

Lancashire Fire and Rescue Privacy Notice

Occupational Health Privacy Notice

This privacy notice applies to successful job applicants who apply for jobs with Lancashire Fire and Rescue Service, current employees and ex-employees of Lancashire Fire and Rescue Service

As your employer's occupational health (OH) service, we need to process your personal data, defined as any identifiable information relating to you the Employee the "data Subject". The term "processing" covers virtually everything that can be done with data, including collection, recording, storage, disclosure by transmission, erasure and destruction.

As both the Data Controller and Data Processor of your data, we are committed to protecting your individual rights to privacy. Your data will be processed in accordance with the Data Protection Act (DPA) 2018 and the new General Data Protection Regulations (GDPR) 2018. As your OH records are also classed as a "clinical record" OH also has a legal and ethical duty (under relevant health professional codes of conduct) not to disclose confidential medical information to third parties, including your employer, without your written consent, unless there is a grave risk of serious harm to others or a court order.

Reason for processing

LFRS has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the organisation to operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled; obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law,

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes).

Lawful basis for processing

The information collected by Occupational Health is classed as Special Categories of Data as it is more sensitive than other forms of personal data. In order to process Special Categories of Data we must have a lawful basis under Article 6 and a separate condition under Article 9 of the GDPR.

General Data Protection Regulation

The condition for processing under the GDPR will be:

Article 6 (1) (b) of the GDPR the processing is necessary for the performance of a contract to which the data subject is a party; or, in order to take steps at the request of the data subject with a view to entering into a contract.

Article 6 (1) (c) of the GDPR the processing is necessary for the compliance with any legal obligation to which the controller is subject.

Article 6 (1) (d) of the GDPR the processing is necessary in order to protect the vital interests of the data subject or another natural person.

Article 6 (1) (e) of the GDPR the 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.

Article 9 (2) (b) of the GDPR the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment or social security or social protection.

Article 9 (2) (h) of the GDPR the 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

And Schedule 1 part 1(1) and (2)(a) and (b) of the DPA2018 which relates to processing for employment, the assessment of your working capacity and preventative or occupational medicine.

What Data will be collected?

The following data maybe collected, held and shared by (OHU)

- Personal Information (e.g., Name, Address, Date of Birth, Rank, Role, Shift Pattern, Station Location etc.)
- Characteristics (e.g. ethnicity, gender)
- Past and present job roles
- Health information
- Fitness information

Who will it be collected for?

- You
- Human Resources
- Managers
- Health and Safety
- Other health professionals (e.g., GP, specialist, physio, Service Fitness Advisor)

How will it be collected?

- Post
- E-mail
- Verbal (Either by telephone or face to face)
- Health Questionnaires
- Health Assessments (e.g. routine health screening, skin, HGV assessments and via ProHealth Fitness App)

Why it is collected?

- For the purpose of preventive or occupational medicine, for the assessment of the working capacity of the 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.
- Some information collected is used to assess a operational person's fitness and develop a bespoke fitness plan, where required, to support their fitness development.
- Pre-employment screening

How long will the data be held for?

- Information will be held for 7 years after leaving employment or 75 years of age (whichever is soonest). As recommended by the British Medical Association (BMA) unless there is a recognised clinical need or statutory requirement to retain it for longer.
- New employee assessments will be discarded after 2 years if the offer of the job is not taken up.

How your data will be stored?

- Records are kept mainly on paper as part of a structured filing system and are stored in accordance with the BMA's medical records storage policy in compliance with the (GDPR). They are accessible to only to Occupational Health staff.
- Some records are stored within the Occupational Health operating system eOPAS.
- Some information (such as that collected during fitness development) is stored in the ProHealth Application on the UK-servers of a third party; namely, ProHealth Analytics.

With whom will your information be shared?

- 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 can be passed on to the employer under Reg. 11 of COSHH Regulations 2002 and ACOP 2103 for retention by the Health and Safety Executive (HSE). Until required, this information will be stored in line with the (BMA) guidance within (OH)
- Fitness information stored within the ProHealth Application may be accessible by limited ProHealth Analytics staff, for example to provide system-support in the event something is not working such as a system glitch and in order to remedy that bug.

Your Rights

- You have the right to see any information held about you in your (OH) Clinical Record. The request should be made in writing, clearly outlining to us what records you wish to see. We will endeavour to provide the information without delay and at the latest within one month of receipt of your request. This information will normally be provided without charge unless a request is manifestly unfounded or excessive, particularly if it is repetitive.
- We may request additional written consent form you if a third party request is made under our legal and ethical duty to protect your medical confidentially.

- You can request that an amendment is attached to your record if you believe any of the information held by (OH) is inaccurate or misleading. You do not have a “right of erase” of your data if the processing is necessary for the purposes of preventative or occupational medicine (e.g. the processing is necessary for the working capacity of the employee)
- You have the right to withdraw consent at any time, for any reason. Please ensure (OH) have received this information.
- In the case of request for erasure, retention may be lawful (e.g. if required for legal compliance).

How to contact us

LFRS tries to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring it to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.

This privacy notice was drafted with brevity and clarity in mind. It does not provide exhaustive detail of all aspects of LFRS’s collection and use of personal information. However, we are happy to provide any additional information or explanation needed. Any requests for this should be sent to the address below.

If you want to make a complaint about the way we have processed your personal information, you can contact us at the address below.

If you want to request information about our privacy policy you can write to:

Occupational Health Nurse Manager
 Occupational Health
 Chorley Community Fire Station
 West Way
 Euxton
 Chorley
 PR7 6DH

Changes to this privacy notice

We keep this privacy notice under regular review. It will be reviewed at least once every three years and if appropriate, amended to maintain its relevance with changes to legislation and best practice guidance.

Changes to this privacy notice	
Last updated:	1 July 2021
Next review:	1 July 2024