



## Privacy Policy and Website Terms and Conditions Napier Occupational Health Ltd

### 1. Napier OH Clinical and General data

**Policy** Napier Occupational Health Ltd is committed to protecting the rights of the individual and confirms that any personal data we handle will be processed in accordance with the General Data Protection Regulations 2016/679 (GDPR). The GDPR introduced stricter data protection requirements regarding the processing of data of EU citizens, and the regulations apply to electronic records and to paper records that are filed in name and date order.

**Roles and Responsibilities** For the purpose of the General Data Protection Regulations (GDPR) (EU Regulation 2016/679) the Data Controller is Napier Occupational Health Ltd, registered at Ground Floor Suite, Crown House, 40 North St, Hornchurch, Essex, RM11 1EW. The Data Protection Officer is Dr Jennifer Napier. Napier Occupational Health Ltd is therefore responsible for deciding how we hold and use personal information about you, and ensuring that the following requirements are fulfilled regarding any personal data we collect and hold:

1. Processed lawfully, fairly and in a transparent way.
2. Collected only for specified, explicit and legitimate purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Adequate and relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely, and protected against unlawful processing, accidental loss or damage.

We are required under General Data Protection legislation to notify you of the information contained in this policy.

### What data is collected?

The following data may be collected, stored, and shared by Napier Occupational Health Ltd:

- Personal information such as name, date of birth, address and national insurance number.
- Personal characteristics such as gender, ethnicity, marital status and whether you have dependents.
- Bank account details, payroll records.
- Location of employment or workplace.
- Past and present job roles, disciplinary and grievance information and compensation history.
- Health information which is regarded as sensitive, or Special Category Data (GDPR Article 9). This includes medical records and reports, results of health surveillance, fitness for work medicals and executive medicals.
- Other sensitive or 'special category' data we may gather includes trade union membership, a copy of your driving licence, photographs, information about criminal convictions and offences.

### Who will it be collected from?



- The employee: in the context of referrals for management advice, fitness for work assessments, pensions assessments, health surveillance and statutory medicals (for example under the Ionising Radiations Regulations 1999). In the case of pension assessments this may include the review of existing pensioners.
- The employer: managers, Human Resources.
- Pensions Departments.
- Health specialists or services (with written consent), such as GPs, hospital specialists, physiotherapists, psychologists.

#### **How will it be collected?**

- Verbally, for example in telephone calls or face to face consultations.
- In writing, for example in forms that the employer, employee, pensions department or pensioner may complete, such as referral forms, consent forms, or documentation from other parties such as GPs and specialists. This correspondence may be sent by post, email or other file sharing media. Whilst we can guide other organisations to share information with Napier Occupational Health securely, we cannot accept responsibility for the practices of other organisations with whom we liaise.

#### **Why is it collected?**

- For the purposes of undertaking preventative or occupational medicine assessments.
- To ensure the health and safety of working populations.
- For the purposes of considering disability and the need for adjustments.
- For the assessment of the working capacity of an individual.
- For the purposes of assessing eligibility for ill health retirement benefits in accordance with the stated criteria of the relevant scheme.

#### **What is the lawful basis for processing this data?**

- We will gain your freely given, informed and unambiguous consent to process your personal information for the specific purposes we explain to you.
- Article 6(1)(f) of the GDPR: processing is necessary for the purposes of legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, particularly where the subject is a child.
- Article 9(2)(h) of the GDPR: processing is necessary for the purposes of preventative or occupational medicine, or for the assessment of working capacity of the employee.

#### **How will data be stored?**

- Paper and electronic records will be stored securely and confidentially in accordance with Napier Occupational Health data protection policy which incorporates the requirements of GDPR.



- Data will be maintained so that it is accurate and relevant to the purposes for which it is intended. Any excess data we receive which is not relevant to our purpose will be securely deleted and you will be advised of this.

#### **How long will data be held for?**

- Occupational Health and Pensions records will be held for 6 years after employment with a Napier OH client organisation, or until 75<sup>th</sup> Birthday, whichever comes sooner<sup>1</sup>.
- The individual health record for health surveillance purposes will be kept for 30 or 40 years as determined by the relevant Health and Safety Legislation<sup>1</sup>.
- Data that has reached these retention periods will then be securely deleted.

#### **Who will the individual's information be shared with?**

Information will be shared with third parties on a 'need to know' basis, and subject to informed consent by the individual to whom it relates, using the principle of 'no surprises'. Third parties would usually include managers, Human Resources, pension departments, health professionals or regulators such as the Health and Safety Executive.

Napier Occupational Health staff have been trained in data protection, and have signed a confidentiality agreement. On occasion we use third party service providers working on our behalf (including independent investigation of any complaints made against Napier OH Ltd) and providing services to you. When we use third party service providers, we disclose only the personal information that is necessary to deliver the service, and we have a contract in place that ensures data protection and professional confidentiality processes are in place.

If – as a result of your employer transferring to another occupational health provider, or due to the sale of Napier Occupational Health Ltd – we need to share your data with a new service provider, you would be informed and offered the opportunity to opt out of having your records transferred to the new provider.

Information will not be shared without consent unless the law allows or requires this, for example if there is serious risk to life or under a court order.

#### **What are the rights of the Data Subject?**

The individual about whom data is being processed is the Data Subject. The rights of the Data Subject are outlined in GDPR as follows:

- **The right to be informed about why and how the data is collected and processed.**
- **The right of access:** The individual has the right to see any information that is held in the occupational health/pensions record (known as a Subject Access Request or SAR). A request should be made in writing and Napier Occupational Health Ltd is obliged to respond within 4 weeks without charge. Your letter or email requesting your records would need to include: your full name and title; date of birth; address; signature and express request for a copy of the occupational health records that we hold for you.
- **The right to rectification:** The individual can request that an amendment is attached to their health records if they believe that any of the information is inaccurate or misleading.

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<sup>1</sup> 30 years under IRR 2017, 40 years under COSHH, CLAW 2012 and CAR 2012.



- **The right to erasure:** The individual has the right to request erasure of their data in certain circumstances (known as the right to be forgotten). Please note that we have the right to hold some data for our own compliance with governing bodies such as HMRC.
- **The right to restrict processing:** Requests to restrict processing may be made in certain circumstances.
- **Rights related to data portability:** This allows individuals to obtain and reuse their personal data for their own purposes across different services. Napier Occupational Health Ltd has secure methods to comply with such requests.
- **The right to object:** Individuals have the right to object to the processing of their personal data in certain circumstances.
- **The right to complain:** If the data subject has any concerns about how Napier Occupational Health Ltd processes his or her data, these can be sent to Napier Occupational Health Ltd in the first instance at [info@napieroh.com](mailto:info@napieroh.com). If the individual is not happy with the response, a complaint can be sent to the Information Commissioner's Office (ICO), using their electronic complaints process: <https://ico.org.uk/make-a-complaint/> or in writing to: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, or by calling 0303 123 1113

**Please contact us at [info@napieroh.com](mailto:info@napieroh.com) if you wish to make any request relating to your data. If you make a request, we have one month to respond to you. You are not required to pay a charge for exercising your rights.**

## 2. Use of Napier Occupational Health Ltd website.

**Policy Statement** Napier Occupational Health Ltd operates <http://napieroh.co.uk> (the 'Site'). This policy explains how we collect, use and process personal data received from users of the Site, and applies to everyone using our website.

**Data Collection** While using our Site, we may gather 2 types of information: personally identifiable information that you voluntarily share with us (e.g. name, email address, organisation name) via our contact form, or website analytical data gathered by the website platform Wix: <https://support.wix.com/en/article/cookies-and-your-wix-site>

**Data Use** Your personal data may be used for one or more of the following: to contact you regarding queries you have made via our contact form; to carry out our obligations arising from any contracts entered into between you and us; to notify you about changes to our service; to send you communications you have requested; to ensure that content from our site is presented in the most effective manner; and as part of our efforts to keep our site safe and secure.

**Who has access to your data** Access to your data is strictly on a 'need to know' basis, by staff who have been trained in confidentiality and their responsibilities as data processors under GDPR.

**Security** The security of your personal data is important to us. We strive to protect your personal data but cannot guarantee the security of your data transmitted to our site; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.



**Data Storage** Data collected via the Site is stored securely, with measures in place to protect this data against incorrect, illegal and unauthorised access, disclosure and use. All website activity takes places on an SSL (Secure Sockets Layer) encrypted link between web server and browser. Some information you provide to us via the website may be transferred to countries outside the European Union if on occasion a server is based outside the EU. However, steps are taken by the website host to ensure that such transfer of data remains GDPR compliant. We will not keep your data for longer than is necessary in light of the reason for which it was first collected. If we have a contract with you it will be kept for the duration of the contract, and for the duration outlined at the top of page 3 of this document.

**Your rights** Your rights are as defined in the GDPR - set out on pages 3-4 above.

**Terms and Conditions** Please read these Terms and Conditions carefully before using the <https://www.napieroh.com> website (the 'Site'). Your access to and use of the Service implies your acceptance of and compliance with these Terms.

**Do not rely on information on this site** The content of our site is provided for general information only. It is not intended to amount to professional advice on which you should rely.

**Links to Other Web Sites** Our Site may contain links to third-party websites or services that are not controlled by Napier Occupational Health Ltd. Napier Occupational Health Ltd assumes no responsibility for the content, privacy policies, or practices of any third party websites or services.

**Changes** This policy is effective as of 18<sup>th</sup> November 2023. Any changes in its terms in the future will be in effect immediately after being posted on this page.

**Contact Us** If you have any questions about this Privacy Policy and Terms and Conditions, please contact us via [info@napieroh.com](mailto:info@napieroh.com)

<p>Napier Occupational Health Ltd T: 01460 200906 E: <a href="mailto:info@napieroh.com">info@napieroh.com</a> <a href="http://www.napieroh.com">www.napieroh.com</a></p>	<p>Registered in England (number 15100404) Registered address: 3<sup>rd</sup> Floor, Scottish Mutual House 27-29 North St Hornchurch Essex, RM11 1RS</p>
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