

Privacy Notice – Insurance and Risk Management

Who we are:

Insurance and Risk Management
Royal Borough of Windsor and Maidenhead
Town Hall
Maidenhead
SL6 1RF

email- insurance@rbwm.gov.uk

Lawful basis for processing the information:

The information is processed in the exercise of, and/or in the defence of, legal claims arising from alleged breaches of various statutes applying to the local authority of which the main ones typically giving rise to compensation claims are: Highways Act 1980, Health and Safety at Work etc. Act 1974, New Roads and Street Works Act 1991, Occupiers Liability Acts 1957 and 1984, Road Traffic Act 1988, Human Rights Act 1998.

How we collect information:

Personal data is supplied by claimants or their legal representatives via hard copy documents, e-mail, by telephone or through face-to-face discussion. The “third party incident report form” is typically used by claimants pursuing a claim themselves unless the required information is supplied in their initial contact with the council. Solicitors are obliged to use the Claims Portal “rapidclaimsettlement.org.uk” when making a personal injury claim valued at up to £25,000.

Information we collect:

Name, address, date of birth and National Insurance number, vehicle registration numbers, phone numbers, medical information all as relevant to the particular claim being pursued. If the claim is only for property damage we will not require the date of birth or NI no. We will need to record the identity of any legal representative or litigation friend. If we agree to make compensation then we will need the claimant’s bank account details to make settlement if they are not represented.

Names, addresses, details of the type of business carried out by those parties leasing commercial units from the council.

How we use the information provided:

To investigate the claim and advise the claimant side of the outcome. Personal injury claims must also be registered with the Compensation Recovery Unit (CRU). To deal with claims at a trial if necessary.

Statistical and anonymised information will be shared with brokers and insurers in the exercise of purchasing insurance. Certain information is used to inform and enable the purchase of insurance cover for third parties e.g. where required to do so under the terms of a lease or other contractual agreement.

Who has access to the information about you:

The information is restricted to the council's insurance and risk management team. If the claim is of greater value than £25,000 or is made by an employee then we are also required to notify our insurers of all available details as provided by the claimant or their legal representatives.

Data is stored securely on our claims handling system 'LACHS' and accessed only by authorised officers of the council by using their own username and password (created in-line with pre-defined user credentials). Personal data is also held in electronic files on the council/s network drives. These are only accessible through personal logon credentials and access privileges to specific drives.

The CRU recovers social security benefits in certain compensation cases and NHS costs in certain injury cases and we notify them of the claimant details when an injury claim is made. In some cases we may need to involve our own solicitors if the matter is proceeding to a trial or if additional legal input is required.

Who we may share your information with:

Any service area within the council or a school against whom a claim has been made will have information shared that is proportionate and relevant to the claim.

A utility company or one of the council's contractors (or their insurers) e.g. Volker Highways or a neighbouring local authority may ultimately be responsible for dealing with a claim depending on the allegations. We may therefore pass all the information provided by the claimant to them.

We also work with the National Fraud Initiative (NFI) which is an exercise that matches electronic data within and between public and private sector bodies for the purposes of prevention and detection of fraud.

The Data Protection Act 2018 will allow the council to process data as necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings), for the purpose of obtaining legal advice, or is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

The council's insurers, external claims handlers, external loss adjusters, external solicitors as appropriate and necessary to deal with a claim made against the council or, on occasion, pursued by the council.

How long we store your information:

The length of time that your personal information will be retained will depend on several different factors, including the type of claim and the age of the claimant. Please email insurance@rbwm.gov.uk if you have a specific query.

Does your service utilise automated decision making? – No.