



GDPR and Health & Safety

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GDPR - the six commandments



First Commandment

Personal data shall be processed lawfully, fairly and in a transparent manner



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Personal data shall be processed **lawfully**, fairly and in a transparent manner

Consent; legitimate interest; legal obligation



Health Data

- Special category!
- Explicit consent?
- Carrying out obligations in the field of employment law (Safety, Health and Welfare at Work Act 2005)
- Establishment, exercise or defence of legal claims



First Commandment

Personal data shall be processed lawfully, **fairly** and in a transparent manner



Health Data

- Everyone has the right to the protection of their privacy
- Rights of access
- Proportionate use
- Data Protection Impact Assessment?



First Commandment

Personal data shall be processed lawfully, fairly and
in a **transparent** manner

Data privacy notices!



Second Commandment

It shall be collected for specified, explicit and legitimate purposes, and not further processed in a manner incompatible with those purposes

Data Privacy Notices – again!



As your employer, we have many **legal obligations** to you and others. We use your personal information where necessary for ensuring our legal obligations are met in respect of your employment, and the work you undertake as one of our employees, specifically:

- our responsibilities to you under employment and other applicable laws;
- **our health & safety responsibilities to you, your fellow employees and third parties;**
- ensuring the safety and security of third parties, their property and personal information;
- responsibilities in respect of the collection and payment of employment taxes; and
- detecting and reporting crimes or unlawful activity.



During the course of your employment it is likely we will process personal information relating to your health:

- health & safety records, including records related to accidents, investigations, and outcomes;
- sickness and absence records that disclose information relating to your health; and
- information concerning your health in the context of our management of your wellbeing or performance as one of our employees.

We do this only:

- when necessary to carry out our obligations, or exercise our rights as your employer; or
- to protect our legal position.



Third Commandment

It shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed



Health Data

- Don't collect more than you need
- Anonymisation
- Carrying out obligations in the field of employment law
- Establishment, exercise or defence of legal claims



Fourth Commandment

It shall be accurate, kept up to date and inaccurate personal data will be erased or rectified

Investigation reports!



Fifth Commandment

It shall not be kept for longer than is necessary for the purposes it is processed

Two years?



Sixth Commandment

It shall be processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing, and against accidental loss, destruction or damage, using appropriate technical or organisational measures



In summary

- A lot has not changed
- Expectations of data subjects have changed
- Rights of data subjects have increased
- Consequences of failure increased



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