THE BISHOP OF EXETER

PRIVACY NOTICE FOR CLERGY OCCUPATIONAL HEALTH REFERRALS

1. About this notice

The Bishop of Exeter is committed to respecting your privacy and handling your personal information appropriately and securely.

From time to time, it may be appropriate for a member of the clergy to be referred to an independent Occupational Health provider for professional advice relating to their health, wellbeing and ability to undertake the duties of their office.

Information about your physical or mental health is **special category personal data** under UK data protection legislation and is therefore subject to additional protection.

This notice supplements the Bishop of Exeter's Clergy Personal Files Privacy Notice and provides additional information about how your personal data is used when you are referred for Occupational Health advice.

It should be read alongside the Clergy Personal Files Privacy Notice and the privacy information provided by the Occupational Health provider.

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2. Who is responsible for your information?

The Bishop of Exeter is the data controller for the personal information processed in connection with your Occupational Health referral. This means that the bishop determines the purposes for which your personal information is processed.

Clergy are ecclesiastical office holders and are not, by virtue of holding office, employees of the Exeter Diocesan Board of Finance Limited (EDBF).

The Exeter Diocesan Board of Finance Limited (EDBF), through its People Services team, provides administrative support to the bishop in relation to Occupational Health referrals. Where EDBF processes your personal information for this purpose, it does so on behalf of and on the instructions of the bishop.

The Occupational Health provider will process information in connection with your assessment and will provide you with its own privacy notice explaining how it uses and protects your personal information, including any clinical information it holds.

Occupational Health provider: Thrive Worldwide
Provider privacy notice: https://thrive-worldwide.org/privacy-policy/

3. Why might an Occupational Health referral be made?

An Occupational Health referral may be made where professional medical advice would assist the bishop or those advising him in understanding how a health condition or disability affects, or may affect, your ability to undertake the duties of your office safely and effectively.

Depending on the circumstances, this may include seeking advice about:

- your fitness to undertake some or all of the duties associated with your office;
- the impact of a physical or mental health condition on your ministry;
- your return to duties following a period of ill health;
- support or adjustments that may assist you in carrying out your duties;
- managing a long-term health condition or disability;
- health, safety or wellbeing considerations; or
- other relevant matters concerning your capacity to undertake the duties of your office.

An Occupational Health assessment is intended to provide independent professional advice. Only information that is relevant and necessary for the purpose of the referral will be sought or shared.

4. What information might be shared with the Occupational Health provider?

Information shared with the Occupational Health provider will be limited to that which is reasonably necessary for the purpose of the referral.

This may include:

- your name and contact details;
- details of your ecclesiastical office and duties;
- relevant information about absence from duties;
- information you have already provided concerning your health or wellbeing;
- relevant information about the circumstances leading to the referral;
- particular aspects of your role or working environment that may be relevant; and
- specific questions on which professional Occupational Health advice is sought.

You should normally be made aware of the information provided as part of a management referral so that you understand the purpose of the referral and the advice being sought.

5. What information might be received from the Occupational Health provider?

Following an assessment, the Occupational Health provider may provide a report containing professional advice relevant to the purpose of the referral.

Depending on the circumstances, this may include advice concerning:

- your fitness to undertake your duties;
- the effect of a health condition upon particular duties;
- the likely duration or impact of a condition;
- a potential return to duties;
- temporary or longer-term adjustments;
- restrictions or modifications to duties;
- whether further review may be appropriate; and
- other steps which may support your health, wellbeing or ministry.

The bishop does not normally require access to the Occupational Health provider's full clinical records. The information provided will be limited to that which is necessary and relevant to the purpose for which Occupational Health advice has been sought.

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6. Legal basis for using your information

Personal information connected with an Occupational Health referral will be processed in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

For personal data generally, an appropriate lawful basis under Article 6 UK GDPR will apply according to the purpose and circumstances of the processing.

Information concerning your physical or mental health is special category personal data. The processing of such information also requires an appropriate condition under Article 9 UK GDPR and, where required, the Data Protection Act 2018.

Depending upon the circumstances and purpose of the processing, applicable conditions may include processing necessary for:

- rights or obligations in the field of employment, social security or social protection law, where applicable;
- preventive or occupational medicine, the assessment of working capacity, or the provision or management of health or social care, where the relevant legal requirements are met;
- the establishment, exercise or defence of legal claims; or
- reasons of substantial public interest where an applicable condition under the Data Protection Act 2018 is met.

The appropriate lawful basis and special category condition will be determined and documented in accordance with the nature and purpose of the processing.

Agreement to attend an Occupational Health assessment is not, in itself, the data protection lawful basis relied upon by the bishop for processing your personal information.

Where your agreement or consent is required for the Occupational Health provider to conduct an assessment, obtain medical information from another healthcare professional or release a report, this is distinct from the lawful basis on which personal information is processed under data protection legislation.

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7. Who will see the Occupational Health report?

Occupational Health information will be treated as confidential. Access will be limited to those who have a genuine need to know the information in order to fulfil their responsibilities.

Depending on the circumstances, this may include:

- the bishop;
- the relevant Archdeacon or another appropriate member of the Bishop's senior staff;
- those advising the bishop in relation to the matters covered by the referral;
- appropriate members of the EDBF People Services team, where access is necessary to administer the referral or provide support on behalf of the bishop; and
- professional advisers where access is necessary and lawful.

Information will not be shared more widely simply because an individual is involved in diocesan administration or ministry.

Where another person needs to know about an adjustment, restriction or practical arrangement, it may not be necessary or appropriate for them to be given details of the underlying medical condition.

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8. How will the information be used?

Information obtained through the Occupational Health process will only be used for legitimate purposes connected with the reason for the referral and any associated support, advice or decision-making.

An Occupational Health report provides independent professional advice. The Occupational Health provider does not make decisions concerning your ecclesiastical office or ministry.

Any decisions arising from that advice remain for the bishop or other person or body with the appropriate authority and will be considered in accordance with the relevant ecclesiastical, legal and diocesan procedures.

EDBF People Services may provide administrative or professional support in connection with this process but does not make the decision to refer a member of the clergy to Occupational Health or exercise the bishop’s ecclesiastical decision-making functions.

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9. How will your information be protected?

Occupational Health information will be treated as particularly sensitive and will be subject to appropriate technical and organisational measures designed to protect it against unauthorised or unlawful access, disclosure, alteration, loss or destruction.

Access will be restricted to those who have an appropriate reason to see the information.

Where EDBF processes information on behalf of the bishop, it will do so in accordance with the bishop's instructions and the data protection arrangements applying between them.

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10. How long will the information be kept?

Information relating to Occupational Health referrals and reports will be retained only for as long as there is a legitimate need to retain it, having regard to applicable legal, regulatory, ecclesiastical and records-management requirements.

Where information forms part of your clergy personal record, retention will be managed in accordance with the relevant Church of England records retention requirements, which can be viewed here: https://www.churchofengland.org/resources/data-resources/information-and-records-management

Information held independently by the Occupational Health provider will be retained in accordance with the provider's own retention arrangements, as explained in its privacy notice.

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11. Your data protection rights

Depending upon the circumstances and the lawful basis relied upon, you have rights concerning your personal information. These may include the right to:

- be informed about how your information is used;
- request access to personal information held about you;
- request correction of inaccurate or incomplete information;
- request erasure of information in certain circumstances;
- request restriction of processing in certain circumstances;
- object to certain forms of processing; and
- raise a concern about how your personal information has been handled.

Not all data protection rights apply in every circumstance.

If you have concerns about the use of your personal information, you may also have the right to make a complaint to the Information Commissioner's Office (ICO).

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12. Further information

For more information about how your personal information is handled, please see:

Clergy Personal Files Privacy Notice: https://exeter.anglican.org/resources/data-protection/

Occupational Health provider privacy notice: https://thrive-worldwide.org/privacy-policy/

For questions about this notice or the handling of your personal information, please contact:

The Chaplain to the Bishop of Exeter
The Palace Gatehouse
Exeter EX1 1HS
Email: bishops.chaplain@exeter.anglican.org
Telephone: 01392 272362

Alternatively, you can contact the Information Commissioners Office on 0303 123 1113 or via email https://ico.org.uk/global/contact-us/email/ or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 SAF.

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