

## Occupational Health Service Privacy Notice

### 1. What does this document cover?

This Privacy Notice describes how our in-house occupational health service collects and uses personal information about you during and after your working relationship with us, in accordance with data protection law, including the Data Protection Act 2018 (DPA 2018) and the General Data Protection Regulations (GDPR). It applies to all employees, workers and contractors. The data controller is the company that employs or engages you, whether Forza Foods Limited or Kober Limited. Their addresses are:

- Forza Foods Limited of 62 Devilliers Way, Normanton, Pontefract, England, WF6 1GX; and,
- Kober Limited of 4 Hanging Wood Way, Cleckheaton, England, BD19 4TS

Our occupational health service is staffed by clinicians who have special qualifications in occupational health and are employed by us. The clinicians place the data security of every individual employee as the first priority and will always ensure the service is transparent in its dealings with individuals about the processing of data. The clinician assessing you is a separate data controller due to the manner and extent that he / she determines how the data is processed.

### 2. Important information about the different types of occupational health referral

The primary responsibility of the occupational health service is to provide advice to the management team on health related issues and the effects of these on employment. The descriptions below summarise the different types of occupational health referral.

#### Health surveillance referrals

We need to carry out health surveillance assessments for managing exposure to noise, solvents and other hazardous substances to ensure legal compliance with health and safety law and employment law and for our records for the effective management of work on health and health on work. These occupational health referrals allow us to:

- detect ill-health effects at an early stage;
- obtain data to help us evaluate health risks;
- hear your thoughts and learn about any concerns you have;
- highlight lapses in workplace control measures, therefore providing invaluable feedback to our risk assessment; and,
- reinforce training and education of employees (e.g. on the impact of health effects and the use of protective equipment).

These referrals are mandatory for employees as they are necessary to ensure legal compliance with health and safety law and employment law.

#### Management referrals

The occupational health service also advises our management team on work-related problems and health problems that may be affected by work or affect employees' ability to work or to carry out particular tasks. For example, an occupational health assessment may be appropriate where:

- there are concerns about an employee's health or similar;
- several absences are noted for the same cause, there is a concern about short-term sickness absence or there is a case of long-term sickness or similar;
- there is a question as to the employee's fitness to perform particular work tasks; or,
- there is some other work related issue where the professional assessment of an occupational health clinician will assist the management of our business.

You have the right to decline to participate in these types of referrals and to withdraw from the process at any time during the process. However, if you exercise this right the management team may not be able to take medical factors relating to your working practices or attendance into account when making decisions.

#### Self-referrals

Individual colleagues are able to self-refer to the occupational health service about any challenges or medical concerns by contacting the service directly.

### 3. What is personal information?

Personal information (also known as personal data) is any information that identifies someone and any information that relates to that identified person. For example, your name and national insurance number are information that identifies you, and your working hours relate to you.

Some information is classed as "special category" under data protection law. This particularly sensitive personal information (such as information about health, racial or ethnic origin) requires higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information.

### 4. Our commitment to data protection

We will comply with data protection law and ensure that the personal information we hold about you will be:

- used only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- relevant to the purposes we have told you about and limited only to those purposes;
- accurate and kept up to date; and,
- kept securely and only for as long as necessary for the purposes we have told you about.

### 5. What personal information do we process

The descriptions below summarise the personal information we collect and use for the different types of occupational health referral. We do not process more information than we need. Please note this is not an exhaustive list but is a sampling of the nature of information that is processed.

#### Health surveillance referrals

| Description   | Examples of the type of data involved   |
|---------------|---|
| Identity data | <ul style="list-style-type: none"> <li>• First and last name</li> <li style="margin-left: 200px;">• Gender</li> </ul> |

|              |  |  |
|--------------|--|--|
|              | <ul style="list-style-type: none"> <li>Preferred title</li> <li>Date of birth</li> </ul>   | <ul style="list-style-type: none"> <li>Marital status</li> </ul>   |
| Contact data | <ul style="list-style-type: none"> <li>Address and email address</li> </ul>  | <ul style="list-style-type: none"> <li>Telephone number</li> </ul>   |
| HR data      | <ul style="list-style-type: none"> <li>Start date and, if different, the date of continuous employment</li> <li>Location of employment or workplace</li> </ul> | <ul style="list-style-type: none"> <li>Job titles, duties and working hours</li> <li>Work history</li> </ul> |

#### Management referrals

| Description   | Examples of the type of data involved  |   |
|---------------|--|---|
| Identity data | <ul style="list-style-type: none"> <li>First and last name</li> <li>Preferred title</li> <li>Date of birth</li> </ul>  | <ul style="list-style-type: none"> <li>Gender</li> <li>Marital status</li> </ul>  |
| Contact data  | <ul style="list-style-type: none"> <li>Address and email address</li> </ul>  | <ul style="list-style-type: none"> <li>Telephone number</li> </ul>  |
| HR data       | <ul style="list-style-type: none"> <li>Start date and, if different, the date of continuous employment</li> <li>Location of employment or workplace</li> <li>Job titles, duties and working hours</li> <li>Work history</li> </ul> | <ul style="list-style-type: none"> <li>Records of sickness or similar</li> <li>Records of maternity, paternity and adoption leave or similar</li> <li>Information about employee performance and any other similar matters</li> </ul> |

#### Self-referrals

| Description   | Examples of the type of data involved  |   |
|---------------|--|---|
| Identity data | <ul style="list-style-type: none"> <li>First and last name</li> <li>Preferred title</li> <li>Date of birth</li> </ul>  | <ul style="list-style-type: none"> <li>Gender</li> <li>Marital status</li> </ul>  |
| Contact data  | <ul style="list-style-type: none"> <li>Address and email address</li> </ul>  | <ul style="list-style-type: none"> <li>Telephone number</li> </ul>  |
| HR data       | <ul style="list-style-type: none"> <li>Start date and, if different, the date of continuous employment</li> <li>Location of employment or workplace</li> <li>Job titles, duties and working hours</li> <li>Work history</li> </ul> | <ul style="list-style-type: none"> <li>Records of sickness or similar</li> <li>Records of maternity, paternity and adoption leave or similar</li> <li>Information about employee performance and any other similar matters</li> </ul> |

## 6. What special category personal information do we process?

The descriptions below summarise the types of sensitive personal information we collect, store and use for the different types of occupational health referral. We do not process more information than we need. Please note this is not an exhaustive list but is a sampling of the nature of information that is processed.

#### Health surveillance referrals

| Description   | Examples of the type of data involved   |
|---------------|---|
| Equality data | <ul style="list-style-type: none"> <li>Information about race and ethnicity</li> </ul>                      |
| Health data   | <ul style="list-style-type: none"> <li>Information about health, including any medical condition</li> </ul> |

#### Management referrals

| Description   | Examples of the type of data involved  |   |
|---------------|--|---|
| Equality data | <ul style="list-style-type: none"> <li>Information about race and ethnicity</li> </ul>   |   |
| Health data   | <ul style="list-style-type: none"> <li>Information about physical and mental health</li> <li>Disability status and similar</li> <li>Information about absences due to illness and similar</li> <li>Information about accidents, 'near misses' and similar</li> </ul> | <ul style="list-style-type: none"> <li>Details of any concerns about the employee's health, absences, long-term sickness, fitness to perform particular tasks and similar</li> <li>Medical notes, x-rays, photographs, appointments, tests, examinations, reports and correspondence to / from occupational health practitioners, GPs, consultants and other medical practitioners and similar</li> </ul> |

#### Self-referrals

| Description   | Examples of the type of data involved  |   |
|---------------|--|---|
| Equality data | <ul style="list-style-type: none"> <li>Information about race and ethnicity</li> </ul>   |   |
| Health data   | <ul style="list-style-type: none"> <li>Information about physical and mental health</li> <li>Disability status and similar</li> <li>Information about absences due to illness and similar</li> </ul> | <ul style="list-style-type: none"> <li>Details of any concerns about the employee's health, absences, long-term sickness, fitness to perform particular tasks and similar</li> <li>Medical notes, x-rays, photographs, appointments, tests, examinations, reports and correspondence to / from</li> </ul> |

|  |  |   |
|--|--|---|
|  | <ul style="list-style-type: none"> <li>Information about accidents, 'near misses' and similar</li> </ul> | occupational health practitioners, GPs, consultants and other medical practitioners and similar |
|--|--|---|

## 7. How do we obtain the personal and special category personal information?

The bullet points below summarise how we obtain the information.

### Health surveillance referrals

- Directly from you when you provide it to the occupational health professional and / or through your completion of a health questionnaire or similar
- By physical health assessment (e.g. eyesight or hearing assessment)

### Management referrals

- From our HR Team and your line manager when they refer you to the occupational health service
- Directly from you when you provide it to us yourself to the occupational health professional and / or through your completion of a health questionnaire or similar
- From your GP and other medical practitioners (only where applicable and not in every case)

### Self-referrals

- Directly from you when you provide it to us yourself to the occupational health professional and / or through your completion of a health questionnaire or similar
- From your GP and other medical practitioners (only where applicable and not in every case)

## 8. How will we use personal information and sensitive personal information about you?

The descriptions below summarise how we will use the information.

### Health surveillance referrals

- Our occupational health clinician will record relevant information in their clinical notes and their health assessment of you (e.g. eyesight or hearing assessment).
- The clinician will then compose a fitness for work declaration.
- The clinician will inform you of the content of the declaration and will then provide it to the management team, who will in turn discuss it with your line manager. Your consent for disclosure of the declaration is not needed because the declaration is required for us to ensure legal compliance.

### Management referrals

- At the end of the assessment process, our occupational health clinician will compose a report to the management team answering the questions raised (e.g. about fitness for work), although not necessarily detailing any specific health problem.
- The clinician will summarise the scope of the content of their report to you and ask you for your consent to release of the medical information in the report.
- You will then be able to decide whether to consent to the medical information in the report being disclosed to the management team. You may decide to consent to certain parts of the report but to withhold your consent for the release of other parts of the report.
- If you decline consent to release the report entirely, the clinician will provide a declaration of fitness for work to the management team which omits any medical information but provides simple answers to the questions raised.
- You are entitled to ask the clinician to amend the report should you consider it to be factually inaccurate before it is sent to the management team. However, the report gives the opinion of the clinician in relation to the management questions and cannot be edited to give your opinion or that of your relatives/advisors, though it may record your disagreement. If you wish for additional information to be provided to the management team, you may provide this yourself directly.
- Clinical records will not be disclosed to the management team and will be retained by the occupational health service in line with our retention periods.

### Self-referrals

- The clinician will record relevant information in their clinical notes which will be treated confidentially and not disclosed to any other parts of the business or external parties unless we have a good legal reason for doing so (see section 10, below for details).

## 9. Lawful basis for processing the information

The lawful basis we rely on for processing personal information is legal obligation (Article 6 (1) (c) of the GDPR), in particular compliance with our obligations under employment and health and safety law. The main legal basis for our occupational health service processing your sensitive personal information is as below:

- Article 9 (2) (b): as a lawful basis 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 or social security or social protection.
- Article 9 (2) (h): 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 or services.

## 10. Will we share the information with any third parties?

This section describes how we will share information with third parties in certain limited circumstances.

If we identify concerns about your health, we may with your consent, refer our concerns on to your GP for further investigation through the NHS or to another health care professional, such as a Consultant Occupational Physician or Clinical Supervisor, for guidance.

The clinical notes and records processed during the referral will not be disclosed to any other parties unless we have a legitimate interest in doing so such as obtaining advice from our in-house legal team, law firms and insurance providers in respect of employment related issues and as evidence in legal claims, and other compatible purposes.

### How secure is my information with third-party service providers and other entities in our group?

All our service providers and internal advisors are required to take security measures to protect your personal information in line with data protection law. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data in accordance with our instructions.

## 11. How do we protect your personal information?

We have processes and controls in place in recognition of the unique needs and demands when processing and managing health data. We have put in place security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Details of these measures may be obtained from the IPL Legal & Compliance Team by emailing [dataprotection@ipl-ltd.com](mailto:dataprotection@ipl-ltd.com). If we need to engage any third parties (e.g. other doctors) we will require them to ensure the security of your data and to treat it in accordance with the law. Any reports disclosed to the management team will be protected in line with our policies and data protection law.

We have procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## 12. How long do we keep information for?

Unless there is a good reason why we need to retain the information for longer (such as a legal claim or HSE guidance) we will keep the records for the periods listed below, then securely erase them.

**Health surveillance records:** Health surveillance records created after 25<sup>th</sup> May 2018 (GDPR) will be retained for 7 years from the date of last entry or date of leaving the business, they will then be appraised and storage reviewed. Records created prior to 25<sup>th</sup> May 2018 will be retained for 40 years unless arrangements have been made with the colleague to keep their own records.

**Management referrals:** Reports and clinical records, including ill health retirement applications, will be retained for 7 years after leaving date or last entry when there is no continued contract with Forza Foods or Kober.

**Self-referrals:** Clinical records will be retained for 7 years after leaving date or last entry when there is no continued contract with Forza Foods or Kober.

## 13. Your data protection rights

In relation to your personal information, you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it. There are however exemptions, which means that you may not always receive all the information.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below). There are some exemptions, which means we may not be able to delete all personal information we hold about you. You do not have the right to request that these records be deleted before the retention period identified above, as we may need to rely on this information for the defence of a legal claim.
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party), and there is something about your particular situation which makes you want to object to processing on this ground.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party. This only applies to information you have given us. You have the right to ask that we transfer the information you gave us from one organisation to another, or give it to you. The right only applies if we are processing information based on your consent or under, or in talks about entering into a contract and the processing is automated.
- **Withdraw consent** where consent is the legal basis for processing your personal information. This means we will stop using this information and delete / destroy it.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to it.

## 14. Exercising your rights, contacts and complaints

If you have any questions about this privacy policy or wish to exercise any of your rights, please get in touch with the Legal & Compliance team by e-mailing [dataprotection@ipl-ltd.com](mailto:dataprotection@ipl-ltd.com). If you have any concerns about the way we process your personal data, or are not happy with the way we have handled a request by you in relation to your rights, you also have the right to make a complaint to the Information Commissioner's Office. Their address is: First Contact Team, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF

## 15. Data Protection Officer

We have appointed a Data Protection Officer to provide independent expert advice and monitor compliance with data protection laws. You can contact our Data Protection Officer in the following ways. Please mark your correspondence 'Data Protection Officer'.

By Email: [dataprotection@asda.co.uk](mailto:dataprotection@asda.co.uk)

By Post: Data Protection Officer  
Compliance Team  
Asda House  
Great Wilson Street  
Leeds  
LS11 5AD