

Privacy notice 12: Insurance

Date completed 01/07/2022

This notice is one of a set which explain what personal data we collect, store and process to provide our services to customers. It also sets out the legal basis we are using for collecting and processing the data listed below.

- Privacy notice 01: Applications for employment
- Privacy notice 02: Employees and volunteers
- Privacy notice 03: Primary employment
- Privacy notice 04: Secondary employment
- Privacy notice 05: Medical records
- Privacy notice 06: Grievances, employment complaints and whistleblowing
- Privacy notice 07: Former KFRS employees
- Privacy notice 08: Learning and development
- Privacy notice 09: KFRS housing
- Privacy notice 10: Disciplinary and capability procedures
- Privacy notice 11: Pensions administration
- Privacy notice 26: Videos and images at incidents (employees and volunteers)
- Privacy notice 28: Videos and images at events (employees and volunteers)
- The overall privacy notice
- The breach process contained in Annex 1 of the Data Protection and Information Security Policy which sets out what we will do should any data we collect be lost or misused. This can be found here: <https://www.kent.fire-uk.org/freedom-information-foi>

Our contact details

Kent Fire and Rescue Service
The Godlands
Straw Mill Hill
Tovil
Maidstone
ME15 6XB

Email: data.protection@kent.fire-uk.org

Telephone: 01622 692121

Why we collect and use personal data

This notice covers the collection, processing and re-use of personal data held by KFRS for the purposes of providing insurance cover for its employees.

We have a number of legal duties placed on us to ensure our employees and their actions are appropriately covered by insurance arrangements.

Where these arrangements involve the processing of insurance claims, either by or against KFRS, or to arrange insurance cover, we will need to collect, process and share personal and identifiable information, and potentially some sensitive personal data, such as medical history, as part of our contract with our insurance suppliers. This may also cover situations where an employee of KFRS is a witness to an accident where a claim is made but which does not involve them directly.

The types of personal data we collect and process

As part of the processing of claims, either by or against KFRS, or to arrange cover, the types of personal data (of both employees and third parties) that we may collect and process may include, but is not limited to, the following:

- Name
- Date of birth
- Address
- Contact information (telephone number, email address)
- Gender
- Role
- Medical Information, including information about any disabilities
- Incident details including any injuries and subsequent investigations or medical reports
- Employment and training records
- Car registration numbers
- Images of individuals and vehicles captured by CCTV fitted to KFRS vehicles

Our lawful reasons for collecting and processing personal data

The six lawful bases for processing personal data are set out in [Article 6\(1\) of the UK GDPR](#). These are as follows:

(a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

(b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

(c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).

(d) Vital interests: the processing is necessary to protect someone's life.

(e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

(f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. NB: This cannot apply if you are a public authority processing data to perform your official tasks.

We will rely **on the following lawful bases:**

Contract (UK GDPR Article 6(b)) and **legal obligation** (UK GDPR Article 6(c)) as the lawful basis for processing and re-use of personal data held by KFRS for the purposes of providing insurance cover for its employees.

As part of our **contract** with our suppliers, and our **legal** duty to secure insurances against insurable risks, we will enter into contracts to provide cover for the actions of staff in our premises or directed to perform tasks for which we have the legal power to perform under the Fire and Rescue Services Act 2004 at incidents or providing safety advice to the public.

As part of our **contract** and our **legal** responsibilities under the [Employers Liability \(Compulsory\) Insurance Act 1969](#), [Local Government Act 1972](#), and the [Road Traffic Act 1988](#), we will collect personal and identifiable information to allow the claim to be processed by our supplier.

Special category data

[Article 9 of the UK GDPR](#) covers special category data. Special category data is personal data that needs more protection because it is sensitive. The nine types of special category data are as follows:

- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- personal data revealing trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health;
- data concerning a person's sex life
- data concerning a person's sexual orientation

From this list we may collect and process health data (medical information, including information about any disabilities, injuries and subsequent investigations or medical reports).

In order to lawfully process special category data, we must identify both a lawful basis under Article 6 of the UK GDPR and a separate condition for processing under Article 9. There are ten conditions for processing special category data, which are as follows:

- (a) Explicit consent
- (b) Employment, social security and social protection (if authorised by law)
- (c) Vital interests (of the data subject)
- (d) Not-for-profit bodies
- (e) Made public by the data subject
- (f) Legal claims or judicial acts
- (g) Reasons of substantial public interest (with a basis in law)
- (h) Health or social care (with a basis in law)
- (i) Public health (with a basis in law)

(j) Archiving, research and statistics (with a basis in law)

In relation to any special category data, we rely on the **substantial public interest** condition as set out in Article 9(2)(g) of the UK GDPR. The basis in law for this is the fact that adequate and lawful insurance is a key supporting element in ensuring that KFRS can meet its obligations under [Part 2 of the Fire and Rescue Services Act 2004](#). We will enter into contracts to provide cover for the actions of staff in our premises or directed to perform tasks for which we have the legal power to perform under the Fire and Rescue Services Act 2004 at incidents or providing safety advice to the public.

If relying on the substantial public interest condition in Article 9(2)(g), we also need to meet one of 23 specific substantial public interest conditions set out in [paragraphs 6 to 28 Schedule 1, Part 2 of the DPA 2018](#).

The substantial public interest condition that we rely upon is '20 Insurance'. Again, this links to our responsibilities under the Fire and Rescue Services Act 2004 and the need to enter into contracts to provide cover for the actions of staff in our premises or directed to perform tasks for which we have the legal power to perform under the Fire and Rescue Services Act 2004 at incidents or providing safety advice to the public.

When processing Article 9 special category data under the provision (g) 'Reasons of substantial public interest', there is a requirement to have an 'appropriate policy document' in place (see: [Schedule 1, Part 2, Paragraph 5 and 6, DPA 2018](#)). The appropriate policy document must set out the information below and be retained for six months after the date the relevant processing stops.

- a) Which substantial public interest condition is relied on – if relying on condition (g).
- b) How the processing satisfies Article 6 of the GDPR (lawfulness of processing).
- c) Whether the personal data is retained and erased in accordance with the controller's policies, including giving an indication of how long such personal data is likely to be retained.
- d) Explain the controller's procedures for securing compliance with the principles in Article 5 of the GDPR (principles relating to processing of personal data) in connection with the processing of personal data in reliance on the condition in question.

In line with these requirements, an appropriate policy document is in place.

Who we might share personal data with

As part of the processing of claims, either by or against the Authority, or to arrange insurance cover, data will be shared with our insurance providers. Data from our accident report forms will be shared between relevant departments within KFRS, which include Fleet, Insurance, Health and Safety, Driver Training and People (HR), for the purposes of investigating incidents, providing training and undertaking capability and or disciplinary processes. Outcomes of driving licence checks will be passed to Human Resources and line managers if action is required.

We may also share your personal information with other people and organisations in connection with a claim, such as our legal and medical advisers and loss adjusters.

When we share data under these circumstances we will be doing so with an appropriate legal basis under the UK GDPR (**contract** and **legal obligation**).

Where we store personal data

Any data collected for the purposes set out above will be stored within the Authority's document management system, which is hosted on a cloud-based server system.

We do not hold copies of driving licences for the purposes of verification.

How long we store personal data for

Personal data collected for the purposes of providing motor, employer's and public liability insurance cover for staff while they are employed by the Authority will be held for either 7 or 40 years after the terms of the policy have expired and all claims periods are closed.

This is in accordance with the periods set out in Section 11 of the Authority's Publication and Retention Scheme, which can be found here: <https://www.kent.fire-uk.org/about-us/freedom-of-information-foi/>

What are my data protection rights?

Under data protection law, you have rights including:

Your right of access

You have the right to ask us for copies of your personal information.

Your right to rectification

You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your right to erasure

You have the right to ask us to erase your personal information in certain circumstances.

Your right to restriction of processing

You have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your right to object to processing

You have the right to object to the processing of your personal information in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

If you wish to make a request, please contact us at:

Email: data.protection@kent.fire-uk.org

Telephone: 01622 692121

Address:

Kent Fire and Rescue Service
The Godlands
Straw Mill Hill
Tovil
Maidstone
ME15 6XB

How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us using the contact information above.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

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

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>