

Data Protection Privacy Notice: Insurance claims

When we collect personal data, we must tell you why we need it, and what we will do with it. This information is called a privacy notice. This privacy notice explains how we process your personal information for the purposes of processing claims made against the City of Edinburgh Council. To process the claims received by Council, we need to collect, store, use, share and dispose of personal information. This is known as data processing. In processing personal information, the City of Edinburgh Council must comply with the Data Protection Act 2018 and UK-GDPR. In this notice, we refer to the laws that govern data protection law collectively as 'data protection legislation'.

If this privacy notice changes in any way, we will place an updated version on this page. By regularly reviewing this page you will ensure that you are always aware of what information we collect, how we use it and under what circumstances, if any, we share it with others.

1) Overview

The City of Edinburgh Council has various responsibilities to the public which are set out in law. This includes a duty of care to the public and colleagues under Health & Safety law. Our legal obligation for processing insurance claims is based in civil legislation. We also have an additional obligation as an employer under the Employers' Liability (Compulsory Insurance) Act 1969.

If you make a claim for loss, injury or damage to the City of Edinburgh Council, all information relating to your claim will be kept securely in an electronic case file.

Data controller

Data controllers are the organisations or individuals that determine how your personal information will be processed. By law, data controllers must pay a fee to register with the UK Information Commissioner who is the data protection regulator within the UK.

The City of Edinburgh Council data controller registration number is Z5545409.

2) Data Collection and personal data categories

The personal information we hold about you for processing claims made against the Council may be collected in a number of ways. We may collect information from you via a claim form, information you provided to a Service within the Council, by telephone, email and / or via your legal representative.

When we collect and process your personal information, we are committed to the principles set out in data protection legislation.

Data protection principles

- We only collect information that we need
- We keep your personal information secure
- We don't keep your information for longer than we need to
- We tell you why we need your information and what we will do with it
- We collect accurate information and, where necessary, keep it up to date
- We don't use your information for a different reason than the one we have told you about.

Personal data categories

We process relevant personal data and special category data as is necessary to progress individual insurance claims. Personal information that may be required as part of a claim submission includes but is not limited to:

- your name and address
- information about the nature of the claim
- any information which may help to substantiate the claim
- your national insurance number
- relevant medical reports
- other sensitive information relating to the claim

3) Purpose of processing personal information

The City of Edinburgh Council is the Data Controller for the data which we hold as part of receiving and responding to your claim.

Our legal basis in data protection law for handling insurance claims is legal obligation. Where we process special category personal data for this purpose, this is because it is necessary to establish, exercise or defend a legal claim.

The Council will only process your personal information when it is lawful to do so.

4) Information sharing

The information provided to us will be shared with our insurers and their representatives, and the relevant Service(s) within the Council to ensure that any claim can be investigated fully. Where we work in partnership with other agencies, information may be passed to our brokers to progress the claim.

The Council may also provide personal information to third parties, but only where it is necessary, to progress your claim against the Council and where permitted under data protection legislation.

We will only share your information with suppliers who have sufficient measures and procedures in place to protect your information and can meet their legal obligations under data protection legislation. These requirements will be set out in contracts or information sharing agreements. We will not share your information for marketing purposes.

Details of transfers to third country and safeguards

Your information may be stored and processed on servers based outwith the European Economic Area. Any transfer of personal information overseas will be in full compliance with data protection legislation.

5) Retention periods and your rights

Retention periods

We will not keep your information for any longer than it is needed and we will dispose of both paper and electronic records in a secure way. We keep insurance claim files for the basic period of the current financial year, plus another six years from the conclusion of the claim. Once this period has passed, your personal information will be redacted from the electronic case file.

In some cases we will keep records for longer where they relate to minors, or where they are submitted under the Limitation (Childhood Abuse) (Scotland) Act 2017.

You have rights under data protection legislation including:

- Right to be informed about how we collect and use your personal information through privacy notices such as this.
- Right to request information we hold about you. This is known as a subject access request and is free of charge. We must respond within one month, although this can be extended to three months if the information is complex.
- Right to rectification. You are entitled to have your information rectified if it is factually inaccurate or incomplete. We must respond to your request within one month. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner.
- Right to erasure. You have the right to ask us to delete your information or stop using it. It will not always be possible for us to comply with your request, for example if we have a legal obligation to

keep the information or should you wish to progress your claim. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner.

- Right to restrict processing. You have the right to restrict how your data is processed in certain circumstances, for example if the information is not accurate. If a restriction is applied, we can retain just enough information to ensure that the restriction is respected in future. If we decide to lift a restriction on processing we must tell you.
- Right to object. You can object to your information being used for profiling, direct marketing or research purposes.
- Right to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Whilst a right to data portability exists under data protection legislation, because we process information as a result of legal obligation, you cannot ask us to transfer this information to another data controller so they can use it.

Collecting Information Automatically

We use cookies to collect data automatically when you are using our website. The cookies page on the website gives further information about this. No other claims information information is collected automatically.

To make a subject access request, or to exercise any of your rights, please contact the Information Rights Team.

6) Incidents, complaints and comments

Data Protection incident

If you are concerned about what we do with your data, or think something has gone wrong, for example if you have received correspondence from the Council which is not addressed to you, contact the Council's Data Protection Officer to report a data protection incident.

Complaints and comments

If you wish to make a complaint or comment about how we have processed your personal information, you can do so by writing to the Council's Data Protection Officer.

If you are still unhappy with how the council have handled your complaint, you may contact UK Information Commissioner's Office, Wycliffe House Water Lane, Wilmslow, Cheshire, SK9 5AF Tel: 0303 123 1113 | Website: www.ico.gov.uk (external link)

7) Data Protection Officer

The Council must appoint a Data Protection Officer to make sure it is complying with data protection legislation. The Council's Data Protection Officer is:

Kevin Wilbraham,
Information Governance and Strategic Complaints Manager
Information Governance Unit,
City of Edinburgh Council
Waverley Court – 2.1,
4 East Market Street
Edinburgh
EH8 8BG
E-mail: information.compliance@edinburgh.gov.uk Tel: 0131 469 6200