

Layered Privacy Notice : Occupational Health

Activity/Processing being undertaken: Occupational Health referrals and assessments

Edinburgh Napier University is providing you with this information in order for us to comply with UK data protection legislation (“the legislation”), the UK Data Protection Act 2018 (“DPA 2018”) and the General Data Protection Regulation: EU 2016-679 (“GDPR”) and as amended by “EU Exit” Regulations 2019 and now known as the UK GDPR, which requires us to tell you what we do with your personal information.

Who is collecting the information?

Edinburgh Napier University as the “Data Controller”.

Who are we sharing your Personal Data with externally?

MCL Medics our Occupational Health Provider as a “Data Processor”, you can view their Privacy Notice here:

[Privacy Notice | MCL Medics \(mcl-medics.com\)](https://www.mcl-medics.com/privacy-notice)

We will only disclose your data to external third parties (other than any specified above) where we:

- Are required to do so under a statutory or legal obligation, or
- Are permitted to do so by Data Protection legislation.

Why are we collecting it/what we are doing with it (purposes)?

The University provides an Occupational Health Service through the Occupational Health Provider, MCL Medics

In line with the University's Managing Sickness Absence Policy and the University's duty of care to employees, Line Managers in consultation with HR may request that an employee is assessed by the University's Occupational Health Service, so that appropriate medical advice is sought. Employees may also request that their Line Manager initiates a referral for them, for instance: for a workplace assessment/DSE assessment/disability leave eligibility.

As per the University's Managing Sickness Absence Policy, triggers for line managers to consider a referral are: 3 instances of sickness absence in a 6 month period (any length), long-term absence (over 28 days, 1 spell of absence), and stress/depression cited for any absence (any length) and absences related to workplace accidents or injuries of 3 days or more.

Following an OH referral (completed by the line manager) and sent to HR, MCL Medics will arrange an appointment with the employee and then send HR a report to be shared with the line manager, which could include advice about the following: fitness to work; restrictions on employment/reasonable adjustments; prognosis on returning to work; Equality Act information; likelihood of further absences; phased return recommendations; and any other relevant advice.

What is the legal basis for processing?

Article 6(1)(b): processing is necessary for the performance of a contract to which the data subject [employee] is party.

Article 6(1)(c): processing is necessary for compliance with a legal obligation to which the controller is subject

Article 9(2)(h): Processing is necessary for the purposes of preventative or occupational medicine, assessment of the working capacity of the employee, medical diagnosis, etc.

How are we collecting this information?

An OH referral is submitted to Human Resources by an employee's line manager or another manager if deemed appropriate. This referral is reviewed and submitted by the HR Operations team onto the MCL Medics database via a secure online portal.

What information are we collecting (whose information and what type of personal data)?

Data collection is direct from employees and using existing information on HRConnect, as necessary, for the purposes.

For the purposes of referrals the data used will include name, identifying numbers, contact details and information about your health (either mental, physical or both, depending on the circumstances) – please see the referral form for more information.

Data collected by MCL Medics, includes; name, identifying numbers, contact details, employment information sensitive personal data about your health and where relevant to your health other information about you and your circumstances.

Who can see your information within the University?

Your line manager and those in the HR team with access to personnel files.

Where necessary, case dependent, additional managers may have access to the OH referral information to assist with advice and guidance.

How long is your information kept?

This information will be kept on your personnel file for the duration of your contract with the University, plus 7 years from the termination of your contract.

The OH provider that the University has a contract with will keep your information from the termination of your employment plus as long as required by law, which can be up to 40 years.

Further information can be found online at:

<https://staff.napier.ac.uk/services/governance-compliance/governance/records/Pages/RecordsRetentionSchedules.aspx>

How secure is your information?

For services provided locally by Information Services, information is stored on servers located in secure University datacentres. These datacentres are resilient and feature access controls, environmental monitoring, backup power supplies and redundant hardware. Information on these servers is backed up regularly. The University has various data protection and information security policies and procedures to ensure that appropriate organisational and technical measures are in place to protect the privacy of your personal data.

The University makes use of a number of third party, including “cloud”, services for information storage and processing. Through procurement and contract management procedures the University ensures that these services have appropriate organisational and technical measures to comply with data protection legislation.

MCL Medics employ systems which are ISO27001 compliant and are contractually required to ensure adequate security measures are in place.

Who keeps your information updated?

Employees are responsible for ensuring their records are up to date through HRConnect and, if necessary, requesting that HR make the necessary updates.

Will your information be used for any automated decision making or profiling?

No

Is information transferred to a third country? Outside the UK, EEA and not included in the adequate countries list.

No

Is any other information available?

You can access all the University’s privacy notices using the following link:

<https://staff.napier.ac.uk/services/governance-compliance/governance/DataProtection/Pages/statement.aspx>

You have a number of rights available to you with regards to what personal data of yours is held by the University and how it is processed – to find out more about your rights, how to make a request and who to contact if you have any further queries about Data Protection please see the information online using the following URL:

<https://staff.napier.ac.uk/services/governance-compliance/governance/DataProtection/Pages/default.aspx>