

# UK General Data protection Regulation – Occupational Health (OH)

## University/College

### What is the UKGDPR?

This legislation comes into force across the EU and the UK from 25/5/18 and will be incorporated into a new UK Data Protection Act 2018, thereby ensuring it will remain in law, post Brexit. The old Data Protection Act (1998) will be rescinded.

### What does UKGDPR cover?

It applies to the processing of any information relating to an identified or identifiable individual. It does not apply to the deceased or to data that is anonymised.

### Who 'controls' my Occupational Health data?

NHS Tayside Occupational Health will act as a data controller. We hold your OH records securely via electronic means and/or paper documents.

### Who holds my OH record?

Your OH record is held securely by Medgate (now Cority) who work with the NHS and private businesses to provide Occupational Health software systems. They adhere to ISO 27001:2013 (information security management).

### Does Occupational Health also 'process' my data?

For the purposes of fulfilling our role we also need to process information e.g. to ensure that we correctly identify any existing Occupational health notes you may have; create a new record; update your data e/g when we receive information from your University/College etc.

### Who else might process my information?

Medgate (Cority) may process information under our instruction e.g. to rectify a fault.

Your University/College may receive limited non-clinical (unless you consent) information from us, which they will need to process e.g. medical fitness certificate etc.

### What information will you collect or hold on me?

Information that we hold will include any that you have shared with us at the start of your study/training e.g. demographic data; past or ongoing health conditions; vaccination status etc.

We may also throughout the course of your study gather more information depending on your level of contact with us e.g. further vaccinations/blood tests, self-referrals; University referrals; health surveillance etc.

### What is the legal basis for controlling/processing my information?

We adhere to Article 6(1)(e) of the UKGDPR: *processing 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* and as occupational health data is classed as 'sensitive' we also refer to Article 9 (2) (h): *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 or services.*

**Can I access any data you hold on me and will there be a charge for this?**

Yes, you can request a copy of that information (subject to adequate proof of identity). We will provide you with this within one month. There will be no charge unless you request multiple copies, or you make repeated requests for the same information.

We will not be able to release any information that we believe might damage your physical or mental health or that of another, or any information that might identify a third party unless they have given consent.

**How long will my information be held?**

We will hold your information for a minimum period of six years from the date you cease study. However, if in the future you take up an offer of work with NHS Tayside, we will amalgamate your previous record with new one that we need to create, and the combine documents will be held for a minimum period of 6 years from the date you ultimately leave employment.

**If I disagree with the information you hold, can I ask that you correct and/or delete it?**

We will correct or amend any factual errors. We will not be able to erase any existing information, but can add an entry of clarification or a note of your concerns.

**If I have been referred to Occupational Health by my University/College, does the UKGDPR change my right to 'view' an OH report before it is sent to whoever referred me?**

No, we will still offer you an opportunity to have sight of our report if you wish. If you subsequently ask that we do not send our report, a copy will remain within your occupational health file, but marked as 'not to be disclosed to management'.

**Can you use my email/telephone number too contact me?**

If you have supplied these details to us e.g. on a pre-course, Occupational Health questionnaire, then we may use these to contact you regarding appointments, or to clarify matters. This is because contact is required with you in order for us to fulfil our obligations and this would fall under the UKGDPR articles 6 (1) (e) and 9 (2) (h).

If you do not wish us to contact by one or both means, please let us know, but this may mean that we have to rely on the postal system and you will need to let us know if you change address.

**Will I automatically be included in a SMS text reminder service for appointment reminders etc?**

No, unless you decide to opt in, you will not receive texts from us. Should you receive a text but cannot remember opting in and do not wish to receive any further messages, please contact us immediately.

Should you wish to receive future appointment reminders etc by text message and you have not already told us this, please let us know so that we can update your records.

If you have previously consented to us holding a telephone number for SMS text purposes, but no longer wish to participate, contact the OH Department so that we can remove your contact details from the system.

Data Protection Officer Details:

Data Protection Officer

NHS Tayside

Maryfield House (South)

30 Mains Loan

Dundee

DD4 7BT

Telephone: 01382 424436

Email: [TAY.informationgovernance@nhs.scot](mailto:TAY.informationgovernance@nhs.scot)

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