



**Soma Health Ltd**  
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## Privacy Policy

At Soma Health we are committed to protecting your personal data and respecting your privacy. This statement is provided with the intention to comply with your right to be informed, to access, to amend or remove your personal information in accordance with the Data Protection Act 1998 (DPA) and the General Data Protection Regulation (GDPR) 2018.

Soma Health as both the Data Controller and Data Processor is committed to protecting the rights of the individual and acknowledge that any personal data we handle will be processed in accordance with the Data Protection Act 1998 (DPA) and the new General Data Protection Regulations (GDPR) 2018.

### What Data will be collected:

The following data may be collected and shared by Soma Health:

- Personal information (e.g. Name, Address, Date of Birth)
- Characteristics (ethnicity, gender)
- Past and present Job roles
- Health Records
- Medical information (symptoms, history and treatments you may be undergoing). Medical information is regarded as Special category data.

### Who will it be collected from:

- Human Resources
- Managers
- Group Leads
- Employees
- Occupational Health Physicians

### Who do we process the personal data of:

Soma Health collects and processes personal data on former, current and prospective:

- customers.
- corporate clients
- corporate client employees

### How will it be collected:

- Post
- E mail & OH software system Cohort.
- Verbal

### How will it be stored:

Your records will be stored in accordance with Soma Health's medical records storage policy following GDPR regulations.

### Who will my information be shared with:

Personal information which we receive from an employer is only accessed by our own administration, doctors and nurses. All staff have contractual confidentiality agreements and our processes are designed to maintain confidentiality.

Our Occupational Health reports are sent securely to the named recipient, usually a Human Resources officer or Manager. You will know who the report is going to at the point that we request consent for dispatch.



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We will not share information about 'you' with third parties without your consent unless the law allows us to.

#### Why do we process your personal data?

Soma Health will only process your personal information for the purpose for which we collected it. Please see below for further information.

Soma Health is a provider of occupational health services, designed to support business's in the management of health issues in the workplace. Therefore, Soma Health process's personal data and often sensitive medical information for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee.

To ensure the health and safety of the employees at work and to allow consideration of any adjustments that may be required to support their ability to work.

To provide you with up to date information regarding our range of services and to answer any queries raised from our contact form.

To send you communications which you have requested and that may be of interest to you.

To seek your views and comments on the range of services we provide through surveys and questionnaires

Data may also be used for research, audit or statistics but will be anonymised if this is the case.

If we need to use your information for an unrelated purpose, we will contact you and we will explain the legal basis that allows us to do so. Please note that we may process your personal information without your knowledge or consent, in compliance with our obligations in the case of criminal investigation.

#### Information we receive from your employer

To begin the process of offering an appointment for patients, the employer will need to provide details about you and the basis of the referral. This will usually include your name, date of birth, address, telephone number, job details and a description of the problem and any issues they would like advice on. This can include sensitive information that the employer is in possession of such as reasons for sickness absence or medical treatments being taken. We recommend that the employer discuss your referral and the information to be provided with you before it is sent to us.

#### Information obtained during your consultation

All of our consultations are with doctors and nurses, who all have well-established professional obligations to maintain confidentiality. Without this, we would not be able to provide effective care to our patients. Your consent to us collecting personal, sensitive information and to proceed with a consultation is necessary before we can perform a consultation with you. It would not be possible for us to provide an Occupational Health assessment without keeping a clinical record as this is a professional requirement for registered practitioners. Consent for us to process personal sensitive medical information is not consent for us to write to anyone else, including your employer – see section below.

During an OH consultation, the clinician will ask about health issues and your work and you will see them writing a clinical record. This is a confidential file and is not accessible by your employer. You can of course see any information we keep about you at any time upon request.

#### Information we may send to your employer

Your consent is required before we would send personal information to your employer, such as an outcome report from your consultation. The clinician will discuss with you the information they would like to send to the employer. You can have a copy of



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this information. Usually this information is in the form of a report written during your consultation. Sometimes the report cannot be done at that time in which case it will be sent to you for review first.

Sometimes employers may need guidance or clarification on the report. The clinician will consider if there is a need to notify you before sending such additional information. If the supplementary advice given does not contain more sensitive personal information than the original report and does not alter the opinion of the original report, then additional consent is not usually requested. However, if there is a material change to the report and the associated information and advice, you will be contacted or a further consultation will be requested.

The receiving employer is expected to maintain appropriate data security for the Occupational Health reports and advice we provide to them and this is covered by our Data Protection Policy.

If we need to use your information for an unrelated purpose, we will contact you and we will explain the legal basis that allows us to do so. Please note that we may process your personal information without your knowledge or consent, in compliance with our obligations in the case of criminal investigation.

### Data Protection Policy

Your confidential Occupational Health record is not accessible by your employer and is never shared.

It is a requirement for employers making referrals to Soma Health Ltd to agree to our Data Protection Policy. This outlines the responsibilities of the referring employer and Integral OH for managing your personal information. In particular, it covers data security and confidentiality responsibilities. It also ensures you are aware of what information is being sent to us by your employer and that suitable controls are in place once the employer receives your OH report

### Use of 'cookies'

Like many other websites, the Soma Health website uses cookies. 'Cookies' are small pieces of information sent by an organisation to your computer and stored on your hard drive to allow that website to recognise you when you visit. They collect statistical data about your browsing actions and patterns and do not identify you as an individual. For example, we use cookies to store your country preference. This helps us to improve our website and deliver a better more personalised service. It is possible to switch off cookies by setting your browser preferences.

For more information on how to switch off cookies on your computer, visit our full cookies policy. Turning cookies off may result in a loss of functionality when using our website.

### Main Cookies used on our site

Google Analytics - These cookies are used to collect information about how visitors use our site. We use the information to compile reports and to help us improve the site.

The cookies collect information in an anonymous form, including the number of visitors to the site, where visitors

have come to the site from and the pages they visited. For more information on Google Analytics privacy policy visit here - <http://www.google.com/analytics/learn/privacy.html>

Google Maps - These are Google Maps third party cookies, which are unique identifiers to allow traffic analysis to Google Maps.

### Lawful Basis for processing the information:

Lawful basis for processing this sensitive personalised information is for consent.



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Additional condition - Article 9(2)(h) specifically authorises processing of data as Occupational Medicine is a special category thus "processing is necessary for the purposes of Occupational Medicine" and Article 9(3) which states that processing is permitted "When this data is processed by a regulated health professional".

How long will data be held for:

Management referral information will be held for 6 years after the employee has left their job or 75 years of age (whichever is soonest) as recommended by the British Medical Association (BMA).

Pre-placement medicals/assessments will be discarded after 2 years if the employee doesn't take up the offer of the job.

Pre-Placement medicals/assessments who accepted the job offer, will be discarded after 3 years.

Health care students & non-health students will be discarded after 6 years, this date commences post the student leaving date of the University programme.

Medical retirement/Deceased employees, to wait until any appeals have lapsed then plus 3 years.

40 years in relation to Health Surveillance as required by the Health and Safety Executive (HSE).

What are your rights?

You have the right to be informed of fair processing information with a view to transparency of data.

You have the right to access the information we hold. You should make such a request in writing to our Data Protection Officer using the above contact information. We shall provide the data within 1 month. In exceptional cases we may extend this to 3 months. You will be notified within 1 month when we believe this to be an exceptional case requiring a longer period of compliance. Where a request is manifestly unfounded or excessive we may charge a reasonable fee or refuse the request. In the event of a fee or refusal, you will be advised of this and your further rights relating to the fee or refusal.

You have the right to request the information we hold is rectified if it is inaccurate or incomplete. You should contact our Data Protection Officer and provide them with the details of any inaccurate or incomplete data. We will then ensure that this is amended within one month. We may, in complex cases, extend this period to two months.

You have the right to erasure in the form of deletion or removal of personal data where there is no compelling reason for its continued processing. We have the right to refuse to erase data where this is necessary in the right of freedom of expression and information, to comply with a legal obligation for the performance of a public interest task, exercise of an official authority, for public health purposes in the public interest, for archiving purposes in the public interest, scientific research, historical research, statistical purposes or the exercise or defence of legal claims. You will be advised of the grounds of our refusal should any such request be refused.

You have the right to restrict our processing of your data where you contest the accuracy of the data until the accuracy is verified. You have the right to restrict our processing of your data where you object to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether our organisation's legitimate grounds override your interests.

You have the right to restrict our processing of your data when processing is unlawful and you oppose erasure and request restriction instead.

You have the right to restrict our processing of your data where we no longer need the data and you require the data to establish,



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exercise or defend a legal claim. You will be advised when we lift a restriction on processing.

You have the right to data portability in that you may obtain and reuse your data for your own purposes across different services, from one IT environment to another in a safe and secure way, without hindrance to usability. The exact method will change from time to time. You will be informed of the mechanism that may be in place should you choose to exercise this right.

You have the right to object to the following:

Processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);

direct marketing (including profiling); and

processing for purposes of scientific/historical research and statistics

The data collected is not anticipated to fall within the above categories.

Do I have the right to withdraw?

You have the right to withdraw your consent at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information, unless we have a legitimate basis to do so in law.

How can you contact us about your data or your data rights?

If you wish to contact us about your data, or if you require any further information in addition to what is included in this privacy notice, please contact our Data Protection Officer at – Soma Health, Suite 9A, Malvern Gate Business Park, Bromwich Road, Worcester, WR2 4BN, Email – [dpo@somahealth.co.uk](mailto:dpo@somahealth.co.uk), Telephone – 01905 422808

How do I make a complaint about the way my data is being processed?

Soma Health is committed to protecting your data. If you are not happy with the way in which we process your data, you may wish to make a complaint. In the first instance, please contact our Data Protection officer in writing, stating your name, date of birth, contact details and the nature of your complaint against Soma Health

If you are not happy with the response you receive you may also wish to contact the UK data protection regulator, the Information Commissioner, whose contact details are available at <https://ico.org.uk>

Changes to this privacy policy

We reserve the right to update this privacy policy at any time.

Review of this policy

We keep this policy under regular review. The Privacy policy was last updated in May 2018