

Privacy Notice

UHB Occupational Health

The GDPR and the Data Protection Act 2018 (“Data Protection Legislation”) required an organisation to process your personal information fairly and lawfully. This privacy notice explains how we use your information and protect your privacy. We value your privacy and want to be clear about the data we collect, how we use it and your rights to control that information, which is why we've updated this privacy notice.

Who we are

The Occupational Health (OH) department is part of the UHB NHS Foundation Trust. The Trust is registered with the Information Commissioner’s Office (ICO) to process personal and special categories of information under the Data Protection under the Data Protection Legislation, and our registration number is Z5568104.

The OH department works as an in-house service to the Trust and works alongside other organisations in Birmingham, helping them to promote and maintain the health and wellbeing of their staff and students. Services include: Occupational Health referrals, pre-placement medicals, Health Surveillance and wellbeing services.

Why we are collecting your data?

To enable us to provide an Occupational Health Service to the Trust’s staff, partner organisations and their employees or students. We will use the information for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee or student, to ensure the health and safety of the employees or students 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.

What information are we collecting?

- Personal Information, e.g. Name, Address, Date of birth,
- Personal Characteristics e.g. ethnicity, gender etc.
- Contact details e.g. telephone and email
- GP and/or specialist contact details
- Past and present occupational job roles and occupational exposure
- Health information that would be classed as ‘special category data’ e.g. your health questionnaire completed during the recruitment process
- Details of medical investigations and biological testing

Who we are collecting data from?

- You (the data subject)
- Your manager and Human Resources or Program leader

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- Health specialists/services that we may refer you to as part of our assessment process
- With your consent, your GP or other specialists from whom you have received treatment

How will it be collected?

- Verbally by way of telephone calls or during face to face conversations
- In writing (paper or electronic); for example reports sent to us from your GP or via electronic forms that you or your manager complete as part of the management referral process or for health surveillance

How will we use this data?

We use this data to:

- Identify you and ensure that your medical information is filed correctly
- Assess and protect your health and your fitness to work
- Identify a baseline of your health against which to measure any future changes
- Provide advice to managers on the impact of your health on work and work on your health
- Promote your abilities and help support any disabilities in the workplace, recording recommendations for necessary adjustments, restrictions or modifications
- Identify any additional support that would help you to improve your health

What is the legal basis for processing the data?

The legal basis for collecting and using our personal information is either that it is necessary for the performance of your employment contract or that 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. Where the personal information collected and used consists of special category information, the legal basis for collecting and using it is that it is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee” and that the use of this information is permitted “when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy” or that it is in the substantial public interest to do so.

Will my information be shared with others?

Your information is private and will only be shared when it is necessary and lawful to do so:

- Information on your fitness to work is shared with your line manager, department safety officers and HR or Program leader - with your **consent**.
- Details of infectious diseases which present significant risk to human health and the wider public under the Public Health (Control of Disease) Act 1984 and the Health Protection (Notification) Regulations 2010 to relevant official – where we have a **legal duty**.
- Where a court orders us to share your information – where we have a **legal duty**.
- When it’s required by us or others to detect, investigate or prevent serious crime - where we have a **legal duty**.
- Assisting third parties with regulatory responsibilities such as the Care Quality Commission and Information Commissioner’s Office - where we have a **legal duty**.

How long will we keep your information?

When determining how long we keep your information, we take into account any legal requirements, the expectations of the data protection regulator and the amount of time since your last engagement with OH. We do not keep records for longer than is necessary. We will keep your personal information for the following periods:

- For staff and students, OH information will be retained for the duration of employment with the Trust (students will be held for the duration of your course) and for six years following your leaving date;
- Health Surveillance information, will be stored for 40 years as required by the Health and Safety Executive (HSE);
- Information on Radiation Medicals will be stored for 50 years to comply with the Ionising Radiation Regulations;
- Health Declarations for the assessment of fitness to work or study will be retained for 2 years following completion of study or termination of contract of employment.

The above will be applied, unless there are other clinical grounds or legal reasons to keep them for a longer period.

Your rights

You have the right to see any information we hold about you. The request should be made in writing and should be responded to within one month without charge. You can also request that an amendment is attached to your OH record if you believe any of the information held by us is inaccurate or misleading. Please write to us on:

Occupational Health Department,
Heritage Building,
Mindelsohn Way,
Edgbaston
Birmingham B15 2TH.
Email: Occupationalhealth.Enquiries@uhb.nhs.uk

Data Protection Officer

If you have any questions or concerns regarding how your data is being processed, please contact the Trust's Data Protection Officer:

Data Protection Officer
Information Governance Team
3rd Floor, Nuffield House
Mindelsohn Way
Birmingham, B15 2TH
Email: InformationGovernance@uhb.nhs.uk

Information Commissioner's Office

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can contact the ICO directly.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF
Telephone: 0303 123 1113 (local rate)
Telephone: 01625 545 745 (national rate)
Fax: 01625 524 510
Email: casework@ico.org.uk

Changes to this Privacy Notice

UHB Occupational Health Department reserves the right to update this privacy notice at any time as part of our commitment to protecting your privacy and affording you even more transparency. We may also notify you in other ways from time to time about the processing of your personal information. The Trust also publishes its General Privacy Notice on its website:

<https://www.uhb.nhs.uk/privacy-notice/>