



Privacy Notice Occupational Health

What is this document and why should you read it?

This privacy notice explains how and why Cumbria County Council including each of its operating entities (also referred to as “**council**”, “**we**”, “**our**” and “**us**”) handles and processes personal occupational health data about our employees, candidates, trainees, officers, and temporary workers (referred to as “**you**”).

You should read and retain this notice, so that you know what we are doing with your personal occupational health data. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical. Please also read any other privacy notices that we give you, that might apply to our use of your personal data in specific circumstances in the future.

This notice does not form part of your contract of employment or any other contract to provide services.

Cumbria County Council - Data Protection Responsibilities

“**Personal data**” is any information that relates to an identifiable natural person. Your name, address, contact details, salary details and CV are all examples of your personal data, if they identify you.

The term “**process**” means any activity relating to personal data, including, by way of example, collection, storage, use, consultation and transmission.

Cumbria County Council is a “**controller**” of your personal data. This is a legal term – it means that we make decisions about how and why we process your personal data and, because of this, we are responsible for making sure it is used in accordance with data protection laws.

You also have responsibilities whenever you process personal data in connection with the performance of your role at the council; these are outlined in the council’s [Data Protection Policy](#).

What types of personal data do we collect and where do we get it from?

We collect many different types of personal data about you for lots of reasons. Examples include:-

- For the purposes of preventative or occupational medicine, for the assessment of the working capacity of an employee
- 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 also be used for research, audit or statistics but will be anonymised if this is the case

Further details of the personal data we collect, where we get it from and what we do with it are set out in **Schedule 1**.

You provide us with personal data directly when you apply for a job with us and undertake an initial medical assessment or a fitness for work medical. You may also be subject to health screening and legislative health surveillance

We also create some personal data ourselves and obtain some personal data from other sources. We obtain it from other people, such as GP’s, Physiotherapists and hospital Consultants as well as Managers and People Management.

We also obtain data from some public sources, such as publically available directories and online resources, your emergency contacts, your line manager .You can read more about the sources of personal data in the more detailed information set out in as explained in **Schedule 1**.

If any of the personal information you have given to us changes, such as your contact details, please update them using on iTrent MyHR: [Link to MyHR](#). If you do not have intranet access please contact your manager to update your personal information.

What do we do with your personal data, and why?

We process your personal data for particular purposes in connection with your employment with us, and the management and administration of our business.

We are required by law to always have a permitted reason or justification (called a “lawful basis”) for processing your personal data. There are several permitted lawful basis for processing personal data. The tables on **Schedules 2 and 3** set out the categories of data and the lawful basis on which we rely for processing.

Please note that where our processing of your personal data is either:

- necessary for us to comply with a legal obligation; or
- necessary for us to take steps, at your request, to potentially enter into an employment contract with you, or to perform it

and you choose not to provide the relevant personal data to us, we may not be able to enter into or continue our contract of employment or engagement with you.

We may also convert your personal data into statistical or aggregated form to better protect your privacy, or so that you are not identified or identifiable from it. Anonymised data cannot be linked back to you. We may use it to conduct research and analysis, including to produce statistical research and reports. For example, to help us understand how many of our total workforce number are absent at any given time.

Special category personal data

We are required by law to treat certain categories of personal data with even more care than usual. These are called sensitive or special categories of personal data and different lawful bases apply to them. The table on **Schedule 3** sets out the categories of data and the lawful basis on which we rely for processing. For some processing activities, we consider that more than one lawful basis may be relevant – depending on the circumstances.

Who do we share your personal data with, and why?

We have set out below a list of the categories of recipients with whom we are likely to share your personal data:

- Managers and People Management
- Employment-related benefits providers and other third parties in connection with your benefits (such as pension trustees);
- Professional health advisors including GP’s, Physicians and Physiotherapists
- Professional bodies;
- Insurers; and
- governmental departments, statutory and regulatory bodies including the Health and safety Executive .

Information about you will not be shared with third parties without your consent unless the law allows this, or there is a serious risk to life.

Results of health surveillance will be passed to the Employer under Regulation 11, COSHH Regulations 2002 and ACOP 2013 for retention as required by the Health and Safety Executive (HSE).

We may also share your personal data with third parties, as directed by you.

Sometimes we need to disclose your personal data to other people.

Internal

We may need to share your personal data with other, services or teams to support our general business and workforce management purposes, for line management, authorisations/approvals with relevant decision makers and where systems and services are provided on a shared basis.

Access rights are limited and granted only on a need to know basis, depending on job functions and roles.

External

From time to time we may ask third parties to carry out certain occupational health assessments. These third parties will process your personal data on our behalf (as our processor). We will disclose your personal and medical data to these parties so that they can perform those functions. Before we disclose your personal data to other people, we will make sure that they have appropriate security standards in place to make sure your personal data is protected and we will enter into a written contract imposing appropriate security standards on them.

Where in the world is your personal data transferred to?

If any of our processing activities require your personal data to be transferred outside the European Economic Area, we will only make that transfer if:

- the country to which the personal data is to be transferred ensures an adequate level of protection for personal data;
- we have put in place appropriate safeguards to protect your personal data, such as an appropriate contract with the recipient;
- the transfer is necessary for one of the reasons specified in data protection legislation, such as the performance of a contract between us and you; or
- you explicitly consent to the transfer.

How do we keep your personal data secure?

We will take specific steps (as required by applicable data protection laws) to protect your personal data from unlawful or unauthorised processing and accidental loss, destruction or damage. Details of these measures are available in the council's

[Information Security Policy](#). In accordance with medical records storage advised by British Medical Association

How long do we keep your personal data for?

If you are our employee we will keep your personal data during the period of your employment and then, after your employment with us ends, for as long as is necessary in connection with both our and your legal rights and obligations. This may mean that we keep some types of personal data for longer than others.

We will only retain your personal data for a limited period of time. This will depend on a number of factors, including:

- any laws or regulations that we are required to follow;
- whether we are in a legal or other type of dispute with each other or any third party;
- the type of information that we hold about you; and
- whether we are asked by you or a regulatory authority to keep your personal data for a valid reason.

Details of these timescales are available from the council’s [Records Management Service](#)

Any personal data contained in any work related correspondence or records may be retained for longer, dependant on the retention period of the file that your personal data is held on.

Normally personal Occupational Health information will be held for 6 years after leaving employment or 75 years of age (whichever is soonest) as recommended by the British Medical Association (BMA) unless there is a clinical need or statutory requirement to retain it for longer (40 years in relation to statutory health surveillance as required by the Health and safety Executive (HSE)).

New employee assessments will be discarded after 2 years if the offer of the job is not taken up.

What are your rights in relation to your personal data and how can you exercise them?

You have certain legal rights, which are briefly summarised below in relation to any personal data about you which we hold.

Your Right	What does it mean?	Limitations/Conditions
Access	Subject to certain conditions, you are entitled to have access to your personal data (this is more commonly known as submitting a “data subject access	If possible, you should specify the type of information you would like to see to ensure that our disclosure is meeting your expectations.

	request”).	<p>Request must be made in writing</p> <p>We must be able to verify your identity. Your request may not impact the rights and freedoms of other people, eg privacy and confidentiality rights of other staff.</p> <p>Where you, the data subject make a request by electronic form means, the information will be provided by electronic means where possible, unless otherwise requested.</p> <p>Further details can be found here: http://www.intouch.ccc/gdpr/gdpr.asp</p>
Data Portability	Subject to certain conditions, you are entitled to receive the personal data which you have provided to us and which is processed by us by automated means, in a structured, commonly-used machine readable format.	<p>If you exercise this right, you should specify the type of information you would like to receive (and where we should send it) where possible to ensure that our disclosure is meeting your expectations.</p> <p>This right only applies if the processing is based on your consent or on our contract with you and when the processing is carried out by automated means (ie not for paper records). It covers only the personal data that has been provided to us by you.</p>
Inaccurate or Incomplete Data	<p>You may challenge the accuracy or completeness of your personal data and have it corrected or completed, as applicable. You have a responsibility to help us to keep your personal information accurate and up to date.</p> <p>We encourage you to notify us of any changes regarding your personal data as soon as they occur, including changes to your contact details, telephone number, immigration status.</p>	<p>Please always check first whether there are any available self-help tools to correct the personal data we process about you.</p> <p>This right only applies to your own personal data. When exercising this right, please be as specific as possible.</p> <p>This includes medical reports</p>
Object To/Restrict Processing	Subject to certain conditions, you have the right to object to or ask us to restrict the processing of your personal data.	As stated above, this right applies where our processing of your personal data is necessary for our legitimate interests.
Erasure	Subject to certain conditions, you are entitled to have your personal data erased (also known as the “ <i>right to be forgotten</i> ”), eg where your personal data is no longer needed for the purposes it was collected for, or where the relevant processing is unlawful.	We may not be in a position to erase your personal data, if for example, we need it to (i) comply with a legal obligation, or (ii) exercise or defend legal claims.
Withdrawal of Consent	As stated above, where our processing of your personal data is based on your consent you have the right to withdraw your consent at any time.	If you withdraw your consent, this will only take effect for future processing.

Where our processing of your personal data is based on your **consent**, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent we

will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal data is necessary for our **legitimate interests**, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

If you wish to exercise any of your rights please contact the Data Protection Officer. (Details below)

You also have the right to lodge a complaint with the Information Commissioner's Office, which is the UK data protection regulator. More information can be found on the Information Commissioner's Office website at <https://ico.org.uk/>.

Updates

We may update this notice from time to time to reflect changes to the type of personal data that we process and/or the way in which it is processed. We also encourage you to check this notice on a regular basis.

Where can you find out more?

Link to Information Governance Website

We have appointed a Data Protection Officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information. You can contact the DPO in the following ways:

Email: dataprotection@cumbria.gov.uk

Post: Data Protection Officer, c/o Information Governance Team, Cumbria County Council, Cumbria House, 117 Botchergate, Carlisle CA1 1RD

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