

Appropriate policy document for privacy notice 12: Insurance

Date completed 06/04/2023

How Kent Fire and Rescue Service (KFRS) protects special category personal data in relation to insurance cover.

1. Collecting data in relation to insurance

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 claims, either by or against KFRS, or to arrange 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.

In order to undertake this function a range of personal data is processed by the Finance Team. Some of this data meets the definition of special category data under Article 9 of the UK GDPR.

2. About this appropriate policy document

This is the 'appropriate policy document' that sets out how KFRS will protect special category personal data relating providing insurance cover for its employees.

It meets the requirement set out in [Schedule 1, Part 2, Paragraph 5 of the Data Protection Act 2018](#) that an appropriate policy document be in place where the processing of special category personal data is necessary for '**reasons of substantial public interest**' as set out in [Article 9\(2\)\(g\) of the UK GDPR](#).

The specific conditions under which data may be processed for reasons of substantial public interest are set out in [Schedule 1, Part 2, Paragraphs 6 to 28 of the Data Protection Act 2018](#) (see section 3.3 below).

3. Lawful basis for processing this data

3.1 Lawful basis under Article 6 of the UK GDPR

KFRS is relying on the following lawful bases:

‘**Contract**’ as set out in [Article 6\(1\)\(b\) of the UK GDPR](#).

‘**Compliance with a legal obligation**’ as set out as set out in [Article 6\(1\)\(c\) of the UK GDPR](#).

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.

The requirement under [Article 13 of the UK GDPR](#) (information to be provided where personal data are collected from the data subject), is met through the provision of [privacy notice 12: Insurance](#).

3.2 Condition for processing special category data under Article 9 of the UK GDPR

The special category data that is being processed in relation to employees of KFRS may include:

- disability
- pregnancy and maternity
- health data (injuries, treatment given my KFRS staff, medical conditions/physical and cognitive impairments)

The type of health data may include medical information, including information about any disabilities, injuries and subsequent investigations or medical reports.

This data is collected and processed to allow KFRS to process insurance claims, either by or against KFRS, or to arrange insurance cover.

To lawfully process this special category data, KFRS is relying on:

‘**Reasons of substantial public interest**’ condition as set out in [Article 9\(2\)\(g\) of the UK GDPR](#).

The requisite basis in law for the ‘**Reasons of substantial public interest**’ condition come from the following:

- Our responsibilities under the [Fire and Rescue Services Act 2004](#) and the need to enter into insurance 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.
- Our **legal** responsibilities under the [Employers Liability \(Compulsory\) Insurance Act 1969](#), [Local Government Act 1972](#), and the [Road Traffic Act 1988](#).

3.3. Where ‘reasons of substantial public interest’ is identified as the condition for processing under Article 9 of the UK GDPR, then the organisation also needs to meet one of 23 specific substantial public interest conditions set out in [Paragraphs 6 to 28, Schedule 1, Part 2 of the Data Protection Act 2018](#)

KFRS is meeting the specific substantial public interest condition **insurance** as set out in [paragraph 20, Schedule 1, Part 2 of the DPA 2018](#).

4. Retention

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 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 the Authority’s Publication and Retention Scheme, which can be found here: <https://www.kent.fire-uk.org/about-us/freedom-of-information-foi/>

Where we no longer require the special category data for the purpose for which it was collected, we will delete it, put it beyond use or render it permanently anonymous

5. Procedures for securing compliance with the data protection principles

[Article 5 of the UK GDPR](#) sets out the data protection principles. Below are our procedures for ensuring that we comply with them.

5.1 Principle 1

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

KFRS will:

- Ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful.
- Only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing.
- Ensure that data subjects receive full privacy information so that any processing of personal data is transparent.

5.2 Principle 2

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

KFRS will:

- Only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a privacy notice.
- Not use personal data for purposes that are incompatible with the purposes for which it was collected. If we do use personal data for a new purpose that is compatible, we will inform the data subject first.

5.3 Principle 3

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

KFRS will only collect the minimum personal data that we need for the purpose for which it is collected. We will ensure that the data we collect is adequate and relevant.

5.4 Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

KFRS will ensure that personal data is accurate and kept up to date where necessary. We will take particular care to do this where our use of the personal data has a significant impact on individuals.

5.5 Principle 5

Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

KFRS will only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so. Once we no

longer need personal data it shall be deleted, but beyond use or rendered permanently anonymous.

5.6 Principle 6

Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

KFRS will ensure that there appropriate organisational and technical measures in place to protect personal data. All data will be held in electronic format on password protected devices provided by the Authority and accessible only to those who have a specified need.

6. Accountability principle

The controller shall be responsible for, and be able to demonstrate compliance with these principles. The Data Protection Officer is responsible for ensuring that KFRS is compliant with these principles.

We will:

- Ensure that, where appropriate, records are kept of personal data processing activities, and that these are provided to the Information Commissioner's Office (ICO) on request.
- Carry out a Data Protection Impact Assessment for any high risk personal data processing, and consult the ICO if appropriate.
- Ensure that a Data Protection Officer is appointed to provide independent advice and monitoring of departments' personal data handling, and that this person has access to report to the highest management level within KFRS.
- Have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law.

7. Data controller's policies as regards retention and erasure of personal data

We will ensure, where special category personal data is processed, that:

- There is a record of that processing, and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data. This is set out in section 4 (Retention).
- Where we no longer require special category data for the purpose for which it was collected, we will delete it, put it beyond use or render it permanently anonymous.

- Data subjects receive full privacy information about how their data will be handled, and that this will include the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period.

8. Further information

For further information about this appropriate policy document or KFRS's compliance with data protection law, please contact us at:

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