

Privacy statement

Information for employees

The Occupational Health and Wellbeing (OHWB) service is committed to maintaining the privacy, dignity and confidentiality of staff members and other service users always. The OHWB service adheres to UK data protection legislation and the Nursing and Midwifery Council (NMC), the General Medical Council (GMC), the General Dental Council (GDC) and the Health & Care Professional (HCPC) Codes of Confidentiality. In respect of the information provided to us by members of staff and other service users, the OHWB service is required under data protection legislation to notify all staff members and other service users of the information provided and how it will be processed, collected, stored, used and how long it will be held for in this Privacy Statement.

What personal information and data do we collect and process?

The OHWB service will only use your personal information where the law allows us to. The OHWB service uses the personal information of members of staff and other service users to provide advice and support in accordance with individual requirements and individual consents that have been given to the service. Most commonly, personal information will be used in the following circumstances:

- Where an individual has provided consent to the OHWB service
- Where it is necessary to perform a contract or service the OHWB services has entered into
- Where it is necessary to comply with a legal obligation

The OHWB service may also need to use personal information in the following circumstances, which are likely to be rare:

- Where it is necessary to protect an individual's interests (or someone else's interests); or
- Where it is needed in the public interest

The OHWB service is medically confidential. The OHWB clinical and medical records are stored securely in line with UK data protection legislation and only accessibly to OHWB clinical and administrative staff. All OHWB staff adhere to a strict confidentiality code, in relation to confidentiality of all consultations, telephone contact and the maintenance of medical records. All OHWB clinical and administrative staff sign a confidentiality agreement that complies with the above when they are inducted into the OHWB team.

The type of personal information that is collected, processed and held on your OHWB secure records include:

- Name
- Date of birth
- Contact details
- Job title

Occupational Health and Wellbeing

- Employment start and end dates
- Employment service line, team
- Medical history, health history, disability, or long-term conditions
- Lifestyle information
- Social circumstances
- Ethnicity
- Gender
- Attendance / absence history

How is personal information and data collected?

Your personal information and data are collected:

- From HR as part of the recruitment process and from your Employee Staff Record
- From questionnaire's (such as the New Starter Health questionnaire)
- From telephone, face to face, postal and electronic communications
- From your line manager as part of the Management Referral process
- From OH consultations / appointments
- From third parties (such as your GP or a specialist) with consent

Sharing personal information:

Any information obtained by the OHWB service is strictly confidential. No information is divulged to any third party, including the individual's manager, general practitioner (GP) without the individual's informed consent.

Where is personal information and data stored?

The OHWB service store your personal information and data on a secure and confidential software platform (OPAS G2). OHWB 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.

The OHWB service will hold individual personal information whilst individuals are an employee of Solent NHS Trust or a third-party service user, and this will be retained beyond an individual's employment to comply with legal obligations or to meet regulatory or professional requirements.

A copy of the Occupational Health Records L-SOP (June 2023) can be found on SolNet and details the retention schedules for different types of OHWB records. Alternatively, it is available on request.



OH04- Occupational
Health Records LSOP

The OH service is audited annually by the Faculty of Occupational Medicines SEQOHS (Safe, Effective, Quality Occupational Health Services) programme to ensure the correct processes are in place for data management.

Why do the OHWB service collect personal information and data?

We will use the personal information and data 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 individual harm
- Monitor your health if you continue to be exposed to workplace activities, allergens or substances that may be hazardous to health
- 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

Your personal information will only be used 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 any named individuals.

Legal and Lawful Basis

The legal and lawful basis under the General Data Protection Regulations (UK GDPR) 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 based on Union or Member State law (or UK law) or pursuant to contract with a health professional.

Individual data protection rights

Individuals can find out what information the OHWB service has by making a 'Subject Access Request' (SAR) under current UK data protection legislation. If the OHWB service holds information about an individual, and the individual makes a SAR they will:

- Issue a copy of all requested information in an intelligible form

Individuals have the right for their personal, sensitive and medical information to be transferred to another employing organisation in some circumstances.

Individuals can make a SAR by emailing the IG mailbox informationgovernanceteam@solent.nhs.uk

The request will be acknowledged by IG and the OHWB Business Manager will be informed of the request. The request will be approved by the relevant senior OHWB clinician and the Trust's IG Team.

Further Data Protection Rights

If an individual believes the personal information the OHWB service holds is incorrect, the individual has a right to request that the information is rectified and the OHWB service will consider this request. There are some specific circumstances when this right does not apply and the OHWB service can refuse to deal with the individual's request.

The individual may have the right, in certain circumstances, to request the deletion of personal, sensitive or medical information that is held, or to block any further processing of this information, or to object to the processing of the personal, sensitive or medical information. There are some specific circumstances where these rights do not apply and the OHWB service can refuse to deal with this request.

If the OHWB service is processing individual personal, sensitive or medical information based upon an individual's consent, the individual has the right to withdraw consent at any time.

If any individual requires further information about their rights to rectification, erasure, restriction of or object to processing or they wish to withdraw consent, please contact the Business Administration Manager at snhs.ohservices@solent.nhs.uk and they will refer the individual's request to the relevant senior OHWB clinician and the Trust's Data Protection Officer.

Complaints

The OHWB service takes complaints that are received about the collection and use of personal, sensitive and medical information very seriously. Individuals are encouraged to bring it to the attention of the OHWB Business Administration Manager at the email above if they think that collection or use of information is unfair, misleading or inappropriate.

For more information about how the OHWB services handles individual personal, sensitive or medical information, including how long this information is retained, and individual rights under data protection legislation, the following documents can be accessed on SolNet or can be sent to the individual on request

Data Protection Compliance Policy IG23 (2022)

OH Records Local Standard Operating Procedure (2023)

Right to complain to the ICO

You have the right to complain to the Information Commissioner's Office (the "ICO") if you are not satisfied with the way we use your information. You can contact the ICO by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.