

Health Matters (Occupational Health) Ltd - Privacy Notice

As your Employer's occupational health (OH) service provider, Health Matters (Occupational Health) Ltd. (HMOH) need to process your personal data, defined as any identifiable information relating to you the Employee, the "data subject". The term "processing" covers virtually everything that can be done with data, including collection, recording, storage, disclosure by transmission, erasure and destruction.

As both the Data Controller and Data Processor of your data we are committed to protecting your individual rights to privacy. Your data be processed in accordance with the Data Protection Act 2018 (UK)/Data Protection Bill 2018 (ROI).

What data will be collected?

The following data may be collected as part of our process of providing occupational health services to you and your Employer:

- Personal information (e.g. name, address, date of birth)
- Characteristics e.g. ethnicity, gender etc.
- Past and present job roles
- Health/medical information

Some of the above is classed as "special category data" which is personal data that can be considered of a "sensitive" nature e.g. medical history, ethnic origin etc.

Who will it be collected from?

- You (the "data subject" and employee)
- Your Employer e.g. Human Resources, Managers etc.
- Health specialists/services that we may refer you to as part of our assessment processes.
- Your treating doctors/health professionals (with your consent) e.g. GP, Specialists, physios.

How will it be collected?

- Verbally e.g. telephone calls, face to face conversations.
- In writing e.g. forms you and/or your Employer may complete, letters we may receive from your treating doctors etc. These may be sent to us electronically and/or by surface mail.

Why is it being collected i.e. what is the "lawful basis" for processing the data?

Our lawful basis for processing your data is:

- **Legal obligation:** the processing is necessary for us to comply with the law, namely relevant health and safety legislation and employment legislation, and to support your Employer in complying with the same law as we are acting as their agent;
 - 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.
- **Vital interests:** "the processing is necessary to protect someone's life". Part of our work will be to help you and your Employer protect your health from harm that may potentially arise from work processes e.g. exposure to chemicals.

We may also use your data for audit or statistical analysis to help us do our work e.g. internal clinical or process audit. This will usually be done "in-house" however if external auditors are used they would only have access to anonymised data.

Who will have access

- HMOH practitioners (nurses, doctors, technicians) so as to perform assessments and provide advice on fitness for work. They will often require full access to your file to see outcome of previous assessments etc.
- Administrative support staff on a "need to know basis" e.g. to book appointments, process reports etc. All administrative staff understand the need for confidentiality and their contractual obligation to preserve it. Administrative staff who do not "need to know" are not be allowed access to personal

health information.

- 3rd party services e.g. laboratories, specialist OH consultancy services. In such cases we disclose only the personal information that is necessary to deliver the service.
- Outcomes of your assessments with us will be shared as a “report” to your Employer. This report will focus on your fitness for work. It may include advice to support your ongoing the health and safety at work or adjustments that may be required to support your ability to work. Your confidential medical information will not be shared without your specific consent.
- We may at times provide statistics about service usage and/or assessment outcomes to your Employer e.g. collective results of a health surveillance programme. This data will be anonymised so that specific individuals cannot be identified.

Your OH records will contain medical information and HMOH have a legal and ethical duty not to disclose confidential medical information to third parties, including your Employer, without your informed consent, unless public need overrides duty to confidentiality or a court order is issued.

How will the data be stored?

Your data stored with us is known as your “OH record/notes/file” and is combination of electronic and paper records. All data is stored using appropriately secure control measures e.g. encrypted computers, restricted access servers, locked cabinets etc.

How long will we keep your data for?

- Most OH clinical records relating to the hire of an individual will only be kept for two years unless there are good clinical or legal reasons to keep for longer periods.
- Most other OH records, unless required by or in support of specific legislation e.g. “Control of Asbestos Regulations” or potential/ongoing litigation will only be held for six years after your departure from the Employer.

NB: We depend on your Employer to inform us of your employment status and what hazards you may be exposed to in work.

What are your rights?

- You have the right to see part or all of your OH records; the request should be made in writing and will be responded to within 4 weeks. A reasonable administrative charge may apply if the request is excessive and/or repetitive. In some cases, we may need more time to provide the information; we would notify you of this within 4 weeks of request and would provide your data within 3 months of request.
- You have the right to instruct a 3rd party to access your data on your behalf e.g. a legal representative. As your OH record contains “special data” we will contact you to obtain/confirm your written consent even if you have provided a consent to your representative.
- You can request that an amendment is attached to your record if you believe any of the information held is inaccurate or misleading.
- Your right to erasure is limited as we are processing your data for the purposes of preventative or occupational medicine under the responsibility of a registered health professional.

What if I have a question or concern?

If you have any concerns or further questions about how we are handling your data please contact us at: Health Matters (Occupational Health) Ltd, Monaghan Court, Monaghan Street, Newry, BT35 6BH. If you are not satisfied with our response or believe we are processing their personal data not in accordance with the law, you can contact the Information Commissioner’s Office (ICO).