

How do we manage and use your Personal Data?

OH3 Ltd are an Occupational Health provider and we are responsible for safeguarding the privacy of your information. This Privacy Statement explains how OH3 collects, uses and shares (or processes) the personal data of its employees, subcontractors and service users, and your rights in relation to the personal data we hold.

Data Controller: OH3 Ltd, 172 New Bridge St, Newcastle-upon-Tyne, NE1 2TE

Email: datacontroller@oh3.co.uk, Tel: 0191 653 1001

ICO: **Z2881657**

Data Protection Officer: Helen Woodcock, Business Director, [Dr Mike O'Reilly](#), 0191 653 1001

Company Registered Address: OH3, Third Floor, York House, South St Andrews Street, Edinburgh, EH2 2AZ

Company No: SC402074

What data do we process? In order for OH3 Ltd to provide Occupational Health services to patients, personal and often sensitive medical information needs to be obtained.

The following data may be collected, held and shared by Occupational Health:

- Personal information (e.g. Name, Address, Date of Birth, email, National Insurance, telephone numbers, to identify and communicate with the individual and employee's company.)
- Past and present job roles
- Characteristics (ethnicity, gender)
- Passport number if relevant to the assessment
- employment start/leaving dates
- job title
- religious or philosophical beliefs
- data concerning health
- data concerning sex life or sexual orientation when relevant
- Racial information if relevant to clinical assessments
- Health information

Who It Will Be Collected From?

- Human Resources
- Health & Safety Managers
- Line Managers
- Employees
- Other health professionals (e.g. GP, specialist, physio, counselling)
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How It Will Be Collected?

- Email
- Face to Face or by telephone
- Health questionnaires
- Health assessment
- Postal letters
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Why is it Collected?

- For the purpose of preventative or occupational medicine, for the assessment of the working capacity of the employee.
- We will process your data to enable us to meet our commitment to you e.g. protecting and promoting your health at work, fulfilling our responsibility for the health assessment, advising on the management of work-related health problems and health problems which may be affected by work. We use the information we hold about you for the following reasons:
 - Assess your fitness to undertake work where there is an established fitness standard.
 - Establish baseline health records where you may be working with substances and agents which have the potential to cause disease.
 - Monitor your health if you continue to be exposed to workplace allergens or substances which may cause disease.
 - Monitor your hearing if you are exposed to noise at work in line with the Noise at Work Regulations.
 - Oversee the monitoring your health if you are exposed to Ionising Radiation Sources
 - Advise on the management of accidents and exposures in the course of your work.
 - Provide advice and support to you in the management of a work-related health problem or a medical problem that affects your ability to carry out your work role.

- Within the established practice of medical confidentiality provide advice to your line manager on the management of work related health problems or health problems that may affect you at work.
- Data may also be used for research, audit or statistics but will be anonymized if this is the case.

Lawful Basis For Processing (from the General Data Protection Regulations)

Article 6(1) (f) Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child. Additional condition for the processing of Special Category Data Article 9(2) (h) Processing is necessary for the purposes of preventative and occupational Medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health and social care or treatment, or the management of health or social care systems and services on the basis of EU or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to below.

Personal data may be processed for the purposes referred to in Article 9(2)(h) when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under EU or Member State law or rules established by national competent bodies.

How long will Data be held for

Most personal Information will be held for the duration of OH3's contract to provide occupational health services to your employer, until the end of your employment plus a period of 6 years or your 75th birthday whichever is the earlier. This is unless there is a recognised clinical or legal need or statutory requirement to retain it for longer as there may be for certain categories of health surveillance data.

It will be removed on the annual review of the data store once these 6 years have passed.

Your data will be passed to a new health provider at the end of an OH3 Ltd contract for the provision of occupational health services if you are informed and you have been notified of this and have not opted out.

How Data will be stored

- Records are currently managed in paper and digital copy. Paper Records are stored in accordance with OH3's medical records storage policy and in compliance with GDPR. They are accessible only to OH3 staff.
- Digital records are stored on ISO 27001 accredited Orchid Live Occupational health records management system
- Paper records where possible are, with appropriate security and access control, scanned to the OH3 secure medical cloud system, currently Orchid Live and then destroyed by appointed confidential waste contractor.

Who will Data be shared with

Information about you will not be shared with third parties without your consent unless the law allows this, or there is a serious risk to life.

Results of Health Surveillance will be passed on to the employer under Reg. 11 COSHH Regulations 2002 and ACOP 2103 for retention as required by the Health and Safety Executive (HSE).

In certain circumstances, we may be legally required to share certain data held by us, which may include your personal data, for example, for legal proceedings, where we are complying with legal obligations, a court order, or a governmental authority.

Third Country Processing

Your data is not transferred to other countries.

Rights of Individuals

The GDPR has strengthened the rights of individuals with regard to data about them. These rights are outlined below:

OH3 Ltd,
172 New Bridge Street,
Newcastle,
NE1 2TE

T: 0191 653 1001
F: 0191 653 1012
E: admin@oh3.co.uk
W: www.oh3.co.uk

Vat No.: 198 4866 35
Companies House No.: SC402074

BM.02.004
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Right to be informed

This Privacy Notice is one of the ways we make sure you are informed about the sensitive personal information we collect.

Right of access

You have the right of access to personal data we hold about you. If you would like access, please contact the Data Controller (details above). The request should be made in writing and will be responded to within 4 weeks, without charge.

Right to rectification

If you feel that information we hold is inaccurate or incomplete, please contact the Data Controller (details above). We will review the area you would like rectified and if this is appropriate, we will make the change. You can also request that an amendment is attached to the OH report if you believe any of the information held by Occupational Health is inaccurate, you cannot change the opinion of the OH professional.

Right to erasure

If you would like us to consider erasing the personal information we hold about you, please contact the Data Controller. Your request will be passed to the Data Protection Officer who will want to discuss this with you.

Sometimes Occupational Health records form important medicolegal documents for the exercise or defence of legal claims, such as with Health Surveillance records where such assessment is a statutory requirement. In such cases, we may not be able to agree to the erasure of your personal information.

Right to restrict processing

Once your personal information has been obtained, you have the right to restrict further processing. This means there will be no more activity involving your data other than it being still held by us. This might arise if you did not wish to have any further OH involvement as we require consent to provide OH advice.

Portability of information upon change of OH Provider

If there is to be a change of Occupational Health provider by your employer, the existing OH provider would seek evidence of consent for the transfer of your OH records to the new provider. We would also need to be satisfied that the new OH provider had reasonable arrangements in place for the safe storage of that data before we would transfer it. If you did not want your information to be transferred to another OH provider, you should state this if a notification of change of provider occurs within your organisation.

What if you are not happy with how we are processing your information?

If you are not happy with any aspect of our information management, please consider contacting the Information Protection Officer for our Organisation and we will manage this as a complaint. You also have the right to complain to the Information Commissioner's Office (ICO).

Contractual Requirements

It is not possible for doctors and nurses to provide Occupational Health services without personal sensitive information being processed by us. It is a contractual requirement between OH3 Ltd and any referring party, such as your employer, that without the consent of individuals, we cannot provide OH advice for individual cases. Clinicians need to be satisfied that the individual consents to our process of OH assessment and advice, including the processing of sensitive personal information, and without such consent, we cannot provide the clinical service. The consequence of not providing consent for the processing of personal sensitive data is that the individual and the employer will not have access to our Occupational Health advice. This in turn may mean health risks are not minimised and harm could arise to both parties.

If you have any further questions, we would be pleased to help. Contact us on 0191 653 1001 or speak to your OH Professional. You can also ask to speak to the Data Protection Officer.