

This Privacy Notice tells you what to expect when you access the Occupational Health service at the University of York. Other [University Privacy Notices](#) outline how data is used by the University in other situations.

For the Occupational Health service, the University of York is the [Data Controller](#) as defined in the UK GDPR. We are registered with the Information Commissioner's Office. [Our registration number](#) is Z4855807.

Where do we get your data from?

We get your data from:

- The information you provide on the referral form, and during assessment(s);
- Your manager or supervisor and Human Resources;
- The University Pensions team in cases involving consideration of ill-health retirement;
- The University Health & Safety team;
- Health specialists/services that we may refer you to as part of our assessment process; and
- (If you agree to this) Your GP or other specialists from whom you have received treatment.

What data do we have?

[Personal data](#) including name, date of birth, gender, postal address, email address, telephone number and information about your past and present occupation/job roles and occupational exposure.

[Special category data](#) including information about disability, ethnicity, and health information.

We also collect details of your GP and/or medical specialists, if you choose to provide this information.

What is our legal basis for processing your data?

The UK GDPR requires us to have a legal basis to process your personal data. Our basis is that it is necessary for the performance of a contract (your employment contract)¹, and to allow us to comply with our legal obligations².

Special category data is protected more carefully by the UK GDPR, so we are required to have an additional condition to be permitted to process this data. Our condition is that it is necessary for the purposes of occupational medicine³ and to comply with our obligations under employment law⁴.

As your OH records are classed as a "clinical record" we also have a legal and ethical duty (under Common Law and relevant health professional codes of conduct including the GMC Guidance on Confidentiality) not to disclose confidential medical information to third parties, including your manager or HR, without your informed consent, unless there is a grave risk of serious harm to others or the records are the subject of a court order. Please note that this consent is separate from data protection requirements and will not be our legal basis for processing your data.

How do we use your data?

Your data will be used:

- To assess your health and your fitness for work, including monitoring changes to your health
- To provide advice to managers on your fitness for work, on the impact of your health on work, and work on your health, and on any adjustments that would help you to do your work
- To identify any additional support that would help you to improve your health

Anonymised data will also be used to identify health trends within the University, to enable targeted health and wellbeing strategies or for other research, audit or statistical purposes.

¹ [UK GDPR Article 6 \(b\)](#)

² [UK GDPR Article 6 \(c\)](#)

³ [UK GDPR Article 9 \(h\)](#)

⁴ [UK GDPR Article 9 \(b\)](#)

Who do we share your data with?

Information about your fitness to work will be shared with your line manager or supervisor, and may be shared with the Health and Safety and HR teams where appropriate. We will provide you with a copy of the information prior to sharing, and will seek your agreement to share it. (Please be aware that if withholding information could impact on your health and safety, or the health and safety of others, information will be shared even where you do not provide your agreement. We will inform you if we need to do this).

We may also share information with other health professionals to whom you are referred where you have consented to a referral.

In addition, we may use third party software, systems or storage to process data. Under UK GDPR, these are considered third parties who process data on behalf of the University. We have contracts in place, and the third parties only provide the software, system or storage. They are not allowed to use your data for their own purposes in any way.

How do we keep your data secure?

The University takes information security seriously, and uses appropriate technical and organisational measures to protect personal data and special category data. Access to information is restricted on a need-to-know basis, and we collect the minimum amount of data necessary to fulfil our purposes. Security arrangements are regularly reviewed to ensure they are appropriate. For further information see [our security webpages](#).

Occupational Health records are stored either in locked filing cabinets, or in secure electronic file storage accessible only to Occupational Health staff.

How do we transfer your data safely internationally?

If we need to transfer any personal data and/or special category data outside the UK, the University will ensure transferred data is appropriately protected, as required by the UK GDPR.

How long will we keep your data?

At minimum, data will be retained for the duration of your employment with the University, and then for 6 years following your leaving date.

In some cases, data may be held for a longer period. Records which involve significant ill health may be retained for up to 10 years following your leaving date.

In addition, Health Surveillance data (medical records from respiratory/spirometry, audiometry, HAVS and other health surveillance programmes) will be stored for 40 years from the date of the last entry. This is a requirement to comply with the Health and Safety Control of Hazardous Substances at Work, 2000 ('COSHH') legislation.

What rights do you have in relation to your data?

Under the UK GDPR, [you have rights in relation to your data](#). These are the rights to:

- access to a copy of your data
- have incorrect data put right (rectification)
- erasure of data (in certain circumstances)
- object to or restrict processing
- a portable copy of your data (in certain circumstances)
- withdraw consent to data processing (where this applies).

To exercise these rights, please contact us using the details below.

Please note that it is not normally possible to erase information from Occupational Health records. However, if you believe that any information is incorrect or misleading, you can request that an amendment is attached to the record to reflect this.

Questions or concerns

If you have any questions about this privacy notice, concerns about how your data is being processed, or if you wish to exercise your rights in relation to your data, please contact us at occupational-health@york.ac.uk or by post at **Occupational Health, University of York, Heslington, York, YO10 5DD.**

If you have further questions, the University's Data Protection Officer can be contacted at dataprotection@york.ac.uk or by writing to: **Data Protection Officer, University of York, Heslington, York, YO10 5DD.**

Right to complain

If you are unhappy with how the University has handled your personal data, please contact our Data Protection Officer using the details above, so that we can try to put things right.

If you are unhappy with our response, you have a right to [complain to the Information Commissioner's Office](#). You can also contact the Information Commissioner's Office by post to **Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF** or by phone on **0303 123 1113**.

Changes to our privacy notice

We keep our privacy notices under regular review. This notice was last updated on 26.11.2021.