**Privacy Notice for University of Glasgow Occupational Health Unit**

**This statement sets out how we will store and use your personal data**

**Your Personal Data**

The University of Glasgow will be the ‘Data Controller’ of your personal data and the Occupational Health Practitioner is the data processor in relation to your Occupational Health Medical Records. This privacy notice will explain how the Occupational Health Unit will process your personal data.

**Why we need it**

We are collecting your basic personal data such as:

Personal Information i.e. Name, D.O.B, Contact details, email address and GP details.

Special categories data such as Disability, Ethnicity and Gender

Health Information specific to your interaction with Occupational Health

Past Employment.

We will only collect data that we need, to provide this service to you. Your data may be shared with other healthcare service providers i.e. NHS or your GP, with your consent. Information on workplace adjustments will normally be provided to your line manager and Human Resources, however only with your consent to share this information.

**We will collect data from**

Line Managers

Human Resources

Other Health Professional, e.g. GP, Specialist,.

**How it will be collected**

E-mail

Post

Verbal (either by telephone or face to face)

Health Questionnaires

Health Surveillance e.g. Audiometry or Spirometry results.

**Legal basis for processing your data**

The legal basis for processing personal data within the Occupational Health Service is;

(1). Lawful Basis for Processing (from the General Data Protection Regulations) Article 6(1)

(f) Processing is necessary for the purposes of the legitimate interests (1 ) 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.

(2). Additional condition for the processing of Special Category Data Article 9(2)

(h) Processing is necessary for the purposes of Occupational health assessment of the working capacity of the employee, medical diagnosis, the provision of health care or treatment, or the management of health 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 in para 3 (below).

Article 9(3) Personal data may be processed for the purposes referred to in (2 ) 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.

Where there is the legitimate interest of the employer e.g. for the OH Practitioner to advise on fitness to work for the efficient and safe running of its business, to comply with its legal obligations under health and safety Law and employment law in particular the Equality Act, or with respect to its legal duties for sick pay.

1. Article 9 (3) e.g. by a regulated health professional. This incorporates common law and GMC/NMC (Ref) duty of confidentiality into the GDPR.

**How long will your data be held for?**

 Information will be held for 6 years after leaving employment or study or until 75 years of age (whichever is soonest) unless there is a recognised clinical need or statutory requirement to retain it for longer. If you have undergone health surveillance during your employment your records will be kept for 40 years or in the case of employees subject to radiation monitoring your records will be kept for 50 years.

**How Your Data Will Be Stored**

Medical Records are kept on paper as part of a structured filing system and are stored securely in accordance with the BMA’s medical records storage policy and in compliance with GDPR. Records are kept secure and accessible to clinical Occupational Health staff who have enhanced professional requirement to maintain confidentiality and protect information. Occupational health administrative staff have access to your medical records to ensure medicals records are kept up to date. All occupational health administrative staff sign a confidentiality agreement.

 **Who Your Information Will Be Shared With?**

Information about you will not be shared with third parties without your express written or verbal consent. Unless required by law or where 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)

**What are your Rights**

Where we have relied upon your consent to process your data, you also have the right to withdraw your consent at any time. Please ensure Occupational Health has received your wish to withdraw consent by notifying them by email.

You can request access to the information we process about you at any time. If at any point you believe that the information we process in relation to you is incorrect, inaccurate or misleading, you can in some instances request to have information restricted, corrected or erased or you can request an amendment to be attached to your file

You have the right to see any information held about you in your Occupational Health Clinical Record. The request should be made in writing to ohu@admin.gla.ac.uk and a response will be provided within 4 weeks.

Please note that the ability to exercise these rights will vary and depend on the legal basis on which the processing is being carried out.

**Complaints**

If you wish to raise a complaint on how we have handled your personal data, you can contact the Occupational Health Unit in the first instance on ohu@admin.gla.ac.uk

You can also contact the Data Protection Officer; dataprotectionofficer@glasgow.ac.uk

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner’s Office (ICO) <https://ico.org.uk/>

*Reference: The NMC Code of Conduct – Clause 5, Privacy and confidentiality; Clause 7, Communicate clearly; Clause 10, Clear, accurate, relevant records; Clause 14, Be open and candid including mistakes; Clause 16, Act without delay if risk to patient safety or public protection.*

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