

**SCOTTISH ACCIDENT**

**(A TRADING NAME OF SA GROUP SCOTLAND LTD)**

**Data Protection Policy**

**Document Details :**

Operations Director/Claims Manager

Date: May 2019

**1. Purpose**

To ensure that all staff, and others, who process personal data on behalf of Scottish Accident are doing so in accordance with these principles at all times. Scottish Accident has developed this Data Protection Policy together with a series of information security related policies.

**2. Scope**

Scottish Accident is committed to protecting the rights and privacy of all staff, and others, in accordance with the European Union General Data Protection Regulation (GDPR) 2016/679. Scottish Accident is required to process certain personal data about employees and potentially third parties in order to fulfil its purpose and meet its legal and contractual obligations. Scottish Accident will process such information according to the principles that are set out in the GDPR.

This policy applies to all Scottish Accident employees, contracted employees and third parties that may have access to personal data which Scottish Accident may control or process during the provision of outsourced contact centre services.

**3. GDPR Principles**

Article 5 of the GDPR sets out seven key principles in relation to personal data which organisations must follow:

▪ **Lawfulness, Fairness and Transparency**

Processed lawfully, fairly and in a transparent manner in relation to individuals.

▪ **Purpose Limitation**

Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.

▪ **Data Minimisation**

Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

▪ **Accuracy**

Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

▪ **Storage Limitation**

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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

▪ **Integrity and Confidentiality**

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.

▪ **Accountability**

The controller shall be responsible for, and able to demonstrate compliance with the GDPR.

**4. Role of Scottish Accident**

Scottish Accident, when dealing with employee data is a ‘data controller’; this means they are ultimately responsible for the protection of that data and determining how it may be processed. Scottish Accident may also act as a ‘data processor’ when processing data on behalf of other data controllers such as clients and third parties.

Scottish Accident appoints a Data Protection Officer (DPO), who is the primary contact to the Information Commissioner’s Office (ICO); the UK’s independent authority set up to uphold information rights in the public interest and data privacy for individuals.

The DPO is responsible for ensuring provision of suitable data protection advisory, training and awareness services, GDPR request handling, ensuring compliance with ICO regulations, and for keeping employees aware of relevant GDPR issues.

**5. Data Protection Officer**

Scottish Accident’s Data Protection Officer is Nikki Milne, Claims Manager.

**6. Governance**

This policy has been approved by the Scottish Accident Director and is one of several related policies which support Scottish Accident’s information security strategy. This policy will be reviewed annually or more frequently should circumstances dictate. Scottish Accident’s employees are responsible for ensuring that this policy is observed.

Failure to comply with this policy will be considered to be a disciplinary offence and managed in line with Scottish Accident’s Disciplinary policy.

Any concerns that this policy has not been followed should be raised to the DPO.

**7. Rights of Data Subjects to Access Personal Data**

All data subjects have the right to access the information held about them, ensure that it is correct and fairly held, and to complain if they are dissatisfied.

Data subjects include all employees of Scottish Accident and any other person about whom Scottish Accident processes personal data (third parties).

**8. Persons who Process Personal Data on Behalf of Scottish Accident**

Anyone who processes, stores or uses personal data, on behalf of Scottish Accident, has a responsibility to ensure that the GDPR Principles are observed.

**9. Employees**

Employees who, as part of their responsibilities, process personal information about other people (for example, health records, training records, payroll information about Scottish Accident employees, etc.), must comply with this Data Protection Policy and the ICO GDPR Guidelines.

**10. Others Working for and on Behalf of Scottish Accident**

Others working for and on behalf of Scottish Accident, usually called third parties, who handle personal data in connection with Scottish Accident should operate in accordance with the GDPR and details of any such processing should be subject to written agreements between Scottish Accident and the third party. Such third parties include insurers, solicitors, brokers and referrers.

**11. Persons who Provide Personal Data to Scottish Accident**

Everyone who provides personal data to Scottish Accident is responsible for ensuring adherence to the Data Protection Principles, especially with regard to accuracy and, in the case of third parties providing the personal data of others, the right to disclose this personal data.

**12. Freedom of Information**

Whilst Scottish Accident is not a Public Authority or wholly owned subsidiary of a publicly owned company and as such is not governed by the Freedom of Information Act or the Environmental Information Regulations, Scottish Accident will cooperate with those clients who are so governed to enable them to comply with information disclosure requirements arising during the currency of any agreement with Scottish Accident or at any time thereafter.