

Privacy Notice

This document describes how and why we collect, store, protect, process and share the data you give to us. We collect personal data when you contact the Council with details of a claim you wish to make for damage or personal injury where you believe the Council is at fault.

Date of Issue: 22 May 2018

Update History:

Version 1	First issue of a new Privacy Notice
Version 2	Change of DPO
Version 2.1 13 April 2022	Minor amendment to contact details of the Data Protection Officer

Directorate: Resources
Service: Finance and Property
Team: Insurance

About the Organisation

West Berkshire Council is the Data Controller. This means it is ultimately responsible for the data it holds about you.

Contact Address:

West Berkshire Council
Market Street
Newbury
Berkshire
RG14 5LD

ICO Registration Number: **Z6825178**
<https://ico.org.uk/ESDWebPages/Entry/Z6825178>

The Data Protection Officer

Contact details for the Data Protection Officer at the Council can be found at:
www.westberks.gov.uk/dpofficer

What data will we collect about you?

We will collect and process the personal information you give us by phone, email or filling in forms on our website. We also collect personal information from your appointed

representative such as your solicitor (including that submitted to the Claims Portal) or intermediary and information you have volunteered to be in the public domain.

Personal data we collect will include:

- Name of claimant
- Address
- Email address
- Telephone number
- Date of birth
- Vehicle registration numbers
- Medical information
- Employment and earnings details
- Witnesses' name, address including email address
- Photographs of damage or injury if appropriate

We may also collect bank details on certain types of claim where a settlement is made.

What type of data we collect and process will depend on the details of the particular claim being pursued, e.g. a claim for compensation arising from personal injury. We also collect names, addresses (including email addresses) and details of the type of business carried out by those parties leasing commercial units from the Council.

What will we use your data for?

The data we collect will only be used for the purpose of investigating and settling your claim in the event fault is found on the part of the Council.

We also collect your name and identifying data so we can ensure you are who you say you are, and we collect contact details so we can keep in touch with you about your claim. The date of birth is collected to determine whether the claim is being made on behalf of a minor. Employment details are collected in some circumstances, for instance where a claim might incur a loss of earnings.

Other details we collect are intended to help you illustrate and support your claim when it comes to be evaluated by the Council's insurers, such as medical and/or photographic evidence of any injury or damage.

Who will see your data?

We share the data with the Council's insurers, external claims handlers, external loss adjusters, internal and external solicitors, service providers/contractors as appropriate and necessary to deal with a claim made against the Council or pursued by the Council.

The only other times we might need to share your data is where there is a legal requirement to do so (for instance where we have a request from the Police where they demonstrate that obtaining the data will help them to prevent or detect a crime) or in relation to ongoing or prospective legal action by a third party, and then your data will only be shared in line with the requirements of Data Protection legislation.

Why are we doing this?

We and our selected third parties will only collect and use your personal information:

- Where the processing is necessary in connection with handling a claim
- To meet our legal or regulatory obligations
- Our legitimate interests as a public authority, acting in the public interest
- The exercise and/or defence of legal claims against the Council. Alleged breaches of and compliance with English common law. Alleged breaches of and compliance with the terms of various statutes applicable to the Council including but not limited to: Highways Act 1980, Health and Safety at Work Act 1974, New Roads and Street Works Act 1991, Occupiers Liability Act 1957, Occupiers Liability Act 1984, Road Traffic Act 1988, Children's Acts (various), Human Rights Act 1988
- To ensure compliance with insurance policy terms and conditions
- The detection of fraud

We are legally processing your data under the requirements of the Civil Procedure Rules. You can inspect these online at <https://www.justice.gov.uk/courts/procedure/civil/rules>

You are under no obligation to make a claim (and provide us with data) in the first place but failure to do so will naturally affect the ability of the Council to consider it. There's more on your rights below (see "Your Rights").

How long will your data be kept?

Your data will not be kept any longer than necessary. You can check how long the organization will keep each type of data against West Berkshire Council's retention schedule www.westberks.gov.uk/retention

How is your data stored and processed?

Information will be stored on the Council's internal claims handling system (Crest) and will be protected using up-to-date technical and organizational security measures. In general, only three authorized staff at any one time will have access to the information. Each system user has an individual username and password and a user profile which only allows them to access the details they need to carry out the job.

Transfer overseas

Your data will not be stored or sent outside of the U.K.

Your rights

You have a number of rights when it comes to the data we hold about you. These are detailed on our request form (www.westberks.gov.uk/dprequest) that also allows you to make a request for us to take action about something.

Complaints

If you've already told us we need to do something, but we haven't responded in a way you're satisfied with, you can complain to the Information Commissioner's Office (the ICO). It's easiest to do this online via the ICO website (<https://ico.org.uk/concerns/handling/>), but you can also do so in writing to:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
