

Data Protection Notice – Occupational Health Services

What is the purpose of this notice?

Our promise to you is that ‘when you need us, we’re there’. In order to fulfil that promise, and to provide you with our products and services, we need to get to know you and what your needs are. This means that we collect certain information about you in the course of operating our business. This notice sets out details of the information that we collect, how we process it, to whom we disclose it, and your rights under data protection law in relation to our processing of your data.

Who controls the use of your personal data?

Vhi Health and Wellbeing DAC, whose registered address is Vhi House, Lower Abbey Street, Dublin 1, is the company that provides all of the Vhi Health Services available to you. Vhi Health and Wellbeing DAC controls and is responsible for personal data that is collected in relation to our occupational health services. If you have any queries in relation to the processing of your personal data, we have appointed a data protection officer that you can contact at dataprotection@vhi.ie.

We engage the professional services of a network of physicians, physiotherapists, alternative therapists, online pre-employment provider, CBT Therapists, St Patrick Mental Health Services for the provision of certain Occupational Health and Rehabilitation Back to Work services. They control and are responsible for the personal data processed during the provision of those services. You will be provided with a separate data protection notice by these partners when you first interact with them.

What personal data is collected?

In order to provide our services to you we need to process certain personal data in relation to you, which includes:

- *Biographical data* – We collect the following biographical data: name, address, phone number, gender, nationality, date of birth, job title/description, employer.
- *Health data* – We collect personal data from you in connection with the particular occupational health service that we are providing to you. This information is collected directly from you via questionnaires that you fill in (or which is separately volunteered by you during the provision of the services), during meetings with health services providers, and from other medical services providers where you give your permission for them to share your data (e.g. your GP). It will also include health related data that we derive from any tests that are undertaken (e.g. heart rate, blood pressure, blood tests, hearing tests etc.).
- *Employment details* – We will collect details in relation to your employment. This will include details of absences that result in a referral to the occupational health service. We may also collect details about the particular demands of your job, and any accommodations that are required in order to facilitate you undertaking your job safely.
- *Interactions with us* – If you interact with us we will record details of those interactions (e.g. details and logs of phone calls, email correspondence, onsite visits and hard copy correspondence). If you make a complaint we will process details in relation to that complaint.

Where does Vhi collect personal data from?

Most of the personal data that we collect about you will be gathered from you as part of the services that we offer. However, certain information may be provided by third parties on your behalf, including the following:

- *Your employer* – If you are referred to the occupational health service your employer will provide us with certain details, such as your name, job title and the reason that you are being referred to the occupational health service. This may therefore include some limited health data.
- *Medical service providers* – With your permission, we may request a copy of your medical files from third party service providers, such as your GP or other primary care givers.

Why do you process my personal data?

We process your personal data in order to provide you with our services and to assist us in the operation of our business. Under data protection law we are required to ensure that there is an appropriate basis for the processing of your personal data, and we are required to let you know what that basis is. There are various options under data protection law, but the primary bases that we use are (i) processing necessary to assess the working capacity of an employee, provide medical diagnosis, health care or treatments, or to manage the provision of health care services, (ii) processing necessary for the performance of our contracts with you, (iii) processing necessary in order for us to pursue our legitimate interests, (iv) processing where we have your consent, and (v) processing that is required under applicable law. We set out further details of our processing of your personal data below, together with the basis for that processing:

- *Occupational health services* – When we process your personal data in connection with providing you with occupational health services, this will be on the basis of our legitimate interest in making the occupational health services available to you and your employer. Your health data that is processed in connection with the services is processed because it is necessary to process such health data in order to provide you with the relevant service, or because it is necessary to process that health data in order to assess your working capacity.
- *Running our business* – We will process your personal data in connection with the general administration of our business, including the generation of reports that detail how the business is functioning. We also undertake clinical and non-clinical auditing and quality control to check that our processes are robust and are being followed. In addition we also need to process your data to meet certain regulatory and legislative obligations that apply to our business. We try to do all of the above by using aggregated or anonymous data where possible, so you won't be identifiable from the data, but some of this work involves processing your data without anonymising it. Where we process your health data in connection with these activities it will be on the basis that the processing is necessary in order to manage the provision of health care services.
- *Administering our computer systems* – Vhi relies on state of the art technology and computer systems to run our business and process claims. We have an extensive team of developers and support engineers who are constantly testing our systems, running trials of new software, and providing support to our users. In order to do this, where possible we try to use test data or anonymised data, but on occasion we may have to access live data directly, or we will often make a copy of some of the data that sits in our live systems and run our tests on that to make sure everything is working before we roll out a change. These copies may include your personal data, including details in relation to consultations, treatments or other medical services that you have received. In general this processing of your personal data is justified by our legitimate interests in making sure our computer systems run properly and are safe and

secure. If we process health data when running these tests or providing support services to our users, it is on the basis that the processing is necessary for the management of health services.

- *Providing company health reports* – If the occupational health services that we provide include what are described by us as ‘General Health Programmes’, we will share anonymised and aggregated data in summary reports with your employer about the general state of the health of the company’s employees. These General Health Programmes form part of a comprehensive risk prevention programme for workers, and they include general health questionnaires, physical assessments, VDU eyesight examinations, audiometry (hearing examination), spirometry (Lung function test), ECG (Electrocardiograph- cardiac function test), urinalysis (Kidney function tests) and blood tests. Your employer will not be able to identify you or any details about your health from any reports that we share with them. Our processing of your data to create these anonymised and aggregated reports is based on your consent. If you do not provide us with your consent for your data to be anonymised and aggregated for this purpose, we will not be in a position to provide you with these particular services.
- *Legal Actions* – If you require us to provide you or a third party with details of your treatment in connection with a personal injuries action against a third party, we will do so on the basis of your consent or where otherwise required by law.

Important information about when we ask for your consent to the processing of your personal data

In order to process certain personal data in relation to you, especially health data, we need to get your consent. When we process your personal data on the basis of your consent, you are free to withdraw that consent at any time. You can withdraw your consent by contacting us using the contact details at the bottom of this notice. Please note that if you withdraw your consent we may not be able to continue providing you with our services.

Information you are obliged to provide

You are not obliged to provide us with any information in relation to your employment or your health. However, if you do not provide such information, we will not be able to provide you with our services. If you fail to engage with an occupational health services provider, this may have implications for your employment relationship with your employer or prospective employer. We therefore advise you to consult your employer or prospective employer if you decide not to engage with us in connection with our occupational health services.

Categories of recipients of your personal data

We share your personal data with the following third parties:

Your employer – Where you have been referred to us by your employer, we may share a report with your employer that summarises our findings (e.g. when you attended our service, whether you are fit to return to work, whether you require accommodations in order to facilitate your return to work etc.). We will always seek your consent to sharing your personal data with your employer, and will provide you with details of the information that will be provided to your employer so that you can understand what information will be shared. Please note however that if you do not provide us with your consent for your data to be shared for this purpose, this may have implications for your employment relationship with your employer or prospective employer. We therefore advise you to consult your employer or prospective employer if you decide not to engage with us in connection with our occupational health services.

- *Group companies* – Vhi consists of a number of separate companies. Some companies in our group provide services on an intra-group basis, which may involve the sharing of your personal data between one or more group companies.
- *Medical service providers* – We may share personal data in relation to you with third parties that provide medical related services to us (e.g. doctors that undertake assessments, and labs that provide blood tests), or if we refer you to another service provider (such as your general practitioner).
- *Service providers* – We rely on trusted third parties to help us run the Vhi business and to provide us with specialised services. This can include companies that provide IT services, from scanning letters that we receive and loading them onto our systems to hosting data on our behalf when providing software services. We also engage with companies that provide us with non-IT related services, such as payment service providers, legal advisors, accountants and consultants. Where our service providers have access to your personal data we ensure that they are subject to appropriate contracts and other safeguards.
- *Regulators* – In certain circumstances Vhi is obliged to provide information to a regulator, such as in relation to the investigation of complaints.

Transfers outside of the EU

There are certain circumstances where we will transfer your personal data outside of the European Union to a country which is not recognised by the European Commission as providing an equivalent level of protection for personal data as is provided for in the European Union. If we transfer your personal data outside of the European Union please rest assured that we will ensure that appropriate measures are in place to protect your personal data and to comply with our obligations under applicable data protection law. This may mean that we enter into contracts in the form approved by the European Commission, or use such other GDPR compliant transfer mechanisms that may be approved from time to time. If you would like further details about the measures we have taken in relation to the transfer of your personal data, or copies of the agreements that we have put in place in relation to the transfers, please contact us using the details at the bottom of this notice.

Retention of personal data

Vhi will retain your personal data in accordance with our record retention policy. The record retention policy operates on the principle that we keep personal data for no longer than is necessary for the purpose for which we collected it, and in accordance with any requirements that are imposed on us by law. This means that the retention period for your personal data will vary depending on the type of personal data. For further information about the criteria that we apply to determine retention periods please see below:

- *Statutory and regulatory obligations* – As we work in a highly regulated industry, we have certain statutory and regulatory obligations to retain personal data for set periods of time.
- *Managing legal claims* – When we assess how long we keep personal data we take into account whether that data may be required in order to defend any legal claims which may be made. If such data is required, we may keep it until the statute of limitations runs out in relation to the type of claim that can be made (which varies from 2 to 12 years).
- *Business requirements* – As we only collect personal data for defined purposes, we assess how long we need to keep personal data for in order to meet our reasonable business purposes.

Your rights

You have various rights under data protection law, subject to certain exemptions, in connection with our processing of your personal data:

- Right to access the data - You have the right to request a copy of the personal data that we hold about you, together with other information about our processing of that personal data.
- Right to rectification – You have the right to request that any inaccurate data that is held about you is corrected, or if we have incomplete information you may request that we update the information such that it is complete.
- Right to erasure – You have the right to request us to delete personal data that we hold about you. This is sometimes referred to as the right to be forgotten.
- Right to restriction of processing or to object to processing – You have the right to request that we no longer process your personal data for particular purposes, or to object to our processing of your personal data for particular purposes.
- Right to data portability – You have the right to request us to provide you, or a third party, with a copy of your personal data in a structured, commonly used machine readable format.

In order to exercise any of the above rights, please contact us using the contact details set out below.

Questions and Complaints

If you have any queries or complaints in connection with our processing of your personal data, you can get in touch with us using the following contact details:

- Post: Data Protection Officer, Vhi, Vhi House, 20 Lower Abbey Street, Dublin 1
- E-Mail: dataprotection@vhi.ie

You also have the right to lodge a complaint with the Data Protection Commission (DPC) if you are unhappy with our processing of your personal data. Details of how to lodge a complaint can be found on the dataprotection.ie website by selecting the appropriate webform, or by writing to the DPC at - Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2. DO2, RD28, Ireland.