

## Work Wellness. Client Facing Policy

# Privacy Statement

### Policy:

Purpose:	To demonstrate that processing of data by officers of Work Wellness and subcontractors to Work Wellness complies with relevant regulations.
Scope:	All Personally Identifiable Information (PII) and Special Category Information (SCD) processed during the operation of the Work Wellness business and during the delivery of Work Wellness services.
Accountable:	Work Wellness Commercial Director.
Responsible:	Officers of Work Wellness. Where compliance depends upon others, such as sub-contractors, the Work Wellness officer will ensure that the sub-contractor is compliant with this policy.

### Document Summary:

Title:	Privacy Statement.
Policy Library Ref. No.	CF0006
Author:	John Sanderson. Commercial Director. Work Wellness Ltd.
Effective Date:	7 <sup>th</sup> November 2019.
Current Version:	v1.2. 5 <sup>th</sup> February 2021.
Next Review Date:	Upon announcement of relevant changes to relevant regulations.
Information Classification:	Public.

## Contents

1. Privacy Statement	3
1.1. Applicable Regulation and Codes of Practice	3
1.2. Data Security	3
1.3. Data Security Impact Assessments (DSIA)	3
1.4. Data Breaches	4
1.5. Officers of Work Wellness and 3 <sup>rd</sup> party providers	4
1.6. Data Subject Statutory Rights	5
1.7. Overriding Interest	6
2. Data Subject Specific Standards	7
1.8. Visitors to the workwellnessuk.co.uk web site	7
1.9. Enquirers	7
1.10. Recipients of Work Wellness services	7
1.11. Wellness Assessments	8
1.12. Occupational Health Assessments	9
1.13. Training courses and workshops	11
1.14. Clients of Work Wellness	11
1.15. Suppliers and sub-contractors to Work Wellness.	12

## 1 Privacy Statement

This Privacy Statement explains how Work Wellness collects and processes personally identifiable data (PID) and special category data (SCD) about data subjects.

Personally Identifiable Data (PID)	<p>Work Wellness process PID to:</p> <ul style="list-style-type: none"> <li>• Ensure we are communicating with or about the correct data subject and to</li> <li>• Generate passwords used to protect Reports containing confidential information about the data subject.</li> </ul>
Special Category Data (SCD)	<p>Work Wellness process SCD where it is necessary to assess a data subject's health. Such data could include:</p> <ul style="list-style-type: none"> <li>• Racial or ethnic origin.</li> <li>• Symptoms, medical diagnosis and treatment.</li> <li>• Genetics.</li> </ul>

As a data subject, by continuing to interact with Work Wellness, you are consenting to the processing of your data in accordance with this Privacy Statement.

### 1.1 Applicable Regulation and Codes of Practice

Work Wellness processes data in compliance with the:

- Data Protection Act (2018).
- Access to Medical Reports Act (1988).
- Access to Health Records Act (1990).
- Information Government Alliance. Records Management Code of Practice for Health and Social Care (2016).

### 1.2 Data Security

Work Wellness:

- Operate to a Data Security Policy which defines proportionate and appropriate measures to ensure the security of data in storage, in transit and in use. For example, physical data assets are secured in premises with property locks, intruder alarms and CCTV, in designated rooms with door locks and inside cabinets with cabinet locks. The contents of the Data Security Policy could be of assistance to someone with a criminal intent to compromise its controls. Therefore, the Data Security Policy is classified as confidential information and disclosure of the Policy document itself is managed accordingly.
- Ensure that data is only processed by trained officers of Work Wellness and by 3<sup>rd</sup> parties whose data security policies are at least comparable to ours.

### 1.3 Data Security Impact Assessments (DSIA)

Where Work Wellness develop a new product, formally contract with a new client or with a 3<sup>rd</sup> party provider, we will carry out a DSIA to assess the risks of breach of this Privacy Policy and the Data Security Policy. Any risks identified will be subject to mitigating actions which are proportionate to the degree of risk they will control.

## 1.4 Data Breaches

Work Wellness records all breaches of this Policy, regardless of their effect, and conducts a DSIA to understand and address the root cause to prevent a re-occurrence.

In the unlikely event of a serious breach such as the disclosure of information to the wrong subject then our Data Controller will:

- Report it to the Information Commissioner within 72 hours of discovery.
- Inform affected individuals where it is possible to do so, describing the breach, its possible consequences and mitigation actions taken.

## 1.5 Officers of Work Wellness and 3<sup>rd</sup> party providers

Are required to comply with this Policy and furthermore:

- to access only data that they have authority to access and only for authorised purposes.
- not to disclose data except to individuals (whether inside or outside the organisation) who have appropriate authorisation.
- Only process data on drives and devices that are used exclusively for work purposes.

Where necessary, Work Wellness will provide training to Officers of Work Wellness and to 3rd party providers about their responsibilities for data protection in general and this Policy in particular.

## 1.6 Data Subject Statutory Rights

Work Wellness provides data subjects with the following rights with regards to their PID and SCD as defined by the Data protection Act 2018.

<b>Access</b>	<p>To access a structured, commonly used and machine-readable copy of PID and SCD retained about you (a Subject Access Request or SAR).</p> <ul style="list-style-type: none"> <li>• Requests will normally be fulfilled within one calendar month of receipt.</li> <li>• Requests which are manifestly excessive may be refused or fulfilled upon payment of a fee to cover reasonable expenses incurred. An example of an excessive request might include a request for the details of every file, backup version and document where your name and address are recorded.</li> <li>• The first access request is fulfilled free of charge. Any subsequent requests will be fulfilled upon payment of a fee to cover reasonable expenses incurred.</li> </ul> <p>Data which could damage your physical or mental health or that of another person, or where it would reveal the identity of a third party who does not consent to be identified will normally be redacted.</p>
<b>Portability</b>	<p>In certain circumstances, to request the transfer of PID and SCD to another data processor or controller without hindrance.</p>
<b>Rectification</b>	<p>To ensure that Work Wellness Ltd correct inaccuracies with any PID or SCD.</p> <p>This right does not extend to the amendment of accurate information (e.g., to influence the results of a health assessment) or to change the Occupational Health practitioner's assessment or recommendation. Such amendment requests will normally be noted in the Occupational Health Record.</p>
<b>Erasure</b>	<p>To ensure that Work Wellness erase your PID and SCD (the right to be forgotten).</p> <p>This is not an absolute right, and may be overridden where Work Wellness have legitimate grounds for processing data such as:</p> <ul style="list-style-type: none"> <li>• Providing an accurate report so that your employer in turn can fulfil their regulatory obligations to protect your health and safety (Health &amp; Safety at Work Act 1974) and avoid discriminating against you (Equalities Act 2010).</li> <li>• Providing evidence in the event of any future disputes or claims.</li> </ul>
<b>Restrict processing</b>	<p>The right to restrict the uses of retained PID and SCD in certain circumstances, e.g., during a period where the accuracy of data may be contested.</p>
<b>To exercise your rights</b>	<p>Send a written request together with proof of your identity to: The Data Controller, Work Wellness Ltd, 18 Oakley Wood Drive, Solihull, B91 2PH</p>

## 1.7 Overriding Interest

Work Wellness may be required to disclose information without your consent in the following rare and exceptional circumstances:

- Where the OH Practitioner deems it unequivocally in the public interest, to protect the safety of others. For example, that a truck driver is epileptic or driving under the influence of drugs or alcohol, that an employee is carrying a transmittable disease or has a mental health condition such that they may become violent.
- Where the OH Practitioner deems it clearly in the patient's interest, to ensure their safety from themselves or others.
- Where instructed by law or a court order.
- To safeguard national security or to prevent a serious crime.

In such instances we will only disclose the minimum necessary information.

## 2 Data Subject Specific Standards

### 2.1 Visitors to the [workwellnessuk.co.uk](http://workwellnessuk.co.uk) web site

Process		Details
Data type	PID	IP addresses.
	SCD	None.
Retention	Period	1 year.
Disclosure & Purpose	Officers of Work Wellness	<ul style="list-style-type: none"> <li>• Work Wellness does not process Cookies.</li> <li>• IP addresses are processed by 3<sup>rd</sup> parties to provide Work Wellness with site usage statistics aggregated across many users (e.g., which pages were viewed and for how long) to identify potential web site design enhancements.</li> </ul>

### 2.2 Enquirers

“Contact us” requests for further information about Work Wellness and its services.

Process		Details
Data type	PID	Name, job title, company, address, email address, phone number.
	SCD	None.
Retention	Period	1 year.
Disclosure & purpose	Officers of Work Wellness	<ul style="list-style-type: none"> <li>• Verify identity and ensure data is only disclosed with consent.</li> <li>• To fulfil requests for further information.</li> </ul>

### 2.3 Recipients of Work Wellness services

A clinical record will be created when you receive a Work Wellness Occupational Health or Wellness assessment. A clinical record is defined as a record consisting of PII and SCD. The record may be in a computerised form or in a paper form or a combination of both.

2.4 Wellness Assessments

Wellness Assessments help educate and promote your physical and mental wellness. They are provided at the discretion of your employer, as an employee benefit, and attendance is at your discretion. The results of Wellness Assessments are not normally shared with your employer.

Process		Details
Data Type	PID	Name, Date of Birth, Postcode.
	SCD	<ul style="list-style-type: none"> <li>Declared by you. Smoking habit, alcohol consumption, physical activity level, family medical history, mood.</li> <li>Clinically measured. Blood pressure, cholesterol, height, weight, waist.</li> </ul>
Retention	Period	Whichever occurs sooner: <ul style="list-style-type: none"> <li>3 complete calendar years since last assessment which is the reasonable maximum time period between re-assessments.</li> <li>Termination of contract with employer to provide the service to its employees.</li> </ul>
Disclosure & purpose	Officers of Work Wellness	<ul style="list-style-type: none"> <li>Verify identity and ensure data is only disclosed with consent.</li> <li>Search for and retrieve previous health check results for comparison.</li> <li>Calculate risks to health.</li> <li>Issue invitation to health risk re-assessment.</li> </ul>
	General Practitioner	<ul style="list-style-type: none"> <li>Verify identity and reason for GP referral. Work Wellness only refer to GP:                             <ul style="list-style-type: none"> <li>When, in the opinion of the Work Wellness Practitioner and / or medical guidelines, the health condition requires it, and</li> <li>With the data subject's consent.</li> </ul> </li> </ul>
	Employer	<ul style="list-style-type: none"> <li>Non-attendance at an accepted scheduled assessment.</li> <li>Statistical reports where PID and SCD is rendered non-personally identifiable and is lost within the averages, totals and trends calculated across a population of at least 10 data subjects.</li> <li>PID and SCD would only be disclosed to your employer with your consent.</li> </ul>

## 2.5 Occupational Health Assessments

Occupational Health Assessments are performed at your employer's request in order to:

- Assess whether any health condition (physical or mental) affects your capability to do the job.
- Identify any adjustments to help you do your job and to minimise any risk of aggravating the condition.

Occupational Health Assessments include:

- New Starter Health Assessments.
- Management Referrals.
- Workstation Assessments.
- Individual Stress Risk Assessments.
- New and Expectant Mother Health Risk Assessments

The OH Specialist practitioner:

- May request, in advance of the assessment, that you provide copies of letters and reports you have from your GP / treating specialist about the health condition(s) which may be affecting your capability in your job and for which adjustments may be required. Such documents might describe; a diagnosis, functional or mental impairments, recommended or prescribed treatments and prognosis for recovery.
- Will normally take notes during the assessment.
- May, with your consent, record the assessment.

Work Wellness may need to request additional information from other medical specialists in order to provide a reliable assessment including:

- A specialist examination or assessment carried out with your consent.
- A medical report from your GP or treating specialist which Work Wellness would commission with your consent.

Such information is normally required

- As a reference source for the compilation of an Assessment Report.
- As evidence for consideration by Employment Tribunals.

Following the assessment, a Report is sent to your employer. The Report will normally include:

- Answers to the questions posed by your employer on the Referral Form.
- Recommendations for adjustments which your employer might make to your working environment and equipment.
- Details of any health issue(s) and treatment which are likely to assist your employer in actioning the recommendations in the Report.

Information disclosure between Work Wellness, GPs or treating specialists and your employer complies with the Data Protection Act 2018 and the Access to Medical Reports Act 1988.

Compliance includes:

- Obtaining your explicit consent to disclosure prior to doing so.
- Giving you the right to withhold consent should you so wish.
- Giving you the right to correct factually inaccurate information or to request deletion of confidential information.

Process		Details
Data Type	PID	Name, Date of Birth, Postal Address, email address. Mobile telephone Number.
	SCD	Medical conditions or functional limitations declared by you or observed by the Occupational Health Specialist Practitioner.
Retention	Period	<p>Whichever occurs soonest:</p> <ul style="list-style-type: none"> <li>• 6 complete calendar years following last assessment date or leaving the employment of the company.</li> <li>• Your 75<sup>th</sup> Birthday.</li> <li>• New Starter Health Assessment where you are not subsequently employed for any reason. 1 year from date of Assessment.</li> <li>• For transfer of records from previous Occupational Health provider to Work Wellness; see Appendix A.</li> </ul>
Disclosure & purpose	Officers of Work Wellness	<ul style="list-style-type: none"> <li>• Identify and verify you.</li> <li>• Assess health conditions and their functional impact upon your capability to do the job.</li> <li>• Assess adjustments required to the job.</li> <li>• Structure the password to protect the Report.</li> <li>• Issue the Report to authorised recipients.</li> </ul>
	Employer	<ul style="list-style-type: none"> <li>• The Report.</li> <li>• If you do not consent to disclosure of the Report it will be marked 'Not to be disclosed to employer' and your employer will be informed.</li> </ul>
	3 <sup>rd</sup> parties	<ul style="list-style-type: none"> <li>• When Work Wellness commences the provision of occupational health services, historical records held by the previous occupational health provider are transferred to us, they will not be disclosed to your employer.</li> <li>• During the time that Work Wellness provides an occupational health service we will add our records to your occupational health record maintained by Work Wellness.</li> <li>• If Work Wellness ceases the provision of occupational health services, then your occupational health record will be transferred to your new occupational health provider. Work Wellness will record the fact of transfer and then delete records in its possession.</li> </ul>

## 2.6 Training courses and workshops

Process		Details
Data Type	PID	Name, email address, phone number, employer, course name, date of attendance.
	SCD	Assessment (pass / fail).
Retention	Retention period	Whichever occurs sooner: <ul style="list-style-type: none"> <li>• 3 complete calendar years following assessment (First Aider certification lasts for 3 years).</li> <li>• Termination of contract with employer to provide the service.</li> </ul>
Disclosure & purpose	Officers of Work Wellness	<ul style="list-style-type: none"> <li>• Register attendance, issue certificates.</li> <li>• Email you with a link to provide feedback about your service experience.</li> <li>• Certification expiry reminder.</li> </ul>
	Employer	Confirm attendance and assessment result.

## 2.7 Clients of Work Wellness

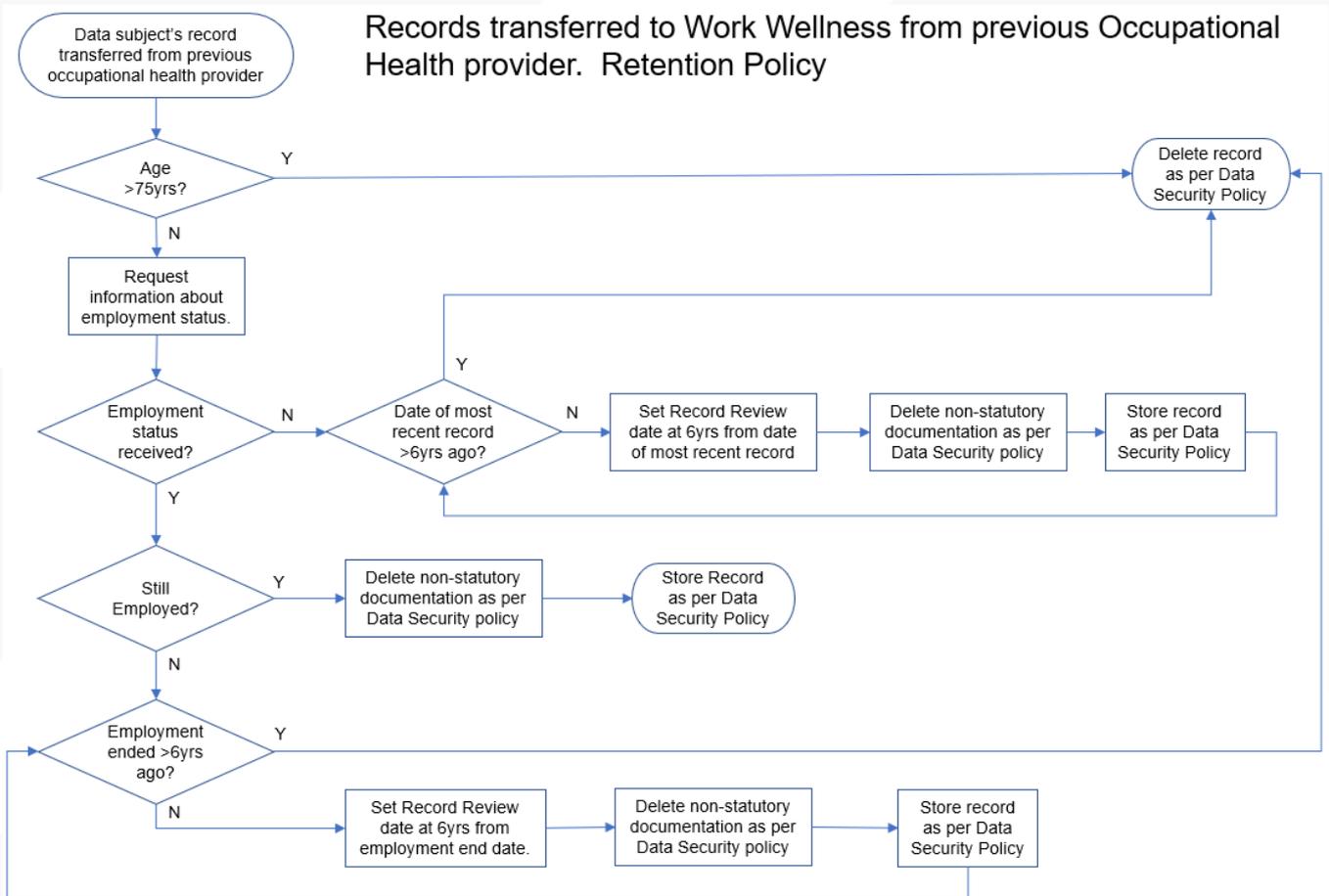
A client is the company or employer with whom Work Wellness is contracted to provide the services.

Process		Details
Data Type	PID	Name, Job Title, Company Name and Address.
	SCD	None.
Retention	Retention period	6 years from the end of the last company financial year to which they relate.
Disclosure & purpose	Officers of Work Wellness	Contract for operation of services. Operation of services. Invoice for services.
	Government Agencies	Where disclosure is required by law.

2.8 Suppliers and sub-contractors to Work Wellness.

Process		Details
Data Type	PID	Name, Job Title, Company Name and Address, Bank Details.
	SCD	None.
Retention	Retention period	6 years from the end of the last company financial year to which they relate.
Disclosure & purpose	Officers of Work Wellness	Contract for operation of services. Operation of services. Payment for services. Issue of receipts.
	Government Agencies	Where disclosure is required by law.

Appendix A:



Time periods are in accordance with the “Information Government Alliance. Records Management Code of Practice for Health and Social Care 2016”.

- End of Document -