

FAIR PROCESSING AND PRIVACY NOTICE

Occupational Health

Who we are and our contact details

Leicestershire Fire and Rescue Service (LFRS) [us/we/our] are a Public Authority and the Data Controller for determining the purpose and means of processing your personal data. Personal data means any information about a living individual who could be identified. You can contact us:

Address:

The Data Protection Officer,
Information Governance Department,
Leicestershire Fire and Rescue Service Headquarters,
12, Geoff Monk Way,
Birstall,
Leicester

LE4 3BU

Email: **dpo@leics-fire.gov.uk**

Telephone: 0116 210 5555

Or via our **Social Media Channels – See our Website Homepage for links:**

[Data Protection, Your Privacy & Website Cookies \(leics-fire.gov.uk\)](https://www.leics-fire.gov.uk/Data-Protection-Your-Privacy-Website-Cookies)

Why we collect your personal data

This data protection Fair Processing and Privacy Notice relates to the personal data that Leicestershire Fire and Rescue Service (LFRS) processes about you as your employer. Processing means the collection, recording, storage, use, sharing, archiving and deletion of your personal information.

This is to help you understand why we need to process personal data about you during recruitment and selection, throughout your employment with us and for a period of time after your employment has ceased. It also explains how its use is compliant with current data protection legislation and other Occupational Health (OH) specific best practices.

The personal data we collect

- Surname
- Forename(s)
- Gender
- Date of birth
- Permanent address, including post code
- Contact information – Telephone numbers, email addresses
- National insurance number
- Employment details
- Sickness absence history/details
- Health data / health surveillance
- Clinical notes
- Physical and mental health disability information
- Hidden disability/neurodiversity information
- Opinions and decisions relating to you

How we use your personal data

We collect personal information from you for the following purposes:

- To support your recruitment by carrying out new starter health assessments
- To support your recruitment by carrying out pre-employment Operational Firefighter fitness test
- To support our employees in the management of health issues at work such as sickness absence and ill-health reviews
- To carry out routine annual Operational Firefighter fitness test (all ranks excluding Fire Control) and repeat tests
- Administration of Occupational Health appointments for all functions and services provided by the Occupational Health Department
- To undertake appropriate health surveillance in line with any role specific risk or hazards identified by the Service or required by legislation
- If a concern is identified, advise on any remedial action to be taken
- Assist with assessing an employee's fitness for role alongside workplace recommendations and adjustments to employees and their managers
- Recording Occupational Health consultation outcomes arising from OH practitioner interaction with the employee – Clinical records
- To produce a referral to other health professionals with your individual informed and specific consent provided to us
- Advise on any guidance and provide advice on health surveillance for specific risks including individual exposure to contaminants at incidents, exposure to radiation and asbestos or asbestos containing material (ACM). Record contamination and exposure to specific risks
- Provide annual flu jabs and other immunisations where required for the role (ISAR / Water rescue)
- Provide reports and statistics relating to health surveillance to Service managers and external audits

- Provide gym inductions for support staff

The categories of individuals

- Our employees and staff
- Our suppliers
- Consultants and contractors, we use to provide professional medical and clinical services

Our lawful basis for processing your personal data

LFRS has due regard to the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and any subsequent data protection legislation and codes of best practice. The lawful basis for processing are set out in Article 6 of the UK GDPR. At least one of these must apply whenever the Service is processing your personal data:

For employee personal data processing:

- UK GDPR Article 6.1.(a) - The data subject has given consent to the processing of his or her personal data for one or more specific purposes.

In relation to the employees' obligations under their Contract of Employment:

- UK GDPR 6 (1b) - 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.

Note: Consent will be obtained from the employee for employer access to their clinical records.

In relation to other processing activities:

- UK GDPR Article 6 (1c) - 'processing is necessary for compliance with a legal obligation...' - Health and Safety at Work Act 1974

- UK GDPR Article 6 (1e) - ‘...a task carried out in the public interest or in the exercise of official authority vested in the controller.’ – harm to people in the wider world/control of infectious diseases etc.

We also process your special category personal data (also known as sensitive personal data), this may relate to your:

- Racial or ethnic origin;
- Political opinions;
- Religious or philosophical beliefs;
- Trade union membership;
- Genetic data and biometric data processed for the purpose of uniquely identifying you;
- Data concerning your health and wellbeing; and
- Data concerning your sexual orientation.

The lawful basis for processing your sensitive personal data is set out in Article 9 of the UK GDPR. In addition to one of the conditions set out in Article 6, at least one of these must also apply whenever the Service is processing your sensitive personal data:

- UK GDPR Article 9 (2a) - The data subject has given explicit consent to the processing of those personal data for one or more specified purposes.
- UK GDPR 9 (2b) - 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 and social security and social protection law
- UK GDPR 9 (2h) - 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

Storing and managing the lifecycle of your data

Our employee personal data is securely stored at our premises with access limited to only those who have a need to process your information and those

who administer our systems. In addition to you the employee, medical and clinical notes on our information systems are available to our Occupational staff employed by our Service in an administrative capacity. They may also be accessed by those health professionals and qualified clinicians employed/not employed on a consultancy basis acting to support our Occupational Health function such as Consultants, Doctors, Physiotherapists, other medically trained specialists and Nurses.

We also store information in the 'cloud' and have contracts in place with those who supply these services to us, which include security and data protection clauses to keep your personal data safe.

The period that your information is retained for varies according to statutory requirements and other legitimate business reasons. We have set out these retention periods within our Corporate Register Of Processing Activities (ROPA) and they are published in our Occupational Health Department Information Retention Schedule.

The ROPA and our information Retention Schedules are published on our Service Intranet Portal on Microsoft Sharepoint and outside of this can be made available by request to our DPO.

How we keep your personal data safe

Health information, medical and clinical notes will only be accessed when there is a lawful processing condition (such as our employees consent) or other reason to do so, and only by using secure Occupational Health information systems.

Sometimes we may refer personal data matters to our Data Protection Officer or their Deputy, when we do this we will limit the information we need to share to the minimum required.

We will carry out Data Protection Impact Assessment's (DPIA's) to identify our privacy risks and consider 'privacy by design' features in our information systems. Our information systems are secured using multiple security levels including passwords and can only be accessed by those who have been authorised by us to use them.

When we transfer your Occupational Health data to you (such as a Subject Access request), to your Legal Executives (such as employer or public liability claims), to other Third Parties, our preferred method will always be to use secure digital file transfer methods that are encrypted.

Who we share your personal data with

We consider your occupational Health records to be amongst the most sensitive we hold as a Service and employ additional safeguards when sharing with others. Your privacy is protected by law, which says that we can use your personal information only if we have your consent (permission) or other lawful reason to do so. This includes sharing it outside of our in Service Occupational Health Department. The reasons why we may disclose your personal information to others (Third Parties) are:

- When you have given us your consent (permission) to do so
- To other staff such as your line manager(s), Human Resources or health and Safety Departments in connection with your employment, and fulfilment of your Contract of Employment
- In accordance with our relevant Legal and regulatory compliance
- Referral onto other health professionals, such as physiotherapist or counselling services
- Where the OH clinician believes there is a risk of physical harm, or endangerment to life for either the data subject or others
- Where information is disclosed to the OH clinician others such as taking drugs or disclosed a condition that meant they could not drive but then didn't consent to sharing their report, or they had committed an illegal act etc.

We will never share or sell your information to external companies for marketing purposes.

Your individual rights

In general, you have the right to request that LFRS:

- Provides you with details of your personal data held, gives access to you and where appropriate provides you with a copy of your personal information
- Corrects any errors in your personal data we find during our business processes, or are informed of and restrict processing of your personal data until completed
- Considers your objection to the processing of your personal data and depending upon the service and legal basis, stops all or some of that processing. "Processing" means the collecting, storing, amending, disclosing, sharing, archiving and destruction of your data
- Erases your personal information, depending on the service and legal basis deletes all or some of your personal data
- Withdraw your consent for us to further process your personal data, if consent is used by us as the legal basis for the service
- Informs you any of automated decision making, including profiling for the service (Note: Please be advised we do not currently use automated decision making)

Where possible we will try to meet your request, but we may need to retain or process information to comply with a legal duty or our policies and procedures.

Data Protection information, requests and concerns

If you would like to exercise your individual rights or discuss anything in this Privacy Notice, please contact our Data Protection Officer (DPO) – See top of page 1.

If you have concerns about the use of your personal data we encourage you first to contact our DPO as concerns can often be resolved very quickly. If you remain concerned then the Information Commissioners Office is an independent body set up to uphold information rights in the UK. They can be contacted

through their website: www.ico.org.uk or their helpline on 0303 123 1113, or in writing to:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

For more information about your rights: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/regulation-gdpr/individual-rights/>

To complain to the Information Commissioner's Office:

<https://ico.org.uk/concerns/>

Review

Created: October 2024

Next review: October 2025