

Occupational Health (OH) Privacy Notice

This privacy notice explains how Network Rail's OH services collect and uses information about you and your rights in relation to the personal data we hold.

For the purpose of Data Protection Legislation Network Rail is the "Data Controller", with the registered office located at: Network Rail, Waterloo General Office, London, SE1 8SW.

How and why, we use the information we hold about you and the legal basis for processing your data under GDPR.

We need your personal information (under Article 6) to:

- enable you to comply with your contract of employment.
- enable Network Rail to comply with legal obligations under the Health and Safety at Work etc. Act 1974, to protect your health and safety at work as far as is reasonably practicable; and
- enable Network Rail to run the railway infrastructure safely and securely.

We also process your personal sensitive data (special category data) such as health data, under Article 9 (2)(h) of UK General Data Protection Regulation (GDPR); whereby processing personal data is necessary for the purposes of occupational medicine.

We will process your data to enable Network Rail to meet our commitment to you to protect and promote your health and safety at work and advise on the management of work-related health problems and health problems which may be affected by work.

We use the information we hold about you to:

- assess your health and your fitness to work.
- establish baseline health records where you may be working with workplace hazards or substances which have the potential to cause harm to health.
- monitor your health if you continue to be exposed to workplace hazards or substances which may cause disease.
- within the established practice of medical confidentiality provide advice to your line manager and/or HR on the management of a work-related health problem or health problem that affects you at work; and
- identify any additional support that would help you to improve your health.

Where is my data held?

Your occupational health records will be stored securely and confidentially on the OH portal, which is called Orchid Live Pro; provided and maintained by Computing for Health Information (CHI). For the purposes of IT hosting and maintenance this information is stored on servers within the UK.

Within the OH portal, clinical records, including your confidential medical information are kept separately and are only available to the dedicated Network Rail OH practitioners working for the OH service, who are subject to a duty of confidentiality and work within clinical protocols and processes.

Personal and special category information we hold about you.

We may collect and process the following data about you:

- personal information, e.g. name, address, date of birth, employee number, identification verification detail/s.
- contact details, including work location.
- line manager name or referring manager.
- region, route, or business function.

- job title.
- first date of absence.
- reason for referral.
- type of assessment at and the outcomes from the assessment.
- reason for cancellation if appointment not attended.
- The OH service may collate the below information supplied by you through questionnaire, email, telephone or face to face consultation:
 - health or medical history, which could be classed as 'special category data'.
 - past and present occupational job roles and occupational exposure.
 - racial information which may be relevant to clinical assessments (e.g. lung function).
 - information supplied by your line manager which may include information such as attendance history, medical information.
 - GP and/or specialist contact details.
 - medical information supplied by your GP/ specialist with your consent; and
 - lifestyle information and social circumstances, including interests and extra-curricular activities.
- The OH service will not collect any personal data from you that we do not need in order to provide and oversee the OH service.

Referrals to third party providers, such as Employee Assistance Programme, physiotherapy or independent practitioners are made in consultation with you, and only with your agreement.

How will it be collected?

The OH service collect most of the personal information we hold about you:

- from you via electronic questionnaires or consultations.
- from your line manager or HR through management referrals on the referral dashboard in the OH portal; and
- in the course of providing services to you (e.g. vaccination history, blood test results, lung function test, GP reports) or from reports sent to us from other parties, e.g. from your GP.

The OH service will receive a transfer of records from Network Rail's previous OH provider, and this will be stored on the OH portal unless you have opted out of this process in October 2023.

Who we share your information with?

We have listed our lawful basis for running the OH service and collecting personal and sensitive information. Once the OH referral has taken place and in line with the principles of medical confidentiality no medical information (such as diagnosis, results of tests, etc.) is shared without your informed consent. This is a professional requirement separate to any legal basis requirements of the data protection legislation.

However, in some circumstances the outcomes of specific health assessments may be shared with nominated individuals like line managers and/or HR who have a business need to know, for example health surveillance and fitness for task assessments. All information for sharing will be done in a secure and robust manner to avoid incidents occurring.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, your explicit consent will be sought prior to processing. However, we may in exceptional circumstances process your personal data because it is necessary to protect your or another person's vital interests, for example, where you have a life-threatening accident or illness in the workplace, and we have to share your personal data in order to ensure you receive appropriate medical attention.

Anonymous Management Information

Anonymised management information (MI) is shared with the business to help us to plan the service, and identify, monitor and address health trends in the workplace. Further to this, anonymised MI may be shared with industry partners such as the ORR and RSSB.

How long we keep your information for

Your information is stored in line with national guidance and Network Rail's corporate retention schedules. This is generally for the duration of your employment with Network Rail and for six years following your leaving date, except for health surveillance information. This will be stored for 40 years to comply with Control of Hazardous Substances at Work (COSHH) 2012 legislation.

The above will be applied, unless there are good clinical or legal reasons to keep them for a longer period.

STORM

The Network Rail Occupational Health service will use STORM to provide a better service for colleagues calling the service. STORM is a Cloud based Contact Centre platform operated and managed by Vodafone and will be used by the NR OH service helpdesk. Network Rail is relying on its legal obligation as an employer and our contractual arrangements with you as an employee to process your information in this way as part of the service offering.

Will calls to the Occupational Health service helpdesk 0800 316 0066 be recorded?

All calls to the occupational health service will be recorded for training and quality purposes and to resolve any concerns or complaints that may arise.

Who will answer the call?

The medical coordinators who work for the Occupational Health service will answer the call. The coordinators are not medically trained and will never provide OH advice over the phone.

What will the Occupational Health medical coordinators ask you on your call?

Our medical coordinators will not ask or require any sensitive medical information. They will only require a contact name, role and telephone number should a call back be required. Medical coordinators handle calls relating to booking, cancelling or rearranging appointments and to provide information about the service eg: how to get to an OH Centre.

Will my medical calls be recorded?

Calls relating to medical assessments and management referrals with a OH clinician will only be recorded with your agreement and will be made from the OH telephone platform.

Can I contact the Occupational Health Service other than via the helpdesk?

You can email the Occupational Health Service using OHService@networkrail.co.uk

How long will recorded calls be stored?

Calls and transcripts will be encrypted and stored securely within the data centres of Vodafone and will be held for up to two years. Non-medical calls 6months, Medical calls 2 years, transcripts for retention periods.

Where is my data stored?

Recordings are all encrypted and stored securely in STORM and also on the servers of Vodafone owners of

Content Guru who provide the STORM system.

<https://www.contentguru.com/en-gb/about-us/privacy-cookies-policy/>

Why would a recorded call be listened to?

Operational or Clinical Managers only may need to listen to call to monitor the quality and standards of calls to ensure the service is answering and supporting the caller's needs. This will ensure training can be provided should it be required.

If a complaint is made or received, the Operational or Clinical Manager will listen to the call to allow them to provide a full and comprehensive response.

Should a call demonstrate unacceptable behaviour by either the call handler or the caller then normal Network Rail processes will be followed which may lead to disciplinary action.

Neither STORM nor Vodafone have access to the encrypted recordings for any reason.

Anonymous Management Information

Anonymised management information (MI) from STORM is shared with the business to help us to plan the service, and identify, monitor and address trends (e.g.: Number of calls, length of calls, duration of calls, calls waiting, volumes).

Night Worker Health Assessments

Network Rail offer a night worker health assessment questionnaire to colleagues who usually work at least 3 hours a day during 'nighttime', the period between 11pm and 6am.

Network Rail OH Service process night worker health assessment questionnaire, confidentially and securely on the Occupational Health System.

However, in the event an employee does not have access to an electronic device to complete the questionnaire, the OH Service will post a paper copy, personalised with name, and sent by post to an address of choice. (The OH Service will only send a paper version to colleagues who are unable to receive an email)

Once an employee has completed the questionnaire, they should send it by post to the Occupational Health Centre at Milton Keynes, this will be instructed within the paper questionnaire.

Following completing of a Night Worker Health Assessment Questionnaire, should an Occupational Health appointment be required, the OH Service will arrange.

What are my rights?

As a data subject, you have several rights. You can:

- access and obtain a copy of the data that is held by the OH service. This can be done by contacting the Employee Records team at: EmployeeRecords@networkrail.co.uk who will facilitate this request with the OH service;
- require the OH service to change incorrect or incomplete data, if you believe any of the information held by us is inaccurate or misleading.
- request the OH service to delete or stop processing your data in certain circumstances, for example where the data is no longer necessary for the purpose of processing; or
- withdraw consent to undertake a health assessment or for a report to be released. The OH practitioner will explain any consequences if these apply.

If you would like to exercise any of the above rights, please contact the OH service at OHService@networkrail.co.uk

OFFICIAL

Questions, comments, and requests regarding this Privacy Notice are welcomed and should be addressed to OHService@networkrail.co.uk

Questions, comments, and requests regarding data protection matters are welcomed and should be addressed to the Network Rail's Data Protection Officer at data.protection@networkrail.co.uk

Changes to this privacy notice

This policy was produced in October 2023 and is reviewed annually, or sooner if required.

How to complain to the regulator

We will try to resolve any concerns you may have but if you are not satisfied with the way your personal information is collected, processed, or maintained you can raise the issue with the Information Commissioner's Office:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

ICO Website: <https://ico.org.uk/>