

DATA PROTECTION POLICY**Symbios Health****Controlled Document**

Copyright © Symbios Health. All rights reserved.

Reference number	POL109
Version	1
Date ratified	17.08.23
Due for review	17.08.25
Review period	Two years unless a need for review has been identified
Committee/individual responsible	Company Director Symbios Health
Target audience	All Symbios Health staff
It is the responsibility of the Administration team to ensure this document is updated in a timely manner, controlled, and shared via teams.	
Uncontrolled Document if Copied	

EMBIOS HEALTH
Empowering Healthy Working

Implementation plan

Group	Objective	Method	Lead	Target Start	Target End	Resources
All employees	Employees to read, understand and follow this policy.	Policy available on Symbios S-drive	Clinical Lead, Company Director	Aug 23	Sep 23	Employees to attend Teams meeting. Reference to S-drive.

Amendments

Version	Changes including page number	Date

Contents

Section	Subject	Page
1	Legislation	3
2	Policy Statement	3
3	Your Data	3
4	Data Complaint	5
6	Review and Authorisation	6
7	Quality Impact Assessment Employee	7

SYMBIOS HEALTH
Empowering Healthy Working

1. Legislation

The Data Protection Act 2018 controls how personal information is used by organisations, businesses, or the Government and is the UK's implementation of the General Data Protection Regulation (GDPR)

2. Policy Statement

Symbios Health understands the sensitivities surrounding personal medical data, as an Occupational Health Company we recognise our responsibility to treat data sensitively, fairly and in line with current legislation.

To be able to carry out the contractual business of supporting and meeting your Occupational or any other Health needs we need to collect and use certain types of personal information from our clients.

3. Your Data

All personal information is handled in accordance with the Data Protection Legislation and the seven key principles:

i) **Lawfulness, fairness, and transparency**

We have been selected by your company to help keep you healthy at work, as such we have a legitimate interest in certain data for the purposes of preventative or occupational health medicine.

Our main aim is to support you and help keep you fit, safe and healthy at work.

To do this we need to process your data.

Under the 'lawful purpose', we will collect the data necessary to undertake the business we have been contracted to undertake for our clients.

Data may be obtained from yourself or may come via a referral from your employer.

Our actions are transparent, our clinical evaluation fair and honest, all outcomes are shared with consenting parties.

ii) **Purpose limitation**

We will only use your data for the purposes of the business we have been contracted to undertake. Your data will be used to help us contact you, make appointments, keep you safe and healthy, highlight any areas where your employer needs to support you, make clinical decisions, and may be used to review ill-health retirement or pension requests.

Your personal details will not be sold or traded to third parties.

iii) **Data minimisation**

We will only collect the data we require to complete the business we have agreed to undertake.

The data collected will vary depending on the assessment and the majority is obtained from you the employee giving you complete control. But please bear in mind we need to understand what's going on for you to help you in your workplace, we're being proactive to keep you healthy and can make suggestions for your GP.

We will need your name, date of birth, home address and either your work or home email address, we may ask about your general health, hazards, risks, or chemicals you may be exposed to. We may ask about your past medical history and lifestyle.

On occasion we may require specialist input or reports from your GP but we will only request information relating to your assessment or health and safety at work.

Following the assessments, we will hold your clinical reports and health surveillance results.

iv) Accuracy

The majority of data is obtained from you during your consultation and any examinations. There may be occasions when we require specialist input or reports from your GP and any data gathered externally will be cross referenced against the data provided by yourself to ensure it is the correct person. We also proofread all clinical reports, regularly audit and unless we are required to share your data with HSE/DVLA/UKHAS by law or any other relevant public body we will request your consent and offer you the chance to view the report before we share any outcomes.

v) Storage limitation

We will only keep your data for the duration of the contract when, for continuity of care, your information will be securely passed over to the next Occupational Health Provider who will continue to store your data.

While your records are in our care, we will comply with the required retention periods.

Should your employer cease trading we will hold your medical/clinical records for a further 5 years and in that time try and contact employees to offer them a copy of their health record.

We can also delete data upon request and/or after 5 years when a company informs us an employee has left and does not require their health and safety data to be stored or returned to them.

The retention period for clinical/medical data is different to health surveillance:

Health Surveillance

- Under Health and Safety Law there is a requirement for employers to keep health surveillance records for 5 or 40 years. Control of substances hazardous to health (COSHH) – Where an employee has met the exposure control limit - records need to be kept for at least 40 years. Those exposed and under the control limit - at least 5 years. The COSHH substances currently monitored by Symbios Health include:

Antimony- The control of substances hazardous to health regulations 2002

Arsenic - The control of substances hazardous to health regulations 2002

Asbestos - Control of Asbestos Regulations 2012

Blood Lead Levels – Control of lead at work Regulations 2002

Isocyanates - The control of substances hazardous to health regulations 2002

- General health surveillance – records are kept for the period of time the employee is employed by the company.

Medical/Clinical records

General medical and/or clinical records need to be retained for 6 years after the employee has left their employment.

vi) Integrity and confidentiality (security)

Data is encrypted and can only be accessed via layers of password protection on designated computers and/or held on a specific secure health programme purchased by us, ISO9001 registered and only accessed via the designated computers.

Paper records are held and stored securely by your employer.

Any temporary documentation generated during a clinic is shredded onsite using the company shredder.

Your data is kept confidential, we do not share any data without your consent unless there is a legal requirement. There may be occasions when we have to share data even if the employee has refused consent, for example where concerns are raised which apply to HSE/DVLA/UKHAS or any other relevant public body or if your role is considered a critical safety role or we believe your safety is at risk or you are a potential threat to others.

vii) Accountability

We take our responsibility for GDPR seriously and have a GDPR designated data controller.

Staff managing and handling personal information understand the importance of data protection and are appropriately trained, our nurses and surveillance staff are data processors, competency records are kept, and staff are appraised annually.

We foster a no blame culture where learning is paramount, and we have procedures in place should any data breaches occur.



4. Data Complaint

UK GDPR gives you the right of access, should you have any concerns about how we store your data please contact our data controller, Anna Rowley Anna.Rowley@Symbios.Health and we will aim to answer any queries as soon as possible and within 1 month.

In the event we are unable to answer your queries you are advised to make a complaint to the Information Commissioners office (ICO).

5. Review and Authorisation

REVIEWED BY and ROLE	SIGNATURE	DATE
Not applicable - new policy	Not applicable	Not applicable

AUTHORISED BY	SIGNATURE	DATE
Dr Oliver Cooper		17.08.23
Symbios Health Director		
Deborah Wassell		17.08.23
Author - Head of Governance/ISO Lead		

SYMBIOS HEALTH
Empowering Healthy Working

6. Quality Impact Assessment/Employee

		Yes/No	Comments
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	Race	No	
	Ethnic origins (including gypsies and travellers)	No	
	Nationality	No	
	Gender	No	
	Culture	No	
	Religion or belief	No	
	Sexual orientation including lesbian, gay and bisexual people	No	
	Age	No	
	Disability - learning disabilities, physical disability, sensory impairment, and mental health problems	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	n/a	
4.	Is the impact of the policy/guidance likely to be negative?	No	
5.	If so, can the impact be avoided?	n/a	
6.	What alternatives are there to achieving the policy/guidance without the impact?	n/a	
7.	Can we reduce the impact by taking different action?	n/a	