

DOCUMENT TITLE
DATA PRIVACY

DOCUMENT DESCRIPTION	
Document Type	Policy
Service Application	Information, People
Version	Four
Reference Number	006

RELATED DOCUMENTS	
Reference Number	Document
Form 003	Client Privacy Statement (GDPR)
Form 008	Confidentiality Statement – Clinical
Form 009	Confidentiality Statement – Non- clinical
Form 022	Fitness Certificates
Form 016	Induction Checklist
Form 017	Privacy Statement (GDPR)
Form 018	New Contractor Details
Form 021	Subject Access Request (GDPR)

Referenced Information to Support the Document
GDPR – information www.wikipedia General Data Protection Regulations. Accessed 08/06/2018 www.simply-docs.co.uk – Privacy, Communications, Email & Internet Policy, Employee Data Protection Policy, Data Retention Policy, Example of GDPR Policy

LEAD AUTHOR	
Name: Libby Moore	Job Title: Occupational Health Specialist
APPROVED BY	
Name: Nichola Elvy	Job Title: MD Building Health Ltd

ISSUE RECORD		
Version	Date	Comments
1	July 2018	New policy
2	July 2020	Section 6.2.2 Spreadsheet Data added Service Users: Marital status removed, Name & signature of translator GDPR date updated to 2018

3	July 2021	Policy dates updated
4	April 2024	Section 6.2.2 Escalation for NIHL included as data in spreadsheet. Section 8.2 Change of Postal Address Section 9.2 Safeguarding sentence added to Health Assessment Consent Statement. Section 14.7 / 14.8: New, related to signed agreements for contractors and business clients. Section 15.5 Reference to hard copy removed.

KEY DATES	Day	Month	Year
Approved	16	April	2024
Review	16	April	2027

1 Purpose

Building Health Ltd is committed to keeping personal data secure and to be used for lawful purposes only. This policy sets out Building Health Ltd responsibility with regards to information data security, in accordance with General Data Protection Regulation (GDPR) and professional standards.

2 Scope

This policy applies to any employee, contractor or data subjects with Building Health Ltd.

For the purposes of Building Health Ltd, data subjects will include but not limited to:

- Business customers.
- Employers or contractors employed by customers.
- Contractors or employees for Building Health Ltd.

3 Objective

- Sets the Company's obligations regarding the collection, processing, transfer, storage, and disposal of personal data relating to data subjects.
- To ensure that data is processed under a lawful basis.
- To ensure that data subjects are aware of their rights with regards to personal data processed by Building Health Ltd.
- To ensure that employees or contractors for Building Health Ltd are aware of their responsibilities with regards to personal data protection.

4 Responsibilities

4.1 Nichola Elvy, Managing Director for Building Health Ltd will be responsible for:

- Ensuring compliance with all legal, statutory and good practice guidance requirements.

- Ensuring that Building Health Ltd employees and contractors are aware of their responsibilities with Building Health Ltd data privacy and confidentiality.
- The role of Data controller.
- The role of Data owner.
- Review of any non-intentional or intentional breaches of data.

4.2 Employees and contractors for Building Health Ltd will be responsible for:

- Respecting people's and company's right to privacy and confidentiality.
- Understanding their role and meaning about data security and confidentiality.
- Comply with investigations regarding non-intentional or intentional breaches of data.

5 Definitions

Anonymisation	Removing personable identifiable information from data sets, so that the people whom the data describe remain anonymous.
Breach	Intentional or non-intentional release of secure or private/confidential information to an untrusted environment.
Data controller	Person who determines the purposes for which and the manner in which any personal data are, or are to be processed.
Data owner	Having legal rights and complete control over a single piece or set of data elements.
Data subject	Personal identifiable information of individuals.
Decryption	The conversion of encrypted data into its original form.
Default	Use of the highest possible privacy settings, so that data is not available publicly without explicit consent and cannot be used to identify a subject without additional information stored separately.
Design	Personal data must be stored using pseudonymisation or full anonymisation.
Encryption	Process of encoding information in such a way that only authorized parties can access it and those who are not authorised cannot.
GDPR EU 2016/679	General Data Protection Regulations. Regulation in European Union on data protection and privacy for all individuals within the European Union.
Personal data	Defined by the General Data Protection Regulation (EU Regulation 2016/679) as 'any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier'.

Pseudonymisation Transform personal data in such a way that resulting data cannot be attributed to specific subject without use of additional information.

6 Procedure

The procedures and principles set out in this policy must be followed at all times by the Company, its employees, agents, contractors, or other parties working on behalf of the Company.

6.1 The Data Protection Principles

The GDPR sets out the following principles with which any party handling personal data must comply. All personal data must be:

- Processed lawfully, fairly, and in a transparent manner in relation to the data subject.
- Collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, relevant, and limited to what is necessary in relation to the purposes for which it is processed.
- Accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased, or rectified without delay.
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of the data subject.
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

6.2 Collection

6.2.1 Building Health Ltd will collate personal information for the following lawful reasons:

- To enable unique identifiers on health records.
- To enable a record to be held in the interests of the data subject and data subject employer regarding the health status of the data subject.
- To perform a task in an official authority.
- To enable Building Health Ltd to meet legal obligations with regards to health records.
- To hold record of Building Health Ltd contractors or employee details for business and safety purposes.

6.2.2 Personal data that is held by Building Health Ltd, includes but is not limited to:

For clients and potential clients:

- Name of organisation
- Address of organisation
- Contact site name and number
- Number of employees at site
- Risk profiles of employees

For Service Users:

- Name
- Date of birth
- Gender
- Address
- Email address
- Telephone number
- Employer name
- Job title
- Employment history
- Health history
- Medication details
- Health lifestyle information
- Name & signature of Translator (if relevant)

For Building Health Ltd Contractors & Employees

- Name
- Address
- Date of Birth
- Next of Kin
- Bank details
- Photographic ID
- Right to work permits
- Evidence of Professional Registration
- Evidence of Professional Indemnity
- Copies of Training Certificates

Spreadsheet Data to clients

- Surname
- First name
- Date of birth

Building Health: for a stronger workforce

- Date seen
- Employer
- Bilateral distance vision
- Colour vision
- Audio – left, right, safety critical, NIHL escalation
- Skin
- HAVS
- MSD
- Lung function
- Nightwork
- Safety Critical
- Notes to employer

For recording of accidents or incidents

- Persons involved
- Unique identifiers such as address or date of birth
- Contact details

6.3 Process

6.3.1 Customers will register interest for services and details will be recorded to enable appropriate use of resource to deliver services required.

6.3.2 For assessments, names and job roles of clients to be seen will be forwarded to the Managing Director of Building Health Ltd who will forward this to the nurse responsible for the assessments.

6.3.3 Client details will be recorded on the Building Health Ltd Health Assessment paper questionnaire.

6.3.4 Building Health Ltd contractor and employee information will be obtained in accordance with the Policy 012, Recruitment and Induction Policy.

6.4 Transfer

6.4.1 Completed paper questionnaires are held by the contractor in a secure container marked confidential and sent back to head office as soon as reasonably possible. This will either be through hand delivery or tracked mail.

6.4.2 Fitness for work and health surveillance outcomes will be uploaded by the assessor onto the relevant spreadsheet.

6.4.3 The spreadsheet is to be emailed to head office by Sunday of the working week. On confirmation of receipt, the spreadsheet is to be deleted from the contractor's computer

- 6.4.4 The managing director will be responsible for forwarding the spreadsheet to the customer.
- 6.4.5 If applications for employment or contract of services are successful, personal data gathered during the recruitment process will be transferred to a personnel file.
- 6.4.6 If applications for contract of services or employment are unsuccessful, personal data gathered during the recruitment process will be transferred to a personal file and held securely for a period of 6 months. After which time the data will be destroyed.

6.5 Storage

- 6.5.1 Data will only be stored for lawful purposes.
- 6.5.2 Spreadsheets containing fitness to work and health surveillance outcomes, with unique personal identifiers will be stored in a secure electronic file accessed only by Nichola Elvy and/ or persons with designated authority.
- 6.5.3 All hardcopies of personal data, along with any electronic copies stored on physical, removable media will be stored securely in a locked box, drawer, cabinet, or similar, accessed only by Nichola Elvy and/or persons with designated authority.
- 6.5.4 Customer details will be held securely in electronic files accessed only by Nichola Elvy and /or persons with delegated authority.
- 6.5.5 Contractor and employee personal files will be held securely at the head offices accessed only by Nichola Elvy and/or persons with designated authority.

6.6 Retention

Building Health Ltd will only hold personal data for as long as is necessary to fulfil the purposes for which it is collected. Personal data will therefore be kept for the following periods

- 6.6.1 Client Health records will be held in accordance with legislative periodic guidelines. This will be up to a period of 50 years due to the latency of disease related to occupational ill health.
- 6.6.2 The Company will hold data on file for applications for employment or contract of services that are unsuccessful for 6 months after the end of the recruitment process. At the end of that period, the data is deleted or destroyed.
- 6.6.3 Appointed employee and contractor personal files, including contracts of service or employment will be held for the duration of employment or contract for services with Building Health Ltd, and retained for a period of six years after the employment or contract of services terminates. This takes into account that there is the possibility that any documents relating to an employee or contractor could be relevant to a Tribunal, County

Court or High Court claim, for up to six years after termination of employment. The Information Commissioner considers this as acceptable on the basis that an employer is keeping information to protect against legal risk.

6.6.4 Building Health Ltd employee and contractor finance invoices will be held for the duration of employment or contract for services with Building Health Ltd, and retained for a period of six years after the employment or contract of services terminates, in line with Inland Revenue requirements.

6.6.5 Accident records will be held for at least three years from the date on which the accident record was made.

6.7 Disposal

When personal data is no longer required, all reasonable steps will be taken to erase or otherwise dispose of it securely without delay.

6.7.1 Personal data stored on electronic devices and (to the extent technically practicable) data held on servers or a cloud will be deleted.

6.7.2 Personal data held in hard copy form will be shredded.

6.7.3 Information that is required to be held onto for longer periods, such as surveillance records will be archived at such time that is relevant for business purposes.

7 Data Subject Rights

7.1 Under the GDPR, data subjects have the following rights, which the Company will always work to uphold:

- The right to be informed about collection and use of your personal data.
- The right to access the personal data we hold about you.
- The right to have your personal data rectified if any of your personal data held by us is inaccurate or incomplete.
- The right to be forgotten, i.e. the right to ask to delete or otherwise dispose of any of your personal data that we have.
- The right to restrict (i.e. prevent) the processing of your personal data.
- The right to object to using your personal data for a particular purpose or purposes.
- The right to data portability. This means that, if you have provided personal data to Building Health Ltd you can ask for a copy of that personal data to re-use with another service or business in many cases.
- Rights relating to automated decision-making and profiling. Building Health Ltd do not use your personal data in this way

7.2 Data subjects are under no obligation to provide the Company with data during any of the processes. However, if certain information is not provided when requested, the Company may not be able to process applications for service provision, client assessments or application for employment or contract of services properly or other processes whereby personal data is required.

8 Subject Access Request

8.1 Data subjects have a right to know what personal data we have collected and can ask us for details of that personal data and for a copy of it (where any such personal data is held).

8.2 All subject access requests should be made in writing and sent to the email or postal addresses to the following:

For the attention of: **Nichola Elvy, Managing Director Building Health Ltd:**

Email address: **info@buildinghealth.co.uk**

Telephone number: **07973 470792**

Postal Address: **5 Lee Road, Cresswell Park, Blackheath, London, SE3 9RQ**

8.3 Building Health Ltd Form 021: Subject Access Request is available for this purpose.

8.4 There is not normally any charge for a subject access request. If the request is 'manifestly unfounded or excessive' (for example, if making repetitive requests) a fee may be charged to cover administrative costs in responding.

8.5 The Company will respond to your subject access request within two weeks and, in any case, not more than one month of receiving it. Normally, we aim to provide a complete response, including a copy of your personal data within that time. In some cases, however, particularly if your request is more complex, more time may be required up to a maximum of three months from the date we receive your request. You will be kept fully informed of our progress.

9 Control measures

Building Health Ltd shall ensure that the following measures are taken to protect the security of personal data:

9.1 The Company will only collect and process personal data for and to the extent necessary for the specific purpose or purposes of which data subjects have been informed .

9.2 When data is collected, the data subject will be informed of the extent of the data collection, the legal basis for processing of personal data, how long the data is retained, who the data is being transferred to. For the purposes of Building Health Ltd, this shall be

through verbal communication at start of assessment and written signed statement on the Health Assessment Form as outlined below.

'I consent to be seen by one of the Building Health Ltd Occupational Health Nurses for Fitness for Work and Health Surveillance assessments. I am aware that my medical data will be collected, held and used by Building Health Ltd, in accordance with the requirements of General Data Protection Regulations 2018. I understand that the information will be used to provide my employer with my annual health surveillance record and fitness for safety critical work. The information provided is to the best of my knowledge. I am aware that should a safeguarding issue arise during the consultation this information can be disclosed without my consent to protect the safety of myself and others.'

- 9.3 To ensure safety of confidential information contractors and/ or employees must keep them on their person at all times whilst travelling and ensure that they are kept in a secure place if they take them home or to another location. Confidential information must be safeguarded at all times and kept in lock able locations.
- 9.4 Users must ensure that confidential and sensitive information is kept secure. Access to rooms and offices where confidential information is stored will be controlled. Rooms when not in use will be locked with keys, keypads or accessed by swipe card Workstations and screens should be locked when the User is away from the machine, hard copy files and documents should be secured when not in use and caution should be exercised when using mobile telephones outside of the workplace.
- 9.5 All electronic copies of personal data will be transferred and stored securely using password protection.
- 9.6 Passwords must be kept secure and must not be disclosed to unauthorised persons. All passwords used to protect personal data will be changed regularly and must be secure. Under no circumstances should any passwords be written down or shared. If a password is forgotten or breached, it must be reset using the applicable method.
- 9.7 All emails containing personal data must be marked "confidential" and transferred using a work email account.
- 9.8 All personal data transferred physically should be transferred in a suitable container marked "confidential"
- 9.10 Email confidentiality statements will be included at the footer of emails and will include information relating to the following:

buildinghealth.co.uk

Detail of Nurse Contractor.

This email and its attachments may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed are solely those of the author and do not necessarily represent those of Building Health Ltd. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error. Building Health Ltd is registered in England and Wales. Company Registration Number 5726069

9.11 Anonymised data will be used for generic trend of health outcomes for customers, to enable customers to identify control measures.

9.12 Use the highest possible privacy in communications settings, so data is not available publicly without explicit consent and cannot be used to identify a subject without additional information stored separately.

9.13 All personal data stored electronically will be backed up using electronic servers systems. All backups are encrypted.

10 Sharing of Personal Data

10.1 We will not share any personal data with any third parties for any purposes, subject to one important exception:

- In some limited circumstances, we may be legally required to share certain personal data, if we are involved in legal proceedings or complying with legal obligations, a court order, or the instructions of a government authority
- If any personal data is required by a third party, as described above, we will take steps to ensure that personal data is handled safely, securely, and in accordance with your rights.

11 Confidentiality and Intellectual Property

Contractors and employees for the Company must ensure:

11.1 All information concerning Building Health Ltd business and clients that are disclosed during service will be kept strictly confidential.

11.2 Respect people's right to privacy and confidentiality in line with professional code of conduct standards.

11.3 Careful disposal of used computer equipment or data storage media

11.4 At the end of service with Building Health Ltd, a responsibility to return all documents, data and equipment relating to Building Health Ltd and not keep any copies nor will make use of any information obtained while with the Company after the appointment comes to an end.

11.5 Copyright and other intellectual property rights created in documents and data during course of service will remain the property of Building Health Ltd, and as a contractor or employee not retain any rights in them.

12 Data Breach Notification

12.1 All personal data breaches must be reported immediately to Nichola Elvy, the Company's Data Protection Officer.

12.2 In the event that a personal data breach is likely to result in a high risk to the rights and freedoms of data subjects, the Data Protection Officer will ensure that all affected data subjects are informed of the breach directly and without undue delay.

12.3 If a personal data breach occurs and that breach is likely to result in a risk to the rights and freedoms of data subjects (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the Data Protection Officer must ensure that the Information Commissioner's Office is informed of the breach without delay, and in any event, within 72 hours after having become aware of it.

12.4 Data breach notifications shall include the following information:

- The categories and approximate number of data subjects concerned;
- The categories and approximate number of personal data records concerned;
- The name and contact details of the Company's data protection officer (or other contact point where more information can be obtained);
- The likely consequences of the breach;
- Details of the measures taken, or proposed to be taken, by the Company to address the breach including, where appropriate, measures to mitigate its possible adverse effects.

13 Communication, Internet & Email Governance

13.1 No personal data should be transferred to any device personally belonging to an employee and personal data may only be transferred to devices belonging to agents, contractors, or other parties working on behalf of the Company where the party in question has agreed to comply fully with the Company's Data Protection Policy and the GDPR

If a User makes any posting, contribution or creation or publishes any other content which identifies or could identify the User as an employee, contractor, agent or other member or associate of the Company, or in which the User discusses his/her work or experiences relating to the Company, the User must at all times ensure that his/her conduct is appropriate and consistent with their contract of employment or services and the

Building Health: for a stronger workforce

corporate image of the Company, and should bear in mind that the User as an employee owes a duty of fidelity to the Company.

- 13.3 The email address with which Users are provided by the Company (ending in the suffix @buildinghealth.co.uk) is provided for business purposes in order to facilitate information sharing and timely communication with colleagues and/ or clients as relevant. Any Company business which is conducted via email must be conducted through the Company email and is under no circumstances to be conducted through any other personal email address or account.
- 13.4 Emails should be worded appropriately and in the same professional manner as if they were a letter.
- 13.5 Users should be careful not to copy an email automatically to everyone copied into the original message to which they are responding as this may result in inappropriate disclosure of confidential information;
- 13.6 Form 003, Client Privacy Statement will be available on the Building Health Ltd website
- 13.7 Form 017, Contractors Privacy Statement will be available on request, but will be included as an appendix on role applicants contract of services should application be successful.

14 Compliance

- 14.1 Any information that we obtain will be collected, used and held in accordance with the General Data Protection Regulations 2018 and Building Health Ltd Data Privacy Policy 006.
- 14.2 All employees and contractors for Building Health Ltd have a responsibility to comply with the requirements set out in this Policy. Any breach of the policy will be investigated, lessons learnt for practice and where relevant further action may be taken. In the event of non-compliance, Building Health Ltd reserve the right to terminate contract of services or contract of employment depending on the outcome.
- 14.3 All employees or contractors for Building Health Ltd will sign confidentiality clauses before the commencement of any work duties. A copy of the confidentiality clause will be held in secure personal files.
- 14.4 Building Health Ltd will comply with any external regulatory bodies and notify any serious breaches to supervisory authority.
- 14.5 Requests for data subject access rights will be recorded with personal details redacted.
- 14.6 Building Health Ltd will test the systems on a quarterly basis to ensure the security of the data.

14.7 Contractors will be made aware of their responsibilities in line with agreed Contract of Services.

14.8 Business clients will be made aware of their responsibilities in line with agreed Business Terms Agreement and Service Level Agreements.

15 Implementation

15.1 This policy will be distributed as part of the Induction Process

15.2 Ongoing training will be provided as required through team meetings and/ or team briefs, such as change in legislation or a Company review post breach

15.3 An electronic copy will be available on the Building Health Ltd intranet for all employees and contractors to access.

15.4 This policy will be available on request for any person or company involved with services from Building Health Ltd but will remain the intellectual property of Building Health Ltd.

16 Review

16.1 This policy will be reviewed 3 yearly, or sooner as required in line with changes in legal or work practice guidelines.