

Privacy Notice:Durham County Council

Internal Audit and Risk - Insurable Claims

This Privacy Notice tells you about what information we collect about you, how we use that information and who we share it with.

1. Who we are and what we do

The Insurance team manage Durham County Council's insurance arrangements, including the handling of insurable claims made against the Council. This means we use personal information to process these claims to enable us, or our third party agents, to determine the legal position on liability.

For the purposes of Data Protection, Durham County Council is the Data Controller

2. What type of personal information do we collect and how do we collect it?

We collect the following personal information about the claimant:

- Name and address
- Date of birth
- Contact details (telephone number(s) and/or email address)
- Occupation
- National Insurance number
- Durham County Council employee number (if applicable)

If the claimant is a minor we collect the:

- Name and address
- Date of birth
- Contact details (telephone number(s) and/or email address)
- Occupation
- National Insurance number of the parent or guardian.

If there are any witnesses to the accident/incident we collect their:

- Name and address and
- contact details.

To support the claim we also request:

- a description of any personal injuries
- photographs (if available)
- details of hospital treatment received
- family doctor's details (if consulted)
- whether the injury caused the re-occurrence of an old injury and details if applicable.

To support claims of damage to property we require:

- evidence of ownership and
- evidence of the original purchase eg. credit card statements.

To investigate claims of damage to motor vehicles we request:

- the make, model and registration number
- the name and address of the driver (if different to the claimant's details)
- the details of the owner (if different to the above)

If the incident involved a council vehicle we also ask for:

- the type of vehicle
- the registration number
- the driver's name

If the incident involved a non-council vehicle we would also ask for the name and address of the driver and details of any private insurance.

We collect this information from:

- The Incident Report form that we send to you for completion following you reporting an incident
- The Claim form
- Statements of Truth

This information will be gathered and retained in a combination of:

- written hard copy documents and
- electronic data

3. What is our lawful basis to obtain and use your personal information?

When we collect and use your personal information we rely on:

- **Legal obligation:** it is necessary to meet a legal obligation
- **Public task:** the processing is necessary for us to perform a task in the public interest or for our official functions

When we collect special category personal information we rely on:

- **Legal Rights:** We need it for a legal case or a legal reason

4. What is your personal information used for?

The insurance team collects and processes information about you for the following purposes:

- to enable an investigation to be made into the incident claim
- to inform a decision on liability.

The information may also be used:

- to prevent fraud and
- in the detection of crime

Insurance companies increasingly use automated decision-making to determine if they accept liability or not when a claim is made.

5. Will your personal information be shared?

Any personal information collected may be shared with:

- insurance companies

- the appointed legal representatives of both the Council and claimants and
- appointed representatives engaged to provide expert advice on elements of the claim, such as medical experts.

In certain circumstances the personal information collected may be shared with:

- other insurers
- other local authorities and
- the police where we have a statutory obligation to share such as for the purposes of the prevention or detection of crime or for legal proceedings.

If you make a complaint to the ICO, we may share your personal information to manage your complaint or in response to a request from the ICO.

6. How do we keep your information secure?

The security of your personal information is important to us. The records we keep about you are secure and are confidential within the Council. The Council have a range of procedures, policies and systems to ensure that access to your records are controlled appropriately.

Anyone who receives information from us is also under a legal duty to only use the information for the purposes agreed and keep the information secure and confidential.

7. How long will we keep your personal information?

After we deliver a service to you, we have to keep your information as a business record of what was delivered. The type service will determine how long we have to keep it. This ranges from months for some records to decades for more sensitive records. The retention period for

- non-vehicle claims is the current date plus seven years or date of birth plus twenty-five years whichever is longer.
- Motor claims is seven years after the expiry of the policy or date of birth plus twenty-five years whichever is longer.

8. Personal information processed outside of the European Union (EU)

We do not process your personal data outside of the EU

9. Marketing

At no time will your information be used or passed to others for marketing or sales purposes, or for any commercial use without your express consent.

10. What are your information rights?

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

- request a copy of the personal information the council holds about you
- have any inaccuracies corrected;
- have your personal data erased;
- place a restriction on our processing of your data;
- object to processing;

To exercise your rights, you can apply on line or download an application form from the [DCC website](#) or you can contact the data protection team at inforights@durham.gov.uk

To learn more about these rights please see the [ICO website](#).

11. Further Information

Our Data Protection Officer (DPO) provides help and guidance to make sure we apply the best standards to protecting your personal information. If something goes wrong with your personal information, or you have questions about how we process your data, please contact our Data Protection Officer at DPO@durham.gov.uk or write to:

DPO
Floor 4 Room 143-148,
Durham County Council
County Hall,
Durham County Council
DH1 5UF

If we have not been able to deal with your query, you can also contact the Information Commissioner's Office:

Information Commissioner's Office
Wycliffe House
Water Lane Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113 (local rate) or 01625 545 745