

Occupational Health Service Privacy Statement

When joining Sussex Community NHS Foundation Trust or one of our client organisations as an employee, contractor, or a volunteer, you will be required to undergo a health screening process with our Occupational Health Service.

This review is to ensure you are fit to carry out the role you will undertake within the organisation the position has been offered, and to support you with any health and wellbeing queries or issues that affect your work.

Once you have commenced with your contracting organisation, the Occupational Health Service is here to keep people well at work – physically and mentally – and provide a range of services to protect and promote your health at work.

The Occupational Health Service shall process your personal data in accordance with the General Data Protection Regulation (GDPR).

This statement explains how the Occupational Health Service collects, uses and shares (“processes”) personal data of our staff and prospective staff (i.e. job applicants), our client’s staff and prospective staff, and relevant volunteers & contractors, and your rights in relation to the personal data we hold. We recognise the need to treat staff personal data in a fair and lawful manner. No personal information held by us will be processed unless the requirements for fair and lawful processing can be met.

Personal information we hold about you

We may collect and process the following data about you:

- Name
- Contact details
- Date of birth
- Employment division, team, budget code
- Job title
- Employment start and end dates
- Information you supply to us through questionnaires, email, telephone or face to face on:
 - Medical / Health history/ disability or long term conditions
 - Lifestyle information
 - Social circumstances
 - Ethnicity and gender information that may be relevant to clinical assessments
- Information provided by your line manager on your attendance/absence history and any relevant health information
- Medical information from your GP or consultant specialist (with consent)

How we collect personal information about you

We collect most of the information we hold about you:

- From you via electronic questionnaires or communications, on the telephone or face to face
- From human resources through electronic means (e.g. from Employee Staff Record)
- From your line manager through management referral questionnaires
- In the course of providing clinical care to you (e.g. blood test results, GP reports, vaccination history)

To provide clinical care we use a third party software provider. The Occupational Health Service is the data controller and our contracted software provider is the data processor in this instance. All information maintained electronically about you is stored in the UK and is not transferred outside the UK.

Our staff are trained to handle sensitive information correctly and to protect your privacy. We maintain high standards, adopt best practice for our record keeping and regularly check and report on how we are doing. We retain records in line with national guidance for NHS occupational health services.

How we use the information we hold about you and the legal process for processing your data under GDPR

We need the information listed under *Personal Information We Hold About You* to allow us to perform our obligations to you. We will process your data to enable us to meet our commitment in protecting and promoting your health at work, fulfilling our responsibility under our declaration of health requirements, and advising on management of work-related health problems, issues, conditions or illnesses that may be affected by work.

We will use the information under *Personal Information We Hold About You* to

- Ascertain your fitness to start or undertake work where there is an established fitness standard.
- Establish a baseline health record where you may be working with substances or agents that have the potential to cause diseases.
- Monitor your health if you continue to be exposed to workplace activities, allergens or substances that may be hazardous to health.
- Monitor relevant long term conditions if you undertake certain procedures or work within a high risk environment (e.g. Exposure Prone Procedures) as required by Public Health England.
- Advise on management of accidents and exposures in the course of your work.
- Provide clinical care, advice and support to you in the management of a work related health problem or health problem that affects you at work.
- Within established practice of medical confidentiality provide advice to your line manager or human resources on the management of work related health problems or health problems that may affect you at work.

We will only use your personal information for the purposes stated above, unless we consider that the use is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, your explicit consent will be sought prior to processing. Anonymised or

aggregated data may be used for reporting and monitoring purposes, but these would not identify you.

The legal basis under the General Data Protection Regulations for processing information is:

- Article 6 - Lawfulness of processing:

Article 6(1)(e) Performance of a public task

- Article 9 - Processing of special categories of personal data

Article 9(2)(h) 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 on the basis of Union or Member State law or pursuant to contract with a health professional.

At times we may have a legal duty to share information which identifies you without obtaining permission, for example safeguarding yourself or others, crime prevention and detection or if a court orders us to do so

Who we share your information with

In line with the principles of medical confidentiality no medical information (diagnosis, results of test) is shared without your permission. This is a professional requirement separate to any requirements of data protection legislation.

All pathology is undertaken by accredited external laboratories who are GDPR compliant.

Referrals to NHS services, your organisations Employee Assistance Programme or independent practitioners are not made without consultation and your permission.

We do not have any electronic interface with NHS public record keeping systems. Communications with your general practitioner or NHS specialist consultant are not made without consultation and your permission, except in the situations detailed above.

Your information with the Occupational Health Service is separate to your Employee Staff Record.

For Sussex Community NHS Foundation Trust employees and contractors, we use a one-directional interface from your Employee Staff Record to ensure our information held about you is accurate and valid (e.g. your employment termination date). This supports audit and file retention. No information is shared back into your Employee Staff Record and HR staff do not have access to your Occupational Health record.

We may in exceptional circumstances process your personal data because it is necessary to protect your or another person's vital interests or have a legal duty to do so, for example, where you have a life threatening accident in the workplace or there is an outbreak of a reportable infection in the area you work and we have to share your personal data in order to ensure you receive appropriate medical care.

Individual Rights

Data Protection laws give individuals rights in respect of the personal information that we hold about you. These are:

1. To be informed why, where and how we use your information.
2. To ask for access to your information.
3. To ask for your information to be corrected if it is inaccurate or incomplete.
4. To ask for your information to be deleted or removed where there is no need for us to continue processing it.
5. To ask us to restrict the use of your information.
6. To ask us to copy or transfer your information from one IT system to another in a safe and secure way, without impacting the quality of the information.
7. To object to how your information is used.
8. To challenge any decisions made without human intervention (automated decision making)

Any further queries on the use of your information you may speak to your organisations Data Protection Officer or email the Occupational Health Service at sc-tr.occupationalhealthadmin@nhs.net

If you wish to lodge a complaint about the use of your information, please contact the Occupational Health Department and ask to speak to the Head of Service.