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Service Area:	People Services
Work Area:	Occupational Health
Contact Details:	01443 864663 Occealth@caerphilly.gov.uk
Privacy Notice Name:	Occupational Health Privacy Notice
Description of Privacy Notice:	This privacy notice will explain the type of personal data Occupational Health collects about employees and prospective employees, why we require it and who we share the data with.

How we will use your information

Source and type of information being processed

Categories of personal data obtained

Caerphilly County Borough Council has obtained the following categories of your personal data:

Name
Title
Date of birth
Gender
Address
Contact details
NI number
Occupation
Employment details
Employment details of post applied for (applicants with an offer of appointment)
Sickness absence details
Health and medical history

Source of the personal data

This information is provided by the employee, their line managers and GP or medical professional.

For prospective employees, this information is provided by individuals who wish to accept the Council's Offer of Appointment.

Your Obligations

You have an obligation to provide the information requested

For employees, there is a contractual obligation, provided by your contract of employment, for you to engage with the Councils Managing Sickness Absence Procedure. Please refer to the Council's Managing Sickness Absence Procedure for more details. There is also a contractual obligation to participate in a health monitoring of certain roles within the council to ensure the ongoing health and safety of staff.

For prospective employees, the offer of appointment is conditional upon confirmation of a satisfactory health check to be determined by the Council's occupational Health Team.

Consequences of not providing the information requested

Non-compliance with the Councils Managing Sickness Absence Procedure or Health Surveillance may result in disciplinary action.

Non-compliance to the pre-employment medical assessment will result in the withdrawal of the Council's offer of appointment.

Purpose and legal basis for using your information

Purpose of processing

For employees, we will use your information to ensure a safe and healthy workplace is maintained by assessing what measures must be taken to ensure your wellbeing while at work whether this means providing equipment to meet your requirements or changing your duties to prevent detrimental effects on your health. The information will also be used to support you in illness to help you, where possible, remain in work or to help you return to a position where you are able to work. This information will also be used to consider what options are available if you can no longer continue in your current role due to illness or a medical issue.

For prospective employees with a conditional offer of appointment, we will use your information to ensure you are medically fit to undertake the role applied for.

Legal basis for processing

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

1(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

Data Protection legislation provides extra protection for certain classes of information called 'special category personal data'. If any information falls within the definition of special category personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

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 and services on the basis of Union or Member State

law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

The above Article also needs an additional condition for processing from Schedule 1 of the Data Protection Act 2018.

2 (1) This condition is met if the processing is necessary for health or social care purposes. In this paragraph “health or social care purposes” means the purposes of—

preventive or occupational medicine,

the assessment of the working capacity of an employee,

medical diagnosis,

the provision of health care or treatment,

the provision of social care, or

the management of health care systems or services or social care systems or services.

See also the conditions and safeguards in Article 9(3) of the GDPR (obligations of secrecy) and section 11(1).

Who will have access to your information

Identity of Data Controller and Data Protection Officer

The Data Controller for your information is Caerphilly County Borough Council. The Data Protection Officer is:

Mr Carl Evans

Corporate Information Governance Manager / Data Protection Officer

Email: dataprotection@caerphilly.gov.uk

Tel: 01443 864322

Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

Details of main users of your information

HR, Line or prospective Managers, Occupational Health including external medical professionals engaged to deliver the service.

Details of any sharing of your information within Caerphilly County Borough Council

Details of any health or medical conditions may be shared with your Line or prospective Manager, HR staff and Occupational Health staff including external medical professionals engaged to deliver the service.

Details of any sharing of your information with other organisations

Your details may be shared with medical professionals and the pension provider, however, your written agreement will be sought before releasing any information.

Details of any external data processors

External data processors may be used to provide translation services and for the provision of software services. These services will be provided under a contract that protects the security of your personal information.

Requests for information

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection legislation.

If the information you provide is subject to such a request, where possible Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

How long will we retain your information

Details of retention period

How long Caerphilly County Borough Council retains information is determined through statutory requirements or best practice.

We will store certain health surveillance records for a period of 40 years in accordance with the following health and safety legislation.

Health and Safety at Work Act 1974

Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates
Statutory authority: The Control of Asbestos at Work Regulations 2002 (SI 2002/ 2675).

Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632).

Hand Arm Vibration – Control of Vibration at Work Regulations 2005
Control of Noise at Work Regulations 2005

Your Rights (Inc Complaints Procedure)

Your rights under the Data Protection legislation

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing

- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: www.ico.org.uk.

To enact your rights please contact the service area detailed on the top of this form.

Complaints Procedure

If you are unhappy with the way that Caerphilly County Borough Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints

Summary Privacy Notice

How we will use your information

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Your information may also be used by your Line or prospective Manager, HR and external medical professionals engaged to deliver the service. Your information may be shared with medical professionals and your pension provider with your agreement. We will retain your information for up to 40 years or as required by Health and Safety legislation.

You have a number of rights in relation to the information including the right of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed.

For further information on how we process your information and your rights please click the following link:

[{Hyperlink to Full Privacy Notice on our website}](#)