

## **Choose Occupational Health Privacy Notice**

Your trust is important to us, so keeping your personal information safe and secure is our top priority.

We receive, process, share and store personal and special category information and this privacy statement explains what kind of information is collected by us about our clients; about an employee when they are referred to our service; from you during a visit to our website, on our customer online portal and how we use this information.

The information collected, used and stored is in strict compliance with not only all current UK legislation but the confidentiality and ethical codes set out by the General Medical Council, Nursing and Midwifery Council and the Faculty of Occupational Medicine.

Please read this Privacy Notice carefully to understand our practices regarding your personal information and how we collect, use and store this information. We may update this Privacy Notice from time to time and the current version will be accessible on our company website [www.chooseoccupationalhealth.co.uk](http://www.chooseoccupationalhealth.co.uk)

### **Who we are**

The Data Controller is OH Acquisitions Limited, 14 Hartington Place, Carlisle, CA1 1HL with registered number 07365943 trading as Choose Occupational Health for the purposes of current data protection law. This means that we are responsible for deciding how we hold and use personal information about you.

We also act as Data Processor as we undertake the processing on behalf and on the instruction of the data controller.

Our Data Protection Lead is responsible for informing and advising us about our data protection law obligations and monitoring our compliance with these obligations. This person acts as your first point of contact if you have any questions or concerns about data protection. The contact is Sandra Holliday and you can contact her using the following email address: [sandrah@chooseoh.co.uk](mailto:sandrah@chooseoh.co.uk)

### **What information we may collect about you**

**We collect personal information (data) about you to allow us to provide occupational health services on behalf of your employer (our client). This may include your employee specific details such as name, date of birth, addresses, telephone numbers, email addresses, employee number, details of your work and gender. It may also include special category (sensitive) information e.g. about your health and medical information, sickness absence history, trade union membership and disability status.**

### **Lawful basis for processing personal information**

Data protection law specifies the legal grounds on which we can hold and use personal information and sensitive information. We most commonly rely on one of more of the following when we process your personal information, exercising powers under Article 6 (f):

- Where we need it to provide occupational health services on behalf of your employer (our client) (**performance of the contract**), which may include providing advice to your employer on fitness to work or medical advice on applications for early retirement due to ill health.
- Where we need it to comply with a legal obligation (**legal obligation**). This may be necessary for the protection of health and safety, to prevent discrimination on the grounds of disability

Special category information is usually more sensitive than ordinary personal information, we need to have an additional legal ground to use and hold it, we rely on exercising powers under Article 9 (2) (h) when we process your special category information:

- Where it is needed to for the purposes of preventative or occupational medicine, to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards (**assessment of working capacity**)

Choose Occupational Health operates within the principles set out in current data protection legislation and best practice guidelines, therefore we will;

- process your information fairly and lawfully for the purposes of occupational health and treatment advice,
- always gain your consent before sharing information with your employer
- obtain personal and sensitive information to provide occupational health, physiotherapy and counselling services
- ensure we meet all legal requirements when processing this information and will not process the information for any other purposes, such as marketing
- ensure all information held is *relevant* and *appropriate* to the purpose for which it has been obtained
- endeavour to ensure information is accurate and if it is found to not be, we will correct it, if appropriate
- not keep your information for longer than is necessary
- always process information in accordance with your rights under the current data protection legislation
- take all necessary measures to protect your information against unauthorised or unlawful processing, accidental loss or destruction, and damage
- not transfer your information outside of the European Economic Area (EU).

### **How do we collect your personal information?**

All of the personal information is processed by our staff based in the UK, for the purposes of IT hosting and services, including our clinical management system (lumeon)

this information is stored on servers in the UK or at the least within the EU.

Your personal information may come to us via a referral from your employer, either as a paper referral, email attachment or through our client portal; an application from your Pension Scheme; or with your consent, your GP or Consultant; or a provider of additional services such as physiotherapy or counselling. Alternatively we may collect personal and sensitive information directly from you.

### **Who do we share your personal information with?**

Your personal information will be treated as strictly confidential and will only be shared with third party clinicians or providers of services such as counselling or physiotherapy or additional assessments, such as laboratories.

We will only share your personal information with third parties if you provide us with your consent to do so; the sharing of your personal information is required by law; there is a substantial public interest for us to do so (such as danger to the wider public); where such a transfer forms part of the provision of the occupational health service or the disclosure of your personal information is of overall benefit to you when we believe that you lack the capacity to consent.

Where we do not rely on your consent to share your information we will only disclose the minimum amount of information necessary, avoiding releasing personal information where possible.

### **How long will we keep your personal information?**

We will not keep your personal information for longer than we need it for our legitimate purposes. We will retain your personal information, your occupational health record, in accordance with;

- the purposes for which we process your personal information and how long we need the particular information to achieve these purposes.
- how long the personal information is likely to remain accurate and up-to-date.
- for how long the personal information might be relevant to possible future legal claims.
- any applicable legal or statutory requirement that specify how long certain records must be kept, such as your pension scheme' retention policy or health surveillance records.

### **Your rights**

You have a number of legal rights relating to your personal information, which are outlined here:

- **The right to make a subject access request.** This enables you to receive certain information about how we use your personal information, as well as to receive a copy of it and to check that we are lawfully processing it.
- **The right to request that we correct incomplete or inaccurate** personal information that we hold about you.

- **The right to request that we delete or remove** personal information that we hold about you where there is no good reason for us continuing to process it (the right to be forgotten). You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below). Under legal and statutory requirements we may be unable to delete or remove certain personal information.
- **The right to object to our processing** your personal information where we are relying on our legitimate interest (or those of a third party), where we cannot show a compelling reason to continue the processing
- **The right to request that we restrict our processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it unless under legal and statutory requirements we are required to do so.
- **The right to portability** (the right to request an electronic copy of your personal information). Where you provide personal information you have the right to be provided with a structured, commonly used and machine-readable copy and have the right, in certain circumstances, to ensure that we transmit that personal information to another data controller without hindrance 9 i.e under TUPE transfer, or change of occupational health provider).

If you would like to exercise any of the above rights, please contact Sandra Holliday, Managing Director ([sandrah@chooseoh.co.uk](mailto:sandrah@chooseoh.co.uk)) in writing. Note that these rights are not absolute and in some circumstances we may be entitled to refuse part or your entire request.

### **Subject Access Request**

Should you wish to see the personal information we hold on you please download a copy of the request form from our website [www.chooseoccupationalhealth.co.uk](http://www.chooseoccupationalhealth.co.uk) and forward this to our administrative team at [office@chooseoh.co.uk](mailto:office@chooseoh.co.uk)

The first copy of the personal information held about you will be provided free of charge but any subsequent copy will be subject to a reasonable fee based on the administrative costs of providing copies of the personal information to you. We have the right to refuse or charge for requests that are obviously unfounded or excessive.

We will provide you with the requested information within one month.

### **Data breaches**

We follow steps to ensure your data is properly secured and protected, despite best intentions there can be break-ins, laptops or mobiles stolen or servers compromised. We have a policy in place which means we can identify which data will be affected and we will be able to inform the authorities if this should happen.

**Queries, Comments or Complaints**

If you have any concerns or questions you can always contact our Data Protection Lead, Sandra Holliday at [sandrah@chooseoh.co.uk](mailto:sandrah@chooseoh.co.uk)

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office. Details on how to contact the ICO can be found on their website [www.ico.org.uk](http://www.ico.org.uk)