

## Components of a Privacy Notice

### 1. Who we are and what we do

We are the Occupational Health Service of Durham County Council and we collect and process personal and health information relating to employees of the Council.

For the purposes of data protection, Durham County Council is the data controller for your information.

### 2. What type of personal information do we collect and how do we collect it?

The Occupational Health Service (OHS) may collect the following:

#### Personal Information

- Name;
- Contact details including, postal address, telephone number, email address;
- Date of birth;
- Past and present job roles;
- Pension membership status;
- Records of Case Conferences;
- Records of Workplace Assessments.

#### Special Category Information

- Health records;
- Health surveillance records and results of clinical tests;
- Management referrals, including details of sickness absence from work.

#### How we collect your data

The OHS may collect your information in a number of ways, such as:

- When you contact the OHS for advice;
- From Human Resources Recruitment Section ( or from the recruitment manager in the case of school based staff) as part of the Pre-Employment/Pre-placement process;
- When you complete questionnaires and send them to the OHS such as Pre-employment/Pre-placement or health surveillance questionnaires. Please note that some of this information provided in the form of questionnaires may be processed using automated decision making software;
- During telephone or 'face to face' consultations with OHS clinical and/or medical staff;
- When Managers refer you to the OHS;
- When you complete OHS Customer Satisfaction Surveys;
- When referring to external organisations as such as counselling (in the case of counselling no information will be provided back to the OHS from the counselling service relating to any individuals);
- When referring to external organisation as such as physiotherapists;
- When you have provided explicit informed consent to the OHS seeking medical reports/records, for example from your GP or treating specialist;
- From Durham County Council Pensions Division should you seek retirement on health grounds.

### 3. What is our power to obtain and use the personal data?

Processing your information is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

In providing services to Durham County Council employees processing is necessary by the OHS 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.

In providing occupational health services the OHS will collect and process health data which is recognised as Specific Category data.

This processing of special category health information 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

#### **4. What is your personal information used for?**

Information collected and processed by the OHS may be used for the following purposes:

- To deliver occupational health services aimed at supporting your health and wellbeing;
- To assist in developing and improving the services provided by the OHS;
- To provide advice on fitness to work and possible workplace adjustments;
- To ensure that the information we hold about is kept up-to-date;
- To deal with any problems, complaints or legal claims that arise in relation to dealings with the OHS;
- For the purposes of clinical audit;
- Anonymised data may be used for the purposes of research.

#### **5. Will your personal information be shared?**

Information held by the OHS may be shared amongst other members of the Durham County Council OHS clinical and administrative team. As such, OHS employees are subject to either professional or contractual requirements to maintain the confidentiality of your health data. Information held by the OHS will not be shared outside of the OHS Team without your explicit, informed consent.

#### **6. How do we keep your personal information secure?**

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and use of your personal information.

Examples of our the OHS security include:

- Records held in paper form are held in locked cabinets with a secure key system within the OHS at County Hall Durham;
- On occasions it is necessary for the Doctor/Nurse to transport paper records outside of the OHS main department, such as external clinics and home visits. In these circumstances the notes are carried in secure note carriers;
- Some OHS records are held digitally on secure sites using specific security systems such as encryption. Encryption means that information is hidden so that it cannot be read without special knowledge (such as a password). This is done with a secret code or what's called a 'cypher'. The hidden information is said to then be 'encrypted';
- Pseudonymisation, meaning that we'll use a different name so we can hide parts of your personal information from view. This means that someone outside of the OHS could work on your information for us without ever knowing it was yours;
- Controlling access to systems and networks allows us to stop people who are not allowed to view your personal information from getting access to it;
- Training for our staff allows us to make them aware of how to handle information and how and when to report when something goes wrong;
- Regular testing of our technology and ways of working including keeping up to date on the latest security updates (commonly called patches).

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

The retention period for storing OHS records is as follows:

Occupational Health records non-statutory:

- 6 years after termination of employment or until 75<sup>th</sup> birthday whichever is sooner (Unless litigation ensues - see below)

Occupational Health records involving litigation

- As advised by DCC legal advisor. Normally review decision to retain records 10 years after the file is closed

Occupational Health records holding immunisation details

- 10 years after conclusion of treatment

Records falling within the provisions of the Control of Substances Hazardous to Health (COSHH) Regulations 2002 (reg. 24[3])

- 50 years from the date of the last entry or age 75, whichever is the longer

Records falling within the provisions of the Control of Substances Hazardous to Health (COSHH) Regulations 2002 (reg.10[5])

- 40 years from exposure

Records falling within the provisions of the Control of Lead at Work Regulations 1998

- 40 years from the date of last entry

Records falling within the provisions of the Work in Compressed Air Regulations (1996)

- 40 years

Records falling within the provisions of the Ionising, Radiation Regulations 1999 (reg.11[3])

- 50 years

Records falling within the provisions of the Control of Asbestos at Work Regulations (2006)

- 40 years

Pre-employment Health Declaration – employment not subsequently commencing

- 2 years

Clinical appointment diaries

- 4 years

Records of destruction of individual health records and other health records contained in this retention schedule [BS ISO 15489 (section 9,10)]

- Permanently

#### **8. Is your personal information processed overseas?**

All OHS records are held within the United Kingdom

#### **9. Marketing (if applicable)**

At no time will your information be passed to organisations external to us for marketing or sales purposes or for any commercial use without your prior explicit consent.

#### **10. What are your Information Rights?**

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

- to have any inaccuracies corrected;
- to have your personal data erased;
- to place a restriction on our processing of your data;
- to object to processing; and
- to request your data to be ported (data portability).

**To exercise any of these rights please contact the relevant service in the first instance.**

You also have the right to request a copy of the personal information the Council holds about you. To do this, please use this link [www.durham.gov.uk/inforights](http://www.durham.gov.uk/inforights)

If something goes wrong with your personal information, or you have questions about how we use it, please contact the Data Protection Officer by calling 03000 268050.

If we have not been able to deal with your complaint, you can also contact the [Information Commissioner's Office](#)

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**Telephone:** 0303 123 1113 (local rate) or 01625 545 745

**Fax:** 01625 524 510