

# Occupational Health Service Privacy Notice

---

The City of London Occupational Health Service, as a data controller, is committed to protecting your health data when you use our services. This Privacy Notice applies to current and former employees and workers and explains how and what personal information we collect and how this is used. The Notice will be reviewed periodically and may be updated at any time.

If you have any concerns or questions about how we look after your personal information, please contact the Occupational Health Manager, [ginny.giles@cityoflondon.gov.uk](mailto:ginny.giles@cityoflondon.gov.uk).

The Corporation's Data Protection Officer is the Comptroller and City Solicitor and can be contacted at [information.officer@cityoflondon.gov.uk](mailto:information.officer@cityoflondon.gov.uk).

The City of London Police's Data Protection Officer is the Director of Information and can be contacted at [data.protection@cityoflondon.police.uk](mailto:data.protection@cityoflondon.police.uk).

## The information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection. Much of the information contained in Occupational Health records meets the criteria for this category. Examples of personal information we will collect, store and use about you include:

- Personal contact details such as name, title, address, telephone numbers
- Date of birth
- Gender
- National Insurance number (statutory health surveillance)
- Working hours, work title, job roles,
- Location of employment or workplace

The "special categories" of information we collect comprise health and health related information from or comprising:

- Pre-placement health questionnaires.
- Referrals from management for the purpose of reporting on fitness to work.
- Information about your health, including any medical condition, health and sickness records, health surveillance/role specific assessment records and disability. This is usually disclosed to the Occupational Health practitioner by the data subject. Other sources of health information may be your manager, HR or external treating health professionals with your consent.

- Information about your race or ethnicity, religious/philosophical beliefs, sexual orientation if disclosed to us and relevant to the presenting health issue.
- Information about work absence such as number of absences and reasons.

## **Why we collect and use this information**

- To support the City Corporation's recruitment process and confirm your medical suitability for employment, advising on disability/reasonable adjustments if necessary.
- To advise managers regarding sickness absence and fitness to work.
- To comply with health and safety obligations.
- To advise the City Corporation in relation to pension/injury benefits.

## **The lawful basis on which we process this information**

Your personal data will be processed only when there is a legal basis to do so. Processing of your personal data will only take place in one or more of the following circumstances:

1. To perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary in the public interest.
4. In limited circumstances, with your explicit written consent.

The legal basis for collecting special categories of data, include the following circumstances:

1. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
2. In limited circumstances, with your explicit written consent.

In particular, Article 9(2)(h) of the General Data Protection Regulation applies where '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.'

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

## **Consent**

If we have consent to use your personal information for any particular reason, you have the right to remove your consent at any time by contacting the Occupational Health Manager or the Information Compliance Team.

## **Collecting this information**

Whilst some of information you provide is mandatory for example at recruitment, most is provided on a voluntary basis during a consultation or screening assessment. To assess you fully it is necessary for the Occupational Health practitioner to have the fullest clinical picture possible on the understanding that we will protect this information and only release with your explicit consent as per the General Medical Council (GMC) and Nursing and Midwifery Council (NMC) professional guidance.

We do not collect more information than we need to fulfil our stated purposes and will not retain it for longer than is necessary. The Occupational Health Service team receive mandatory training in data protection. We hold information confidentiality as a fundamental professional requirement which upholds the integrity of the service.

## **Storing this information**

We will hold your occupational health file (paper based) for as long as you are employed and a further 6 years, or up until your 75th birthday whichever is the sooner. (Records Management Code of Practice for Health and Social Care 2016).

If there is an ongoing claim, complaint or dispute the records will be retained for as long as there is a practical purpose for doing so, i.e. to resolve the claim / dispute.

The clinical health surveillance notes which support the management health record in specific regulations e.g. Control of Substances Hazardous to Health Regulations 2002 (COSHH) records will be kept for 40 years from the last entry.

Health questionnaires at recruitment if not employed will be retained for 1 year.

## **Sharing this information**

Personal health data is only shared with your explicit consent except in the rare circumstances that there is a legal obligation to disclose data e.g. a statutory obligation or under the terms of a court order.

## **International data transfers**

Occupational Health related personal and special category data held directly by the City Corporation Occupational Health Service is not routinely transferred to countries outside the EEA unless directed by a court order.

## Your rights regarding your personal information

You have a right to see reports written about you before or at the same time as management as directed by you as per the Occupational Health Service professional guidance by the General Medical Council (GMC) and the Nursing & Midwifery Council (NMC). The Occupational Health Service policy is to provide copies of all reports to individuals. Under data protection legislation, you have the right to request access to your Occupational Health file, also known as a Subject Access Request. You will not have to pay a fee to access your personal information (or to exercise any of the other rights listed below). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

An exception to this would be:

- where there may be third party disclosure;
- where disclosure would be likely to cause serious harm to the mental or physical health of the data subject or another individual.

You also have the right to:

- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected. However, the Information Commissioner recognises that diagnosis is a matter of opinion and therefore reflects a doctor's opinion at the time. The information would need to remain on file.
- Request erasure of your personal information. The Controller can refuse to erase where there is legal obligation (statutory health surveillance) or where it is processed in accordance with 9.2 (h) for the purposes of preventative and occupational medicine.
- Request the restriction of 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.
- Request the transfer of your personal information to another party.

To make a Subject Access Request or to verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Occupational Health Manager at [ginny.giles@cityoflondon.gov.uk](mailto:ginny.giles@cityoflondon.gov.uk)

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance; this should be addressed to either:

The City of London Corporation: Information Compliance Team, Comptroller and City Solicitor's Department, City of London, PO Box 270, Guildhall, London, EC2P 2EJ; or email [information.officer@cityoflondon.gov.uk](mailto:information.officer@cityoflondon.gov.uk).

The City of London Police: Information Access Office, Information Management Services, City of London Police, 182 Bishopsgate, London, EC2M 4NJ; or email [data.protection@cityoflondon.police.uk](mailto:data.protection@cityoflondon.police.uk).

## **Further information**

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO) at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.  
Tel: 0303 123 1113 (local rate) or 01625 545 745 a national rate number. Alternatively, visit [ico.org.uk](http://ico.org.uk) or email [casework@ico.org.uk](mailto:casework@ico.org.uk).