety and Equality Legislation and may be used for re-call in anonymous trend analysis

### **Lawful Basis for processing the information from the Data Protection Regulations:**

- Lawful basis for processing this sensitive personal information is the employer has a duty of care to carry out health surveillance under the Health and Safety Act 1974 and associated regulations.

- Additional condition – The process is required for medical treatment undertaken by health professionals, including assessing the working capacity of employees and the management of health or social care systems and services.
- Additional condition Article 9 (2)(h) specifically authorises processing of data as Occupational Medicine is a special category thus “ *processing is necessary for the purpose of Occupational Medicine*” and Article 9 (3) which states that processing is permitted : “*When these data are processed by a regulated health professional*” The processing is required for medical treatment undertaken by health professional, including assessing the working capacity of employees and the management of health or social care systems and services. Personal data may be processed for the purposes to in (2)(h) when those data is processed by or under the responsibility of a professional subject to the obligation of professional secrecy under EU or member state law or rules established by noticed competent bodies

#### **How long will data be held for:**

- Management referral information will be held for 6 years after the employee has left their job or 75 years of age (whichever is the soonest) as recommended by the British Medical Association (BMA) when there is a recognised clinical need or statutory requirement to return it for longer.
- New Employee medicals will be discarded after 2 years if the employee doesn't take up the offer of the job or in the case where the job is not offered.
- 40 years in relation to Health Surveillance as required by the Health and Safety executive (HSE)

#### **How will the data be stored:**

- Your records will be stored in accordance with Summit OH Limited's medical records storage policy following GDPR 2018 regulations. All personal data is stored electronically on a secure database that only has access by a member of the Occupational Health team. All paper copies are scanned into a database and then destroyed.
- Records may be kept on paper as part of a structured filing system and are stored in accordance with the BMA medical records storage policy and in compliance with GDPR 2018. They are accessible only to Occupational Health personnel
- Some records are kept digitally on a separate personal drive within the IT system and are password protected.
- Email is password protected/and or encrypted

#### **Who will my information be shared with:**

- Information about you will not be shared with third parties without your consent, unless the law allows this or there is a serious threat to life.
- Information will be stored with appropriate others as per consent. All reports sent electronically will be encrypted and password protected. Only in the event of a serious risk to life will confidentiality be breached.
- We will not share information about you with third parties without your consent unless the law allows us to in cases where disclosure of information to prevent harming the public interest applies

- Results of health surveillance will be passed onto employers under statutory health surveillance Regulation 11 COSHH regulations 2002 and ACOP 2013 retention as required by health and safety executive.

#### **What are your rights:**

- You have the right to see any information we hold about you in your occupational health record. The request should be made in writing to Jean Martin (The processor) and should be responded to within 4 weeks without charge. You can also request that an amendment is attached to your health record if you believe any of the information held by Summit OH Ltd is inaccurate or misleading.
- You have the right to withdraw consent at any time and for any reason, if you believe any of the information held by Occupational Health is inaccurate or misleading. Please ensure Occupational Health receives this information
- In the case of request for erasure, retention may be lawful (eg if required for legal compliance)

#### **References/Information:**

1. Article 9 (3) eg: by a regulated health professional. This incorporates common law and GMC/NMC duty of confidentiality unto the GDPR

The NMC Code of Conduct – Clause 5

Privacy + Confidentiality – Clause 7

Communication Clearly – Clause 10 Clear, accurate, relevant records, Clause 14 – Be open and candid including mistakes

Clause 18 - Act without delay if risk to potential safety or public protection.