

Privacy Notice for Health and Safety

Introduction

This notice is provided within the context of the changes required by the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information both during and after your relationship with the Council.

This document will therefore be subject to ongoing review to ensure it continues to align with the requirements of all applicable legislation.

Changes to this policy

The Council reserves the right to update or amend this privacy notice at any time, including where the Council intends to further process your personal information for a purpose other than that for which the personal information was collected or where we intend to process new types of personal information. We will issue you with a new privacy notice when we make significant updates or amendments. We may also notify you about the processing of your personal information in other ways.

Service description

In order for Thanet District Council to discharge its health and safety legal responsibilities on staff, contractors, visitors as required in the event of an accident, incident or any other health and safety concern; it is necessary for the Council to collect, store and process personal information. This personal information may be held by the Council on paper or in electronic format.

This privacy notice applies to all current and former employees, contractors, visitors or anyone whose health and safety the Council is legally responsible. It is non-contractual and does not form part of any employment contract, casual worker agreement.

Where we get your information from

The Council may collect personal information in a variety of ways such as:

- Via Email;
- Via Phone;
- Communicated in person to Council employees such as First Aiders;
- Through collection of data entered on accident and incident report forms; and
- Through computerised health and safety management systems.

What information we hold

The Council collects, uses and processes a range of personal information about you. This may include:

- your contact details, including your name, address, telephone number, personal email address, age and/or date of birth; and

- specific information relating to any injuries that may have been sustained as a result of an accident or incident, including photographs and or descriptions.

How your information will be used

The Council will only use your personal information in one or more of the following circumstances:

- where you report an accident, injury or incident or where an accident injury or incident occurs involving you;
- where we need to comply with or fulfil a legal obligation, for example the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013;
- where it is necessary to ensure your own safety or wellbeing;
- Enable us to maintain accurate and up-to-date accident, injury and incident records;
- Investigate accidents and incidents to minimise the chance of reoccurrence;
- Ensure adherence to Council rules, policies and procedures; and
- Enable us to establish, exercise or defend possible legal claims.

Change of Purpose

We will only use your personal information for the purposes for which we collected it. If we need to use your personal information for a purpose other than that for which it was collected, we will provide you, prior to that further processing, with information about the new purpose, we will explain the legal basis which allows us to process your personal information for the new purpose and we will provide you with any relevant further information. We may also issue a new privacy notice to you.

Lawful basis for processing data under GDPR

The Council can use your personal information for the purpose of this notice to fulfil its health and safety statutory obligations; or because it is necessary for our legitimate interests (or those of a third party), and your interests and your fundamental rights and freedoms do not override our interests to provide; or to protect your vital interests (or someone else's vital interests).

The Council fulfil its statutory obligations under some Acts of law, which also requires a duty to share and store certain personal information for health and safety purposes, these include:

- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013;
- The Management of Health and Safety at Work Regulations 1999; and
- The Health and Safety at Work etc Act 1974;
- Workplace (Health, Safety and Welfare) Regulations 1992;
- Health and Safety (Display Screen Equipment) Regulations 1992;
- Personal Protective Equipment at Work Regulations 1992;
- Provision and Use of Work Equipment Regulations 1998;
- Manual Handling Operations Regulations 1992;
- Health and Safety (First Aid) Regulations 1981;
- The Health and Safety Information for Employees Regulations 1989;
- Employers' Liability (Compulsory Insurance) Act 1969;
- Noise at Work Regulations 1989;
- Electricity at Work Regulations 1989; and
- Control of Substances Hazardous to Health Regulations 2002 (COSHH); and
- Dangerous Substances and Explosive Atmospheres Regulations 2002.

Please note that we may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law.

Additional lawful basis for processing other categories of data

Some of the information that is collected is classified as **special category personal data**.

In order to process special category of data, the Council needs to have an additional lawful basis to above. In this instance, special category of data is processed for fulfilling specific statutory obligations of the council (under the regulations above) for the purpose of recording, monitoring and reporting accidents and incidents that occur on the Council property or as a result of the Council's acts or omissions.

Who we will share your information with

Your personal information may be shared internally within the Council, including with relevant Heads of Departments, staff's line managers/supervisors, union representatives and IT staff if access to your personal information is necessary for the performance of their roles.

We may share your personal information with third parties where it is necessary to comply with a legal obligation, or where it is necessary for our legitimate interests (or those of a third party) including:

- The Health and Safety Executive (HSE);
- The Local Authority (LA);
- Our insurers;
- Your Doctor, or appointed occupational health therapist;
- Emergency health operators including first aiders and ambulance crew;
- Council Occupational Health Vendor;
- Union Safety Representative

We may also need to share your personal information with a regulator or to otherwise comply with the law.

How long we keep your personal information

The Council will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed, including for the purposes of satisfying any legal, tax, health and safety, reporting or accounting requirements.

The Council will generally hold your personal information for six years from the date of any accident or incident. The exceptions are:

- If the accident or incident results in a civil claim or criminal proceedings, the information will be held for at least the duration of any claim or proceeding.
- If the accident or incident involves a child, the information will be held for three years after their 18th birthday.
- If the accident or incident involves a hazardous or potentially hazardous substance, the information will be held for at least 40 years in accordance with current legislation.

Protecting your personal information

The Council has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their job duties and responsibilities. You can obtain further information about these measures from tdchealthandafey@thanet.gov.uk

Where your personal information is shared, we require all third parties to take appropriate technical and organisational security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal information for specified purposes and in accordance with our legal obligations and we do not allow them to use your personal information for their own purposes.

The Council also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are legally required to do so.

Your rights in connection with your personal information

It is important that the personal information we hold about you is accurate and up to date. Please keep us informed if your personal information changes, e.g. you change your home address, email or telephone number.

As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- **request access to your personal information** - this is usually known as making a data subject access request and it enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- **request rectification of your personal information** - this enables you to have any inaccurate or incomplete personal information we hold about you corrected
- **request the erasure of your personal information** - this enables you to ask us to delete or remove your personal information where there's no compelling reason for its continued processing, e.g. it's no longer necessary in relation to the purpose for which it was originally collected
- **restrict the processing of your personal information** - this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy
- **object to the processing of your personal information** - this enables you to ask us to stop processing your personal information where we are relying on the legitimate interests of the business as our legal basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground

If you wish to exercise any of these rights, please contact tdchealthandafey@thanet.gov.uk . We may need to request specific information from you in order to verify your identity and check your right to access the personal information or to exercise any of your rights. This is a security measure to ensure that your personal information is not disclosed to any person who has no right to receive it.

In the very limited circumstances where you have provided your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. This will not, however, affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact tdchealthandafey@thanet.gov.uk. Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legal basis for processing.

If you believe that the Council has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

Further information

The Council's General Privacy Notice can be found at:
<https://www.thanet.gov.uk/privacy-statement/>

If you would like to know more about how we use your information, please contact the Data Protection Officer (DPO) at Thanet District Council:

Data Protection Officer
Thanet District Council
Cecil Street
Margate
CT9 1XZ
Email: dataprotection@thanet.gov.uk
Tel: 01843 577 000

How do I Complain?

If you wish to complain about how we are processing your personal information please contact:

The Data Protection Officer
Thanet District Council
Cecil Street,
Margate
CT9 1XZ
Email: dataprotection@thanet.gov.uk
Tel: 01843 577000

You also have the right to complain to the Information Commissioner's Office, at:

The Information Commissioner
Wycliffe House, Water Lane, Wilmslow, Cheshire
SK9 5AF
Tel: 0303 123 1113
Website: www.ico.org.uk

