

OCCUPATIONAL HEALTH PRIVACY NOTICE

The Occupational Health Service (OH) is committed to maintaining the privacy, dignity and confidentiality of service users at all times. We adhere to the principles of data protection legislation, the General Medical Council and Nursing & Midwifery Codes of Confidentiality.

OH uses your personal information to allow us to advise and support you in accordance with your requirements and the consents you have given us.

The OH service is medically confidential. The medical records are securely stored in line with data protection legislation and only accessible to OH staff. All OH staff adhere to a strict code of ethics in relation to the confidentiality of all consultations, telephone contact and the maintenance of medical records.

Any information obtained by the occupational health doctor or nurse is strictly confidential to OH. No information is divulged to any third party, including the person's general practitioner (GP) without the person's informed consent.

Recommendations and advice on placement or return to work are based on health needs that may impact work and work activities that may have an impact on health. In principle, there is no requirement for the manager to know the diagnosis or receive clinical details. Reports to management concerning an individual's fitness for work will always be discussed and agreed with the individual concerned prior to sending the report. This advice should be treated by the recipient as sensitive ('special category') personal data in respect of data protection legislation and can be shared by the recipient only and with the individual's consent with others who have a legitimate need to know (e.g., because they will be responsible for implementing adjustments in the workplace).

The categories of information that we collect, hold and share include:

- a. Personal information (such as name, address, telephone number and email address)
- b. Sensitive personal information (such as your identity, marital status, employment status, religion, ethnicity, language, medical conditions, health history, nationality and country of birth)

Why do we collect and use your personal information?

We collect and use your personal information in accordance with GDPR Article 6 (1) as applicable:

- where we have the consent of the data subject (a)
- where it is necessary for compliance with a legal obligation (c)
- where processing is necessary to protect the vital interests of the data subject or another person (d)
- where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (e)
- Processing is necessary for the purpose of the legitimate interest pursued by the controller
- or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal
- data, in particular where the data subject is a child (f).

Where the personal data we collect is sensitive personal data it is used in accordance with GDPR Article 9 as applicable:

- we have explicit consent: 2(a)
- processing is necessary for reasons of substantial public interest: 2(g)
- Processing is necessary for the purposes of preventive or occupational medicine, for the
- assessment of the working capacity of the employee, medical diagnosis, the provision of
- health or social care or treatment or the management of health or social care systems and
- services: 2(h)
- Processing is necessary for reasons of public interest in the area of public health 2(i)
- Processing is necessary for achieving purposes in the public interest, research or statistical
- purposes. 2 (j)

Storing data

A significant amount of personal data is stored electronically. For example, OPAS which is our confidential occupational health specific software. All our systems are maintained by Maidstone & Tunbridge Wells NHS Trust's in-house IT department. The external contractor who supplies our OPAS system may have access to certain information but this is only accessed with Occupational Health OPAS System Administrator and the IT Department's authorisation. Some information is also stored in hard copy format which is stored and maintained in accordance with existing relevant legislation and guidelines.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. We will retain and securely destroy your personal information in accordance with existing relevant legislation and guidelines.

Requesting access to your personal data

You have the right to request information we hold about you ("Subject Access Request"). Please contact the Occupational Health Department for further information. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive.

Right to withdraw consent

Where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. You can withdraw or change your consent by contacting the Occupational Health at mtw-tr.occupationalhealth@nhs.net. Please note that all processing of your personal data will cease once you have withdrawn consent, other than where this is required by law, but this will not affect any personal data that has already been processed prior to this point. Should you wish to raise a complaint regarding use of your personal information please contact the Data Protection Officer on 01892 634029.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Further information can be found at <https://ico.org.uk/for-the-public/>. You can also contact the Information Commissioners Office directly on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.