

## Privacy Notice: Data Protection & GDPR

As an occupational health (OH) service provider, Kernow Occupational Health (KOH) need to process personal data, defined as any identifiable information relating to 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.

KOH is committed to protecting an individual’s rights to privacy. The purpose for collecting and holding data falls within Schedule 1 (2) the Data Protection Act (DPA) 2018, and will be kept and stored in accordance with the General Data Protection Regulation (GDPR) 2018. OH records are classed as a clinical (medical) record and KOH controls and processes this data under Article 6 (1) f and Article 9 (2) (h) ‘special category data’ of the GDPR. In addition, professional codes of conduct require that confidential medical information is not disclosed to third parties, including an employer, without express consent, unless there is a grave risk of serious harm to others, or it is requested via a court order.

### What Data will be collected?

- Personal information (e.g. Name, Address, Date of Birth).
- Personal characteristics e.g. ethnicity, gender etc.; some of this may be classed as “special category data”.
- Past and present job roles.
- Health information e.g. this is classed as “special category data”.

### Who will have access

- Lorna Richards BA(OH) SCPHN(OH) RN trading as Kernow Occupational Health as a sole practitioner
- Occasionally it may be necessary to refer someone to a medical/health practitioner outside of Kernow Occupational Health for additional assessment. This will always be undertaken with the individual’s consent, and the information shared will be on a ‘need to know’ basis only.

### How long will data be held for?

- OH clinical records relating to the hire of an individual e.g. new employee health questionnaire, will only be kept for two years unless there are good clinical or legal reasons to keep it longer periods.\*
- Most other OH records, (unless required by or in support of specific legislation e.g. Control of Substances Hazardous to Health (COSHH) when they have to be retained for at least 40 years from the date of the last entry), or potential litigation will be held for six years after the individual’s departure from the Employer.\*

*\*The employer is responsible for informing KOH of the employment status of their staff, what hazards they may be exposed to in work and when individuals leave their employment.*

How will the data be stored?

These records will be stored securely and confidentially in locked filing cabinets and/or on password protected computer system. Every attempt will be made to keep data secure when transmitting it to 3<sup>rd</sup> parties e.g. reports to you and your employer will be password protected or sent via a secure encrypted email system.

What are your rights

You have statutory right of access to your occupational health records (in full or in part) under the DPA 2018, or to authorise a third party, such as a legal adviser, to exercise that right on your behalf.

The request should be made in writing clearly outlining to us what records you wish to see. KOH will endeavour to provide the information without delay and at the latest within one month of receipt of your request. If the request is complex/numerous KOH may extend this timeframe by a further two months; if this is the case we will inform you why the extension is necessary within one month of your request.

- This information will normally be provided without charge unless a request is manifestly unfounded or excessive, particularly if it is repetitive.
- We may request additional written consent from you if a third-party request is made under our legal and ethical duty to protect your medical confidentiality.
- You can request that an amendment is attached to your OH record if you believe any of the information held by KOH is inaccurate or misleading.
- You do not have a "right to erasure" of your data if the processing is necessary for the purposes of preventative or occupational medicine (e.g. where the processing is necessary for the working capacity of an employee; for medical diagnosis; for the provision of health or social care; or for the management of health or social care systems or services). This applies as your data is being processed by and under the responsibility of a health professional under the relevant professional codes of conduct.