

## Valentine Occupational Health - Privacy notice for workers

The GDPR regulates the processing of personal data, defined as any information relating to an identified or identifiable natural person, the data subject. It does not apply to information that is completely anonymised, nor to information about dead people.

It applies both to data processed wholly or partly by automated means and to manual data which form part of a filing system, that is files structured according to specific criteria. Medical records held manually and filed by the name of the patient and structured according to the date within each file are likely to be covered by the GDPR.

The Regulation imposes duties on data controllers and data processors. The controller is the person or organisation that determines the purposes and means of the processing of personal data.

The term processing covers virtually everything that can be done with data, including collection, recording, storage, disclosure by transmission, erasure, and destruction.

### Confidentiality

OH professionals have a legal and ethical duty not to disclose or share your personal health information without your (the worker's) prior consent.

Independent OH providers, such as Valentine Occupational Health Ltd (VOH), act as both the Data Controller and Data Processor.

The Data Controller must prove that they have a lawful basis for processing data under Article 6, which applies to personal data of all kinds. Where the data are in a special category (sensitive) they must also find a lawful basis under Article 9.

Special category data includes but is not limited to data concerning health. VOH are likely to be processing special category data and must therefore comply with Article 6 and Article 9.

It should be noted that whilst consent may be a legal basis the definition of consent in the GDPR is different from the definition of consent at common law and in the ethical rules of the health professions, to which VOH must comply.

### The Lawful basis for processing data:

Article 6 (para 1) (f): processing is necessary for the purposes of the legitimate interests pursued by the controller or a third party.

Article 9 (para 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 a contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.

Article 9 (para 3): Personal data referred to in paragraph 1 may be processed for the purposes referred to in point (h) of paragraph 2 when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies.

**Your Data:** VOH is committed to protecting the rights of the individual and acknowledges that any personal data of yours that we handle will be processed in accordance GDPR as above.

In addition, our registered health professionals will adhere to their professional standards with regards to confidentiality.

### **What Data will be collected?**

The following data maybe collected and held by VOH:

- Personal information (e.g. Name, Address, Date of Birth)
- Characteristics (ethnicity, gender)
- Past and present Job roles and Employer
- Health Records
- Medical Information
- Social
- CCTV – if attending some premises, CCTV may be in operation for security purposes, this data will not be retained by VOH for any purpose relating to your referral.

### **Who will data be collected from?**

- The individual being referred
- Human Resources
- Managers Occupational Health Physicians / Practitioners
- GPs / Hospital Specialists\*
- \*We may on occasion request for further medical information from your GP or specialist. If this is the case, we will discuss this with you and obtain your written consent in accordance with Access to Medical Reports Act.

### **How will it be collected?**

- Email
- Post
- Verbally

### **Why is it collected?**

For the purposes 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.

Lawful Basis for processing the information?

Additional condition - Article 9(2)(h) specifically authorises the processing of data as Occupational Medicine is a special category thus “processing is necessary for the purposes of Occupational Medicine” and Article 9(3) which states that processing is permitted “When these data are processed by a regulated health professional”.

### **How long will data be held?**

- Management referral information will be held for 6 – 7 years after the last entry i.e. your referral form and related information, your clinical assessment notes and subsequent report will be held for 6 years after your last assessment. (If the case may potentially give rise to a legal claim they may be kept for longer)

- Pre- placement medicals will be discarded after 1 year if the employee doesn't take up the offer of the job. If the job is taken up it will be treated with the management referral information and retained for the same length of time.
- 40 years in relation to Health Surveillance Records as required by the Health and Safety Executive (HSE) or up to 75th Birthday. Or longer if required by Statute.
- Clinical Records associated with Health Surveillance will be held for 6 - 7 years after the last entry.
- Unwanted records will be destroyed.

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

Your records will be stored in accordance with Valentine Occupational Health Limited's medical records storage policy complying with current Data Protection Legislation, GDPR regulations and professional regulatory bodies.

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

We will not share information about you with third parties without your consent unless the law allows us to. **What are your rights?**

You have the right to request to see any information we hold about you in your occupational health record. The request 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 VOH is inaccurate or misleading.

Any request should be sent either:

#### **By post to:**

FAO: Data Protection Officer (DPO)  
Valentine Occupational Health Limited  
Four, The Cobalt Centre  
Siskin Parkway East  
Middlemarch Business Park  
Coventry, CV3 4PE **Or**

#### **by email:**

FAO - DPO to [service@valentineoh.co.uk](mailto:service@valentineoh.co.uk)

### **Please find below a list of your rights as outlined by ICO**

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulationgdpr/individual-rights/right-to-be-informed/> You can also request that an amendment is attached to your occupational health record if you believe any of the information held by Valentine Occupational Health Limited is inaccurate or misleading. In some circumstances, you have a right for it to be erased. You have a right to lodge a complaint to the Information Commissioner's Office on telephone number 0303 123 1113, via e-mail and live chat. Full contact details can also be found here <https://ico.org.uk/global/contact-us/>