



Privacy Statement for Health Surveillance & Fitness for Work Medicals – How do we manage and use your Personal Data?

Caer Health Services Ltd are an Occupational Health provider and we are responsible for safeguarding the privacy of your information. We comply fully with the General Data Protection Regulation for information within our control. This Privacy Statement provides information about the type of data we collect and how it is managed. Having read this document, if you have any further questions, you can speak with a clinical staff member or contact our Data Protection Officer.

Data Controller:

Caer Health Services Ltd, 5a Penty Newydd, Caerphilly Business Park, Van Road, Caerphilly, CF833GS

Email: Info@caerhealth.co.uk

Tel: 02920 881 967

Data Protection Officer:

Neil Hill - Managing Director

Email: Neil.hill@caerhealth.co.uk

Tel: 02920 881 967

What data do we process?

In order for us to provide Occupational Health Services to clients & patients, personal and often sensitive medical information needs to be handled.

What is Health Surveillance?

Health Surveillance is a legal requirement under the Health & Safety at Work etc. Act 1974 and associated Regulations, to protect the health of individual workers and those of your colleagues. It is carried out if workers are exposed to risks in the workplace that could harm health, such as noise, vibration, dusts and chemicals. By carrying out tests and enquiring about symptoms on a regular basis, it is possible to pick up adverse health changes early and so prevent worsening work-related health problems.

What are Fitness for Work Medicals?



Workers may have to, as part of their job, carry out safety critical tasks such as working at heights, driving or working in remote locations. Employers have a duty of care to employees and duties under

the Health & Safety at Work etc. Act 1974 to ensure that employees are medically fit for their tasks without undue risk.

Information we receive from your employer

To begin the process of conducting health surveillance appointment for patients, the employer will need to provide details about you and the types of hazards you are exposed too and any associated potential health effects that they would like us to assess for, such as if you are noise exposed or work at heights. This will usually include your name, date of birth, address, telephone number, job details including exposures and risks. We recommend that employers make employees aware, often through information notices such as this, of the information to be provided to us.

Information obtained during your consultation

Health Surveillance and Fitness for Work Medical consultations are normally carried out by our nurses, who all have well-established professional obligations to maintain confidentiality. Without this, we would not be able to provide effective care to our patients.

Your consent to us collecting personal, sensitive information and to proceed with a consultation is necessary before we can perform a consultation with you. It would not be possible for us to provide an Occupational Health assessment without keeping a clinical record as this is a professional requirement for registered practitioners.

During an OH consultation, the clinician will ask about health issues and your work, ask you to complete appropriate health questionnaire and may discuss your answers further with you. They may also carry out tests, **with your permission and consent only**. The tests we carry out for health surveillance are not invasive and consist mainly of hearing and breathing tests, if indicated. You will see them writing a clinical record. This is a confidential file and is not accessible by your employer. You can of course see any information we keep about you at any time upon request.

Information we may send to your employer

For Health Surveillance and Fitness for Work medicals, it is important that the employer understands what hazards you have been assessed for and whether the results indicate you have any associated symptoms or if they are worsening symptoms due to workplace exposures. They will also need to know that you are fit to continue with your working with your work exposures. We ask for your consent to this information being passed to the employer during your appointment. Sometimes the nurse will need Occupational Health Physician advice and discussion. After that discussion, the nurse may advise the employer you require routine review, early review or an Occupational Health Physician consultation is recommended.

How information is sent to the employer



Health surveillance normally involves assessing many workers over a period of days and weeks. The outcome of each health surveillance nurse assessment is updated on our System, stored securely by CHS. Periodically, the nurse in charge of the programme will send a report to the employer for workers that have been assessed, outlining the following information.

Please note: This is not your Occupational Health record.

- Your name, date of birth and occupation
- What hazards you have been assessed for
- Whether there has been any evidence of work related deterioration
- Whether you are fit to continue to work with your work exposures
- Whether you need to see an OH Physician
- When you should have your next appointment scheduled, which sometimes can be earlier than annually

Fitness for Work Medical outcomes will be discussed with you and a standard letter confirming fitness for work will be issued. You will always know the outcome. Sometimes, the nurse may need to refer you for an Occupational Physician appointment or review.

This information is sent electronically in an encrypted form.

Data Sharing Agreement

Your confidential Occupational Health record is not accessible by your employer and is never shared.

It is a requirement for employers making use of CHS services to agree to our Data Sharing Agreement. This outlines the responsibilities of the referring employer and CHS for managing your personal information. In particular, it covers data security and confidentiality responsibilities. It also ensures you are aware of what information is being sent to us by your employer and that suitable controls are in place once the employer receives OH reports.

Legal Basis for processing information

We process personal sensitive information in accordance with the General Data Protection Regulation (GDPR). Our legal basis to process personal sensitive information falls under Article 6, Legitimate Interest and Article 9 for the purpose off Occupational Health Medicine.

Categories of personal data

We process personal information such as name, address and date of birth. We also collect occupational information and medical information including symptoms, history and treatments you may be undergoing. This medical information is regarded as Special Category Data. See sections above for details.

Recipients of personal data



Your information which we receive from an employer is only accessed by our own administration team and staff doctors and nurses. All staff have contractual confidentiality agreements and our processes are designed to maintain confidentiality.

Our OH output reports are sent securely to the employer. It is normal practice for Health & Safety and/or Human Resources to see the outcome of Health Surveillance and Fitness for Work medical assessments as it is a statutory legislative requirement that they maintain a Health Surveillance record (separate to an Occupational Health clinical record).

Retention periods for your data

Health Surveillance records should be kept for 40 years. This is because sometimes industrial diseases can develop later on in life so such records should be retained. This is a recommendation from the Health & Safety Executive.

Rights of Individuals

The GDPR has strengthened the rights of individuals with regard to data about them. These rights are outlined below:

Right to be informed

This Privacy Notice is one of the ways we make sure you are informed about the sensitive personal information we collect.

Right of access

You have the right of access to personal data we hold about you. If you would like access, please contact the Data Controller (details above). We will ascertain your identity and then forward you the requested data as soon as possible. We do not normally make any charges for providing this information.

Right to rectification

If you feel that information we hold is inaccurate or incomplete, please contact the Data Controller (details above). We will review the area you would like rectified and if this is appropriate, we will make the change. If we do not agree to the change, you have the right to complain to the Information Commissioner.

Right to erasure

If you would like us to consider erasing the personal information we hold about you, please contact the Data Controller. Your request will be passed to the Data Protection Officer who will want to discuss this with you.



Health Surveillance Occupational Health records form important medicolegal documents for the exercise or defence of legal claims and there is a statutory requirement. In such cases, we may not be able to agree to the erasure of your personal Health Surveillance information.

Right to restrict processing

Once your personal information has been obtained, you have the right to restrict further processing. This means there will be no more activity involving your data other than it being still held by us. This might arise if you did not wish to have any further OH involvement, as we require consent to provide OH advice.

Portability of information upon change of OH Provider

If there is to be a change of Occupational Health provider by your employer, CHS would seek evidence of consent for the transfer of your OH records to the new provider. We would also need to be satisfied that the new OH provider had reasonable arrangements in place for the safe storage of that data before we would transfer it. If you did not want your information to be transferred to another OH provider, you should state this if a notification of change of provider occurs within your organisation.

What if you are not happy with how we are processing your information?

If you are not happy with any aspect of our information management, please consider contacting the Information Protection Officer for our Organisation and we will manage this as a complaint. You also have the right to complain to the Information Commissioner's Office (ICO).

Contractual Requirements

It is not possible for doctors and nurses to provide Occupational Health services without personal sensitive information being processed by us. It is a contractual requirement between CHS and any referring party, such as your employer, that without the consent of individuals, we cannot provide OH advice for individual cases. Clinicians need to be satisfied that the individual consents to our process of OH assessment and advice, including the processing of sensitive personal information, and without such consent, we cannot provide the clinical service. The consequence of not providing consent for the processing of personal sensitive data is that the individual and the employer will not have access to our Occupational Health advice. This in turn may mean health risks are not minimised and harm could arise to both parties.

If you have any further questions, we would be pleased to help. Contact us on 02920 881 967 or speak to your OH Professional.