

Privacy Notice

This privacy notice sets out how West Berkshire District Council (the “**Council**”) will use your personal data, and your rights in relation to that personal data. This document describes how and why we collect, store, protect, process and share the data you give to us. It is written in accordance with the UK data protection legislation.

This notice relates to personal data collected during the claims made against the Council process. We will use this information to deal with a claim made against the Council for damage or personal injury where you believe the Council is at fault.

This notice applies to potential, current and former customers of the service and those we have contacted but have opted not to partake in the service. It is important that you read this notice so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information so that the information which we hold is accurate and current.

Date of Issue: May 2018

Update History:

22 May 2018	First issue of a new Privacy Notice
7 June 2024	Updated – Change to Legal basis for collecting personal information

Directorate: Resources
Service: Finance & Property
Team: Insurance

About the Organisation

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

Contact Address:

West Berkshire District 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:
<https://www.westberks.gov.uk/dpofficer>

THE PERSONAL DATA WE HOLD ABOUT YOU

We will process the following personal data about you:

- 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 account details on certain types of claim where a settlement is made.

These details are collected and held on a cloud based database and will be protected using up-to-date technical and organisational security measures.

Special categories of personal information

Included in the above list are certain special categories of personal information which includes medical information.

SOURCE OF YOUR PERSONAL DATA

We collect the above information about you from the data you enter when submitting a claim against the Council for damage or personal injury.

PURPOSE AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

In accordance with the data protection laws, we need a "legal basis" for collecting and using information about you. There are a variety of different legal bases for using personal data which are set out in the data protection laws.

We have set out below the different purposes for which we collect and use your personal data, along with the legal basis we rely on to do so.

Why we use your information	Our legal basis for using your information
We will use your data for the purpose of investigating and settling your claim, in the event fault is found on the part of the Council.	Legal Obligation – the processing is necessary for the Council to comply with the law
Where a service or information request requires you to submit further personal information, a separate privacy notice will describe how we will use that data.	The legal basis for processing your special category personal data is: Article 9(2)(f) - processing is necessary for the establishment,

Why we use your information	Our legal basis for using your information
	<p>exercise or defence of legal claims or whenever courts are acting in their judicial capacity</p> <p>Article 6(1)(C) - processing is necessary for compliance with a legal obligation to which the controller is subject</p>

SHARING YOUR PERSONAL DATA

You will be able to see and update your data through a data request. Please visit here for more information www.westberks.gov.uk/data-protection-request

Your data will be seen by employees of the Council relevant to the service or information request you have made.

Where a service or information request requires us to share your data with other parties, a separate privacy notice will describe who that is.

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.

We may also share your data if we are required to do so by law, for example by court order or to prevent fraud or other 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.

RETAINING YOUR PERSONAL DATA

Your personal data will not be kept longer than necessary.

You can check how long the Council will keep each type of data against our retention schedule (www.westberks.gov.uk/retention).

YOUR RIGHTS

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to

process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

HOW TO MAKE A REQUEST

If you wish to make a request associated with any of the rights listed above, contact the Council using the contact details at the top of this notice.

INTERNATIONAL TRANSFERS

Your personal data will not be processed outside the UK or by an international organisation.

COMPLAINTS

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. Further information can be found at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113

Email: casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.