

# **Privacy notice relating to the processing of personal data by the school, for Insurance Claims purposes**

**(Version 1.1 – wef 21.02.2023)**



**MAE EICH DATA O BWYS**

**YOUR DATA MATTERS**

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh

## About this privacy notice

This privacy notice applies to the processing of personal data by primary, secondary and through schools within Rhondda Cynon Taf (RCT) that are maintained by the local authority (Rhondda Cynon Taf County Borough Council or RCTCBC). It also applies to the processing of personal data by faith schools within RCT that are voluntary funded.

Click [here](#) for a full list of schools covered by this privacy notice.

This privacy notice is provided by RCTCBC for and on behalf of schools under a data protection Service Level Agreement.

## Introduction

This privacy notice is intended to provide information about how the school will use (or 'process') personal data about individuals for insurance claims purposes. Insurance claims may relate to;

- damage to property
- personal injury (accidental, bullying, assault, etc.)
- off-site related issues – such as accidents or incidents that may have occurred during an educational visit

Whilst we have tried to make this privacy notice as clear and concise as possible, the categories of personal data we process may vary depending on the nature and circumstances of the Insurance Claim and those involved etc. Should you require further information relating to a specific claim please do not hesitate to contact the Data Protection Lead.

When processing the personal data, we process only the minimum amount necessary in relation to the purpose.

This notice should be read in conjunction with the school's;

- General Privacy Notice

## The Data Controller

The school is the data controller for the personal data we process, unless otherwise stated. This includes the personal data processed by the Governing Body, head teacher, individual governors, teachers, teaching assistants and support staff etc.

The school is registered with the Information Commissioner's Office (ICO) as a controller.

## How to contact us for data protection matters or concerns

The school's Data Protection Lead is the main point of contact for data protection matters. The Data Protection Lead can be contacted using our normal contact methods; by telephone, email, post and in person at the school.

Click [here](#) for the school's contact information.

## The Data Protection Officer

RCTCBC provides a data protection support service to the school under a Service Level Agreement, including the provision of a Data Protection Officer (DPO).

The DPO can be contacted in relation to data protection matters. However, we encourage you to contact the school in the first instance. Should you have the need to contact the Data Protection Officer directly you can do so via email to the following email address;

- [Information.management@rctcbc.gov.uk](mailto:Information.management@rctcbc.gov.uk)

We recommend, when contacting the DPO, you send a copy of the correspondence to the school as the data controller.

## The categories of personal data we process

We may process the following categories of personal data for Insurance Claims purposes;

### a) Personal data relating to the person who is making a claim

- Name and contact details
- Class, Year (if a pupil at your school)
- Job role (if a teacher at the school)
- National Insurance Number (for injury claims)
- Identity information and documentation
- Information relating to the claim – accident or incident information e.g. time, date, location, details of what happened, damage, those involved, action taken etc.
- Health or medical information (depending on the nature of the claim e.g. personal injury)
- CCTV footage and images (if applicable as evidence relating to the claim)
- Financial information (e.g. bank account details in the case of a financial settlement)

**b) Personal data relating to parents/carers/guardians (where a claim is being made on behalf of a child)**

- Name and contact details
- Relationship to the child

**c) Personal data relating to witnesses**

There may be occasions where there is a witness to an accident or incident to which the claim relates. A witness could be a member of staff, a pupil, visitor, a member of the public or a member of the Governing Body etc.

We are likely to process the following information relating to a witness;

- Name and contact details
- Who they are – e.g. employee, pupil, parent etc.
- Statement/details of the accident or incident to which the claim relates - what they have witnessed.

**d) Personal data relating to school staff and other staff**

Depending on the nature/location etc. of the accident/incident to which the claim relates and those involved, it may be necessary to record information relating to any employees who were on duty at the time of the accident/incident etc.

The information we process is likely to vary but may include;

- Name and contact information
- Job role/title/duties
- Working pattern/hours/rota information (if relevant to the accident or incident)
- Training history (if relevant and applicable to the accident or incident)
- Details of the accident or incident – whereabouts at the time of the accident/incident, what they witnessed etc.

## Why we process the personal data

We process the personal data in order to process the Insurance Claim that has been made against the school. This may include but is not limited to the following activities;

- Recording the claim
- Investigating the claim
- Obtaining evidence to support a claim e.g. CCTV footage, medical information
- Interviewing witnesses and obtaining statements
- Recording the outcome of the claim
- Seeking legal advice
- Liaising with insurers / claims handlers
- Negotiating settlements / Paying settlements
- Reporting the claims to the Governing Body

## Our lawful basis for processing the personal data

Under the General Data Protection Regulation (GDPR), our lawful basis for processing the personal data in order to process an Insurance claim that has been made against the school is;

- **Legal Obligation** (c) – processing is necessary for compliance with a legal obligation to which the controller is subject.
- **Public Task** - Article 6 (e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- **Substantial public interest** - Article 9 (2) (g) - processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The primary legislation, regulations and guidance that supports this includes but is not limited to;

- Limitations Act 1980

## Who and where we get the personal data from

We may receive the personal data from the following individuals or organisations depending on the nature of the claim and those involved;

- Claimant
- Claimant's legal representative, insurer etc.
- Those involved in the claim e.g those involved in the accident or incident\*
- Witnesses to the accident or incident to which the claim relates\*
- Medical professionals (i.e. where the claims relate to personal injury)
- Schools' insurer and claims handler
- Local Authority Business Support Services e.g. Insurance Section, Legal Services, CCTV Section

The above individuals\* may include;

- Pupils
- Parents
- Governors
- School staff
- Local authority staff working at the school – e.g. breakfast club staff, school meals staff
- Visitors to the school / Members of the public etc.

## Who we share personal data with

We may share personal data with the following key organisations to process an Insurance claim that has been made against the school.

When sharing the personal data, we only share the minimum amount necessary in relation to the purpose. The information shared and who it is shared with will depend on the nature or the claim.

<b>Who</b>	<b>Purpose</b>
Claimant, Claimant Representative, Claims Handler, Insurance Company	For the purpose of processing the claim.
Local Authority (RCTCBC) Insurance Section	Relevant personal data is shared with the RCTCBC who administer insurance claims on behalf of the school.
School's Insurance Company, Claims Handler, Legal Representatives	Relevant personal data is shared for the purpose of processing the claim, supporting any litigation.
Local Authority (RCTCBC) Corporate Estates	Relevant personal data may be shared where the claim relates to damage for school property/buildings etc.
Medical Professionals	Relevant personal data may be shared with medical professionals where medical information / medical opinion is relevant to the claim.
School CCTV Provider	Relevant personal data may be shared with the school's CCTV provider should CCTV evidence be required.
Witnesses	Relevant personal data may be shared with witnesses as part of the investigation stage in order to gather evidence.
Governing Body	Overview of claims may be noted in the Head Teacher's report to Governors and discussed at Governing Body meetings.

## Data Processors

A data processor is a company or organisation that processes personal data on behalf of a controller. The school uses data processors that provide services to us. The category of data processors that the school uses in relation to Insurance Claims is;

- IT system suppliers / service providers

Our data processors act only upon our instruction. They cannot do anything with the personal data unless we instruct them to do so. They will not share the personal data with any organisation apart from us or use it for their own purposes. They will hold it securely and retain it for the period we instruct.

Should you have a specific query relating to our data processors, please contact the Data Protection Lead.

## How long we retain the personal data;

We retain the personal data contained within insurance records as follows;

Record	Statutory Provision	Retention period
Claims relating to adults	Not applicable	7 years following the closure of the claim.
Claims relating to property	Not applicable	7 years following the closure of the claim.
Claims relating to a child - closed following litigation (court action)	Not applicable	7 years following the closure of the claim.
Claims relating to an accident / incident that has occurred during childhood - where the claim has been closed, not involving litigation (court action).  Note - Whilst parents/guardians may make a claim at any time, prior to the child turning 18, the individual retains the right to make a claim once they turn 18	Limitations Act	Information is retained until the individual's 21 <sup>st</sup> birthday.

In keeping with the General Data Protection Regulation storage limitation principle, records are periodically reviewed. Not all personal data is retained. Only personal data that is relevant to the claim is retained for the entire retention period. Information that has no long term or evidential value is routinely destroyed in the normal course of business.



## Your data protection rights

Under data protection law, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your personal data.

### Your right of access

You have the right to ask us for copies of your personal data. This right always applies. There are some exemptions, which means you may not always receive all the data we process. [You can read more about this right on the ICO's website.](#)

### Your right to get your data corrected

You have the right to ask us to rectify personal data you think is inaccurate. You also have the right to ask us to complete data you think is incomplete. This right always applies. [You can read more about this right on the ICO's website.](#)

### Your right to get your data deleted

You have the right to ask us to erase your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### Your right to limit how organisations use your data

You have the right to ask us to restrict the processing of your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### Your right to object to the use of your data

You have the right to object to us processing your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### Your right to data portability

This only applies to personal data you have given us. You have the right to ask that we transfer the personal data you gave us from one organisation to another or give it to you. This right only applies if we are processing the personal data based on your consent or under, or in talks about entering a contract and the processing is automated. [You can read more about this right on the ICO's website.](#)

You are not required to pay any charge for exercising your rights. We have one month to respond to your request from the date your request is validated. We may extend this period by a further two months if the request is complex or we receive a number of requests from you.

Please contact the schools Data Protection lead if you wish to make a request.

### Your right to make a data protection complaint to the school

You have the right to complain to the school if you believe we have not handled your personal data responsibly and in line with good practice.

If you have a concern, we encourage you to contact the Data Protection Lead in the first instance. Most concerns can be resolved relatively quickly through a simple phone call or email to the school. Should you wish to make a formal complaint you can do so via our complaints policy.

## **Your right to make a data protection complaint to the ICO**

You can also complain to the ICO if you are unhappy with how we have used your data, but we encourage you to contact us first.

The ICO's contact information is:

- Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- Helpline number: 0303 123 1113
- Website: <https://www.ico.org.uk>

## Version Control

Version no	Valid From	Valid To	Comments
1.0	10.08.2022	21.02.2023	Document creation. Final document.
1.1	21.02.2023		Amended to included availability of Welsh version

