1. **Introduction**

The aim of the policy is to ensure that health records are maintained in accordance with the legal and ethical standards of the Nursing and Midwifery Council, Faculty of Occupational Medicine, Department of Health and Data Protection Act 2018 in respect of accuracy, security and confidentiality, in addition to compliance with the standards set out in Oxford Brookes University Record Management Policy - [https://www.brookes.ac.uk/it/information-management/records-management](https://www.brookes.ac.uk/it/information-management/records-management/)/

1. **Responsibilities**

Occupational Health (OH) Advisers are responsible for all clinical information, both manual and electronic, and will ensure the security of that information at all times.

All Occupational Health staff, including the OH Administrator, who have access to confidential clinical information are required to sign a Confidentiality Statement (Appendix 1).

1. **Standards**
* All data will be complete, accurate, relevant, accessible and timely. Each record will include a date, time and location when the employee was seen.
* Full, factual, contemporaneous, dated clinical records will be taken and maintained.
* All clinicians will participate in data recording and will enter their own data directly onto the University’s database (eOPAS).
* All authorised users will have a unique identifier (‘p’ number) and password, keep their password secure, make use of the ‘lock computer’ facility if called away from their desk and log out of workstations when leaving the workplace.
* Members of the OH team using records will receive appropriate training. This may include: using the Oxford Brookes University computer network, eOPAS, Microsoft Office, etc., understanding information governance, understanding the importance of accuracy and consistency of data entry and sharing information and decision-taking.
* University managers will be provided with clinical information only in so far as this is necessary for them to fulfil their management duties in accordance with the Data Protection Act
* It is the responsibility of the OH Adviser to ensure that service users/employees understand the content of any reports to management and will gain consent first before the report is issued to managers (Appendix 2).
* All paper records will be stored in locked cabinets when unattended. When open, access will be limited and records will not be left in unattended areas. Keys will be held securely in a key cabinet.
* Offices used by OH staff containing computer equipment and other stored data will be locked when unattended.
* Copies of computer records will be backed-up daily and stored in secure locations to prevent loss or failure of the system due to theft, fire, flood etc. in accordance with university policy.
* OH records, including computer records, will be retained in accordance with the University Records Management Policy and Records Retention Schedule agreed with the University Records Manager (Appendix 3).
* OH staff will follow agreed standards and procedures for the removal of OH records when staff leave the University.
* Archived records will be subject to the same rules of security and confidentiality as active records.
* Informed, explicit, freely given consent from the data subject will be obtained before specific information is sought from a treating doctor for a specific purpose. Informed consent must also specify the information required and the purpose for which it is required.
* OH will not disclose an applicant’s medical report from the GP or Specialist without the written consent of the employee / service user.
* Any clinical records sent in the external post will be in a sent double enveloped and by recorded post.
1. **Disclosure of Information**

Information about an employee may be disclosed to a third party outside the OH service only if:

* The employee him / herself has given informed and express consent for this in writing
* You are required to give such information by a court of law or Act of Parliament
* Disclosure is substantially in the public interest
* Under the Nursing and Midwifery Code of Conduct, OH Advisers are required to act if they hold a belief that there is a risk to employee safety or public protection. Where-ever possible the OH Adviser will talk to the employee about their concerns and will let the employee know who they may need to contact and why
* Disclosure is necessary to prevent or detect a serious crime
* Disclosure is for the purposes of medical research with appropriate privacy safeguards in place
1. **Subject Access Requests**
* Employees wishing to access their OH record must complete Request for Access to OH Records Form 1 (Appendix 4).
* The OH Department will respond to requests within 30 calendar days from receipt of Form 1 above.
* If the person requesting the information is not known to OH, the person’s identity will need to be verified (typically photographic ID plus household bill will be required).
* Data subjects have the right to request their data in an appropriate format, either electronic or hardcopy. It is permissible for the data subject to view their records in person via an arranged on-site inspection.
* Practitioners will have regard to third party data when making arrangements for a site inspection and will as a matter of course consult the University’s information management team prior to any site inspection.
* Corrections to matters of fact, e.g. incorrect address may be requested and made. However changes to the professional opinion cannot be altered. If a corrections is requested a note agreed by the service user / employee will be added to the OH record.
* Advice will always be sought from the information management team prior to release.
* Any third party data held as part of the OH record will be scrutinised prior to release to the data subject in accordance with university policy.
* A summary record of all information and documents release will be kept in the data subject’s OH record.
* OH records will only be released following approval by the Senior OH Adviser taking into account the above guidance and standards. See Flow Chart in Appendix 4.
* Request to Access OH Records Form 2 will be completed by OH staff when requested documents are sent to data subject.

**References:**

Record Keeping Guidance for Nurses – NMC 2009

Guidance on Ethics for Occupational Physician’s ISBN 1-816016-112

Records Management NHS Code of Practice 2006

Access to Medical Reports Act 1988

Oxford Brookes University Records Management Policy April 2010

Oxford Brookes University Records Retention Schedule – Chapter 12 Health and Safety

**Please Note:** This policy will be reviewed annually in consultation with University Information Compliance Office and Records Manager every three years in line with university policy.

**Date:** July 2018

**Date of next review:** July 2020

**Oxford Brookes University Occupational Health (OH)**

**Appendix 1**

**CONFIDENTIALITY POLICY STATEMENT**

**Statement**

The provision of a confidential, informed and impartial service to Oxford Brookes University employees, departments and other external organisations that use the Occupational Health (OH) service is essential in order to maintain a professional relationship of trust with them.

It is incumbent on all the staff of the OH service to maintain confidentiality. Each member of staff has an obligation not to divulge any information learned in respect of his or her work activities with the OH service as detailed below.

**Clinical Staff**

Information about an employee may only be disclosed to a third party as outlined in the OH Records Policy under the section headed Disclosure of Information.

**Administrative Staff**

Any matter relating to clients of the OH service, including personal details, health or medical information, including diagnosis, investigation, or treatment, and advice sought and/or given, whether from clients’ records of from other sources, must not be divulged to any third party by administrative staff without exception.

All such enquiries about an employee or employees, whether from a third person or from the employee personally, must be referred to a clinical member of staff.

No medical or health advice, information, recommendations or opinion is to be given by administrative staff without exception. All enquiries about health or medical matters must be referred to a clinical member of staff.

**Clinical and Administrative Staff**

All OH records must be stored securely in locked cabinets.

OH Administrators and Advisers are responsible for ensuring that the confidentiality of client records is not compromised and that the department is locked and the alarm activated when leaving the department.

Health records should be sent out double enveloped. If posted must be sent by recorded delivery.

**Please Note:** any breaches of the above may result in disciplinary action, including dismissal.

I agree not to disclose any confidential information about clients as described above and have read and understood the OH Records Policy.

**Signature: Date:**

**PRINT NAME:**

**Oxford Brookes University Occupational Health**

**Appendix 2**

**RECORDS RETENTION SCHEDULE**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Type of Record** | **Activity / Business Process** | **Minimum Retention Period** | **Held By** | **Derivation / Issues Relevant to the Decision** | **Final Action** |
| Office diaries | Management and administration of OH service | 1 year after the end of the calendar year to which they refer | OH Service |  | Destroy under confidential conditions |
| Specifications (e.g. equipment) | Management and administration of OH service | 2 years from date of submission | OH Service |  | Destroy under confidential conditions |
| OH financial records | Management and administration of OH service | 6 years from date of last entry | OH Service |  | Destroy under confidential conditions |
| Clinical administration documents | Management and administration of OH service | 6 years from date of last entry | OH Service |  | Destroy under confidential conditions |
| OH policy documents | Management and administration of OH service | 5 years after they are superseded | OH Service |  | Destroy under confidential conditions |
| OH records (Staff) and (Students)  | OH assessments of fitness to work and train | 3 years after termination of employment unless legal liability ensues – then 7 years | OH Service | 1. Legal liability for claims – 6 years after ceasing employment2. Audit purposes | Destroy under confidential conditions |
| COSHH health surveillance records | Health surveillance | 40 years from date of last entry  | OH Service | COSHH Regulation 11 (2) (b) | Destroy under confidential conditions |
| Classified medical examination records | Statutory classified worker examinations | 40 years from date of last entry or age 75 which-ever is longer | OH Service | Ionising Radiation RegulationsAsbestos Regulations | Destroy under confidential conditions |
| RIDDOR – Reporting of Diseases and Dangerous Occurrences Regulations and First Aid Incident Reports  | Statutory reporting | 3 years from date of last entry | OH Service |  | Destroy under confidential conditions |

**Oxford Brookes University Occupational Health**

**Appendix 3**

**CONSENT FOR THE RELEASE OF OCCUPATIONAL HEALTH OUTCOME REPORTS**

**(Ref: GMC Guidance on Confidentiality September 2009)**

**Name: DOB:**

**Faculty / Directorate:**

**Occupational Health Advisor:**

The above named Occupational Health Advisor has discussed the content of the proposed OH Outcome Report with me and:

[ ]  I hereby give my consent for the report to be sent to my Manager and HR, simultaneously with a copy to me, without my having seen the report first.

[ ]  I wish to see a copy of the report before it is sent to my Manager / HR. I will make my comments known to OH within 7 days of receipt of the draft report. If no comment is received from me within that timescale I understand that the report will be sent to my Manager / HR.

[ ]  I do not consent to the OH Outcome Report being sent to my Manager / HR. I understand that my manager will only be able to make any further decisions based on the information that has already been presented to them.

**Signature: Date:**

**Print Name:**

**Please Note:** All medical records and personal information is kept in accordance with the requirements of the Data Protection Act 1988 and following the ethical guidelines of the General Medical Council and Nursing & Midwifery Council.

**Oxford Brookes University Occupational Health**

**Appendix 4**

**FORMS FOR EMPLOYEES REQUEST TO ACCESS HEALTH RECORDS**

**FORM 1: REQUEST FOR ACCESS TO OCCUPATIONAL HEALTH (OH) RECORDS**

If you wish to request access to part or all of your health record, please complete the following form and return it to the OH Department.

Please write in CAPITAL letters and use black ink. Return the completed form to the OH Service by post to: Senior OH Adviser, Occupational Health Department, Room A1.07, Wheatley Campus, OX33 1HX.

**Your details**

|  |  |
| --- | --- |
| Full Name: |  |
| Staff Number:P00…… |  |
| Address to which records are to be sent:Your Date of Birth: |  |
|  |
|  |
|  |
|  |
| Your telephone number: |  |

 **Your health records you require**

|  |  |
| --- | --- |
| What record or part thereof do you require access to? |  |
| Do you require a copy of the record? | Circle the correct answer: YES / NO |

 **DECLARATION**

Ideclare that the information given by me is correct to the best of my knowledge, and that I am entitled to apply for access to the health record referred to above under terms of the Data Protection Act 1998 "Subject Access".

|  |  |
| --- | --- |
| **Signature and Date:****PRINT NAME:** | Signed: Date: |

**Please Note:** if you request access to part or whole of your health record, we need you to provide us with sufficient information for us to verify your identity.

**Oxford Brookes University Occupational Health**

**FORM 2: REQUEST FOR ACCESS TO OCCUPATIONAL HEALTH (OH) RECORDS**

**MUST BE COMPLETED BY OH** and included in the employee’s OH record.

**Employee Details**

|  |  |
| --- | --- |
| Employee Name: |  |
| Employee Number Checked **(Please circle )** |  **YES / NO** |
| Date of Birth: |  |
| Telephone number: |  |
| Photographic ID + household bill - original provided (photocopies required) |  **YES / NO** |

|  |  |
| --- | --- |
| For site inspection note: Date and time of access: |  |
| Any corrections made to the records?Date corrections were made: |  **YES / NO**  |

**NB:** Attach a copy of the corrections or views of the applicant to a copy of the records accessed.

**Records Sent**

|  |  |
| --- | --- |
| Date of request: |  |
| Date records sent: |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **OH Administrator SIGNATURE:** |  | **TITLE:** |  |
| **PRINT NAME:**  |  | **DATE:** |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **OHA SIGNATURE:** |  | **TITLE:** |  |
| **PRINT NAME:**  |  | **DATE:** |  |

**Request to Access Occupational Health Records: Flow Chart**

* Employee or employee’s solicitor contacts OH Department (OHD) to request copy of OH record.

**Action:**

OH Administrator sends out Request for Access to OH Records Form 1.

OHA or OH Administrator requests sight of **photographic ID** + **confirmation of address** to OHD – if required.

When form + ID are received, subject access requests will be processed within 30 calendar days.

**Employee**

On receipt of completed Request for Access to OH Records Form1 OH Administrator:

* Prepares OH Request for Access to OH Records Form 2 & check employee ‘s staff number against HR database
* OH Administrator photocopies health records
* OH Administrator prepares typed list of records to be sent to employee
* OHA to check and sign off records that are to be sent to employee in compliance with Data Protection requirements
* OHA consults with OBU Information Compliance Officer
* S/OHA to authorises the release of the records

**Action:** OH Administrator sends records to employee with covering letter:

Copy of Request Forms 1 & 2 and

List of records sent to employee

A copy of all items sent to the employee must be filed in employee’s OH record.

**Standard:** Health records sent out double enveloped and recorded delivery.

**OBU Occupational Health**