

East Kent Hospitals University Foundation NHS Trust (EKHUFT)
Occupational Health (OH).
Privacy Notice

EKHUFT OH as the Data Processor is committed to protecting the rights of the individual and acknowledge that any personal data of yours that we handle will be processed in accordance with the General Data Protection Regulations (GDPR) 2018.

<p><u>The categories of information that we collect, hold and share include:</u></p> <ul style="list-style-type: none"> • Personal Information (e.g. Name, Address, Date of Birth, National Insurance number) • Characteristics (ethnicity, nationality, country of birth, gender) • Job role • Health information 	<p><u>Your data will be collected from:</u></p> <ul style="list-style-type: none"> • Human Resources • Managers • Employees • General practitioners • Allied health professionals • OH professionals
<p><u>How your data will be collected:</u></p> <ul style="list-style-type: none"> • Post • Email • Verbal (face to face and telephone) • OH portal • Health Questionnaires • Health Assessments 	<p><u>Your data will be collected:</u></p> <ul style="list-style-type: none"> • For the purposes of preventative 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 the EU or Member State law or pursuant to contract with a health professional (Article 9(2)(h)). • To ensure the health and safety of employees at work and to allow consideration of any adjustments that may be required to support their ability to work. • Data may be used for research, audit or statistics; however this will be anonymised if this is the case.
<p><u>The lawful basis for processing your data:</u></p> <p>1. Article 6.1</p> <p>(e) Lawful basis for processing personal information for EKHUFT employees is in the public interest or in the exercise of official authority vested in the controller necessary for the performance of a task.</p> <p>(f) Lawful basis for processing information for non-NHS contracts is the legitimate interest by the controller or 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, e.g. for the OH practitioner to advise on fitness for work for the efficient and safe running of its business, to comply with its legal obligations under health & safety law and employment law in particular the Equality Act, or with respect to its legal duties for sickness pay.</p>	<p>Additional condition for the processing of Special Category Data</p> <p>2. Article 9.2</p> <p>(h) Processing is necessary for the purposes of 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 in paragraph 3 (<i>below</i>).</p> <p>3. Article 9(3)</p> <p>Personal data may be processed for the purposes referred to in (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.</p>
<p><u>Your data will be held for:</u></p> <ul style="list-style-type: none"> • Information will be held for 6 years after leaving employment or 75 years of age (whichever is soonest), unless there is a recognised clinical need or statutory requirement to retain it for longer. • Pre-placement records will be deleted after 2 years if the offer of employment is not taken up. • Health surveillance records are kept for 40 years as required by the Health and Safety Executive. 	<p><u>Your data will be stored:</u></p> <ul style="list-style-type: none"> • All data is stored electronically on a secure database. • All paper copies are scanned into the secure database and then destroyed. <p><u>Your data information will be shared with:</u></p> <ul style="list-style-type: none"> • Information will be shared with appropriate others as per consent process. • We will not share information about you with third parties without your consent. • All reports sent electronically will be encrypted and password protected.
<p><u>Your data rights:</u></p> <ul style="list-style-type: none"> • You have the right to see, restrict and request portability with regards to the data we hold about you in your Occupational Health record. The request should be made in writing and will be responded to within 4 weeks, without charge. • You can request for factual inaccuracies to be corrected, or for additional information to be added. • In the case of an erasure request, retention may be lawful if, for example, for legal compliance. • Provision of ID will be required for requested Occupational Health record. 	<p>If you have a query or concern regarding your data please contact: EKHUFT Occupational Health Department Email: occupationalhealth.kch@nhs.net Telephone: 01227 864206</p> <p>Data Protection Officer Michael Doherty Information Governance Manager East Kent Hospitals University Foundation NHS Trust Email: Michael.doherty2@nhs.net Telephone: 01227 783142</p> <p>If you wish to lodge a formal complaint: Information Commissioners Office Telephone: 0303 123 1113</p>