



Data Protection Privacy Notice for people directly involved or witnessing the accident

Purpose of this Privacy Notice

MIB (or “we”) respects your privacy and is committed to protecting your personal data. This Privacy Notice will inform you as to how MIB collects and processes your personal data when your details have been provided by a claimant, defendant or other third parties and tells you about your privacy rights and how the law protects you.

It is important that you read this Privacy Notice, together with any other privacy notice or fair processing notice MIB may provide on specific occasions when MIB is collecting or processing personal data about you, so that you are fully aware of how and why MIB is using your data. This Privacy Notice supplements the other notices and is not intended to override them.

Controller

Motor Insurers’ Bureau, company number 412787, registered in England is the controller and responsible for your personal data. MIB’s Registered Office address and full contact details are set out at the “Contacting Us” section on page 2 of these guidance notes.

Data Protection Officer

MIB has appointed a Data Protection Officer who is responsible for overseeing questions in relation to this Privacy Notice. MIB’s Data Protection Officer is MIB’s Chief Risk Officer, who can be contacted at

GDPREnquiries@mib.org.uk

The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (“anonymous data”).

MIB may collect, use, store and transfer different kinds of personal data about you including special categories of personal data and (if appropriate) personal data relating to criminal convictions and offences (“Special Category Data”) which MIB has grouped together as follows:

1. Identity and Contact Data (including name, title, address, email address, date of birth, marital status, gender, telephone numbers)

2. Policy Data (including details of your insurance policies)
3. Accident Data (including details about the accident)
4. Medical Data (including details about your medical health and any injuries sustained in the accident)
5. Property Damage Data (including details relating to property damage resulting from the accident)
6. Financial Data (including payslips, bank or building society account details, credit card, bank or building society statements)
7. Social Media Data (open source) (including social networking sites)

MIB may collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, MIB may aggregate your data to calculate the percentage of users accessing a specific website feature. Also, MIB may collect, use and share Aggregated Data for the purposes of understanding the factors relating to the extent and geographic distribution of uninsured driving. However, if MIB combines or connects Aggregated Data with your personal data so that it can directly or indirectly identify you, MIB treats the combined data as personal data which will be used in accordance with this Privacy Notice.

If you fail to provide personal data

Where MIB needs to collect personal data, to process a claim and you fail to provide that data when requested, MIB may not be able to process the claimant's claim.

How is your personal data collected?

MIB uses different methods to collect data from and about you including through:

- **Direct interactions.** You may give MIB Identity Data, Contact Data, Accident Data, Medical Data, Property Damage Data, Financial Data and Special Category Data by filling in forms (for example, the Witness Form) or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide to our investigators during the preparation of your witness statement.
- **Automated technologies or interactions.** As you interact with our websites, MIB may automatically collect Technical Data about your equipment, browsing actions and patterns. MIB collects this personal data by using cookies, server logs and other similar technologies. MIB may also receive Technical Data about you if you visit other websites employing our cookies. Please see our cookie policy on our website www.mib.org.uk for further details.

- **Third parties or publicly available sources.** MIB may receive personal data about you from various third parties and public sources. Examples of third parties and publicly available sources include:
 - The claimant, defendant or other witnesses
 - MIB Group databases (including Motor Insurance Database, Claims and Underwriting Exchange, and Motor Insurers Anti-Fraud and Theft Register)
 - Government sources (including Driver and Vehicle Licensing Agency, MOT check, Companies House, VIES VAT number validation, Compensation Recovery Unit of the Department for Work and Pensions and HM Revenue and Customs)
 - Fraud prevention databases (including Insurance Fraud Bureau data, Insurance Fraud Register and other membership based fraud prevention agencies)
 - Finance, ID and background verification
 - Medical professionals, if appropriate and notified by MIB beforehand
 - Forensic experts (including vehicle engineers and accident reconstruction)
 - Open sources (including social media, internet search engines)
 - Insurers
 - Registered keepers or owners of vehicles
 - Law enforcement bodies (including Police)
 - Professional advisors (including lawyers, auditors and insurers)
 - Other service providers (including IT suppliers and administration services providers)

How we use your personal data

MIB will only use your personal data when the law allows it to. Most commonly, MIB will use your personal data in the following circumstances:

- to process the claimant's claim;
- where it is necessary for MIB's legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests;
- for the purposes set out below;
- where MIB needs to comply with a legal or regulatory obligation;
- to share with fraud prevention agencies who will use it to; prevent fraud and money laundering and to verify your identity. If fraud is detected, you could be refused certain services, finance or employment. Further details on how your data will be used by MIB and the fraud prevention agencies, and your data protection rights, can be obtained by contacting GDPREnquiries@mib.org.uk.

See "Purposes for which we will use your personal data" below to find out more about the types of lawful basis that MIB will rely on to process your personal data.



Generally, MIB does not rely on consent as a legal basis for processing your personal data other than in relation to any specific authorisation that we may require from you. If consent is the legal basis for processing your personal data, you have the right to withdraw consent to processing of your personal data at any time by contacting the MIB Data Protection Officer. This will not affect the lawfulness of any processing carried out before you withdraw your consent.

Purposes for which we will use your personal data

MIB has set out below, a description of all the ways MIB plans to use your personal data, and which of the legal bases it will rely on to do so. MIB has also identified what its legitimate interests are, where appropriate. Please contact GDPEnquiries@mib.org.uk if you require further information in relation to the legitimate interests balancing exercise.

Note that MIB may process your personal data on the basis of more than one lawful ground depending on the specific purpose for which MIB is using your data. Please contact GDPEnquiries@mib.org.uk if you need details about the specific legal ground MIB is relying on to process your personal data where more than one ground has been set out below.

It is necessary to process your personal data (namely Identity and Contact Data, Policy Data, Accident Data, Property Damage Data, Financial Data and Social Media Data) save for any Special Category Data, for the purposes of the legitimate interests (as set out in Article 6(1)(f) of the General Data Protection Regulation (“GDPR”)) pursued by MIB or by a third party for:

- claims investigation and administration to meet its obligations to provide fair compensation to victims;
- crime prevention and prosecution of offenders in reducing incidents of fraud;
- research & management information to allow MIB to identify claims trends and to assist in internal resource allocation;
- staff training and records maintenance to improve the service MIB provides to customers and partners;
- providing guidance to claimants (as appropriate);
- business administration;
- debt administration and recovery of losses from liable parties, to help reduce the MIB levy and providing an additional deterrent against uninsured driving (together the “**Purposes**”).

It is necessary, for the **Purposes** (as defined above), to process your Special Category Data (which may be Identity and Contact Data, Policy Data, Accident Data, Medical Data, Property Damage Data, Financial Data and Social Media Data) in relation to the claimant’s claim. MIB can lawfully process your Special Category Data (namely Identity and Contact Data, Policy Data, Accident Data, Medical Data, Property Damage Data, Other Claims Data, Financial Data and Social Media Data) as it is necessary for the purposes of, or in connection with:

Article 9(2)(f) of the GDPR and Schedule 1, Part 3, 33. of the Data Protection Act 2018:

- establishing, exercising or defending legal claims
- legal proceedings (including prospective legal proceedings)
- obtaining legal advice

However, MIB understands that medical professionals will often only release records with explicit consent of the patient, so we would ask you to provide that consent separately, so that MIB can handle the claimant's claim efficiently (used in accordance with the way set out under the 'Consents' section earlier in this booklet).

In administering the claimant's claim, it may also be necessary, for the **Purposes** (as defined above), to process your personal data (namely Identity and Contact Data, Policy Data, Accident Data, Medical Data, Property Damage Data, Financial Data and Social Media Data) for reasons of substantial public interest (as set out in Article 9(2)(g) of the GDPR and the Data Protection Act 2018) or Identity and Contact Data, Policy Data, Accident Data, Property Damage Data, Financial Data and Social Media Data (which does not include Special Category Data) for the performance of a task carried out in the public interest (as set out in Article 6(1)(e) of the GDPR and the Data Protection Act 2018) under the terms of the relevant Untraced Drivers Agreement and Uninsured Drivers Agreement made with the Secretary of State for Transport, in response to Directive 2009/103/EC of the European Parliament or as part of providing services relating to cross border claims.

MIB may, in the course of its investigations and administration of the claimant's claim, request relevant information from others in order to validate the claimant's claim or accurately assess the level of compensation. These may include, but are not limited to:

- your employers or any other persons or organisations to whom you may have rendered services, (information requested may include, but is not limited to: wage and other benefits/pension details, absence/attendance records, the full personnel file, precise contract details of any services provided),
- any government department, (information requested may include, but is not limited to: all applications for benefit, tax records, payments made, driving licence details),
- local authorities, (information requested may include, but is not limited to: taxi and private hire licensing details; benefits claimed and funding received),
- insurance companies, (information requested may include, but is not limited to: full details of any policies held, claims made, monies received),
- other medical or non-medical experts we may instruct as part of the handling of the claimant's claim.

Change of purpose

MIB will only use your personal data for the purposes for which it collected it, unless MIB reasonably considers that it needs to use it for another reason and that reason is compatible with the original purpose. If you wish to have an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact the Data Protection Officer at GDPREnquiries@mib.org.uk.

If MIB needs to use your personal data for an unrelated purpose, MIB will notify you and it will explain the legal basis which allows it to do so. However, MIB may process your personal data without your knowledge or consent, in compliance with the above rules, or where this is required or permitted by law.

Retention Period

MIB will only retain your personal data for as long as necessary to fulfil the purposes for which it collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, MIB considers the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which MIB processes your personal data and whether MIB can achieve those purposes through other means, and the applicable legal requirements.

Our claims Data Retention Periods are:

- MIB retains personal data for 7 years after conclusion of the claimant's claim, to take into account the statutory limitation regarding legal claims;
- if the claimant is a minor, the data retention period is 3 years (for a personal injury claim) or 6 years (for a property damage claim) from the minor's 18th birthday, or 7 years from conclusion of the claim (whichever is later);
- in cases involving provisional damages or periodical payments, the data retention period is in line with the terms of the relevant provisional damages or periodical payments order and may well thereby be for the life of the claimant;
- where claimants do not have mental capacity (under the Mental Capacity Act 2005) and no payment has been made to the claimant, the data retention period is for the life expectancy of the claimant, decided on a case by case basis.

In some circumstances you can ask MIB to delete your data: see "Right to erasure" for further information.

In some circumstances MIB may anonymise your personal data (so that it can no longer be associated

without further notice to you.

Other Parties who will have access to your data

Your personal data may be disclosed by MIB to third parties within the United Kingdom and overseas, including, but not limited to:

- other companies in MIB's group of companies (acting as controllers or processors)
- insurers and law enforcement bodies (including Police) (acting as controllers or processors);
- government departments (acting as controllers or processors) including Driver and Vehicle Licensing Agency, HM Revenue and Customs, UK Visas and Immigration;
- local authorities (acting as controllers or processors);
- experts (acting as controllers or processors) reporting on the cause of the accident, medical injuries and the prognosis and verification of financial and other circumstances;
- other public or private bodies (acting as controllers or processors), where we are obliged or permitted by law to do so;
- finance, ID and background verification organisations (acting as controllers or processors);
- regulatory bodies (acting as controllers or processors) including the Solicitors Regulation Authority, General Medical Council and Information Commissioner's Office;
- professional advisors (acting as controllers or processors) including lawyers, auditors and insurers; and
- other service providers, including IT supplies and administration services providers (acting as processors or controllers).

This includes disclosures to agencies whose purpose is the detection and prosecution of fraud (e.g. the Insurance Fraud Bureau) and those who manage anti-fraud databases (e.g. Insurance Fraud Register). MIB and fraud prevention agencies, may also enable law enforcement and regulatory bodies in the United Kingdom to access your personal data to detect, investigate and prevent crime, or, for enforcement of, and compliance with any regulatory rules or codes.

We may also disclose your personal data to third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this Data Protection Privacy Notice. We require all third parties to respect the security of your personal data and to treat it in accordance with the law.

Transferring your personal information overseas

Your personal data may be transferred to any country, including countries outside the European Economic Area (“EEA”) where the transfer is necessary for the purposes of establishing, exercising or defending legal rights, obtaining legal advice, or in connection with any legal proceedings, or is otherwise permitted by law. MIB takes steps to ensure that data transferred outside the EEA is in accordance with the principles of adequacy or appropriate safeguards as required by law.

Please contact the Data Protection Officer at GDPREnquiries@mib.org.uk if you want further information on the specific mechanism used by MIB when transferring your personal data out of the EEA.

Data security

MIB has put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

MIB has also put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where MIB is legally required to do so.

Your Data Protection Rights

Under some circumstances, you have certain rights under data protection laws with regard to your personal data processed by MIB, and these are described in the sections below. Unless expressly set out in the relevant paragraph, to exercise any of your rights in relation to this Privacy Notice, please contact MIB’s Data Protection Officer at GDPREnquiries@mib.org.uk

Right to access personal data

You have a right to request a copy of the personal data we hold about you, and it can be exercised by submitting a Data Subject Access Request (“DSAR”). Details of how to do this and specific information relating to DSARS are explained in the drop down menus on MIB’s homepage www.mib.org.uk.

Please email DSARdept1@mib.org.uk

Or write to:

DSAR Department 1
Motor Insurers’ Bureau
Linford Wood House
6-12 Capital Drive
Milton Keynes

Right to correction of personal data MIB holds about you

If you believe the data MIB holds about you is incorrect, you can contact MIB at GDPREnquiries@mib.org.uk to have any incomplete or inaccurate data MIB holds about you to be corrected. However, MIB may need to verify the accuracy of the new data you provide to us.

Right to erasure

With limited exceptions you have the right to request the deletion or removal of personal data MIB holds about you where there is no good reason for MIB continuing to process it. You also have the right to ask MIB to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where MIB may have processed your information unlawfully or where MIB is required to erase your personal data to comply with law. Although MIB will consider every request for erasure on its merits, MIB may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Object to processing

You have a right to object to the processing of your personal data where MIB is 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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where MIB is processing your personal data for direct marketing purposes. In some cases, MIB may demonstrate that it has compelling legitimate grounds to process your information which override your rights and freedoms.

Right to restrict processing of your personal data

You have a right to request MIB to suspend the processing of your personal data in the following situations:

- for the period it takes us to establish or rectify any inaccurate data about you;
- where MIB's use of the data is unlawful but you do not want MIB to erase it;
- prevent MIB from deleting your data at the end of the retention period in the event that you need it to establish, exercise or defend a legal claim;
- you have objected to MIB's use of your data but we need to verify whether MIB (or a third party) has overriding legitimate grounds to use it.



Right to request the transfer of your personal data to you or to a third party

MIB will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Right to withdraw consent

You have a right to withdraw consent where MIB is relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, MIB may not be able to process your claim or provide certain services to you. MIB will advise you if this is the case at the time you withdraw your consent.

Right to lodge a complaint

If you have any complaints about how the MIB handles your personal data, please contact us by telephone on 01908 830 001, or by email at GDPREnquiries@mib.org.uk and we will do our best to assist.

You also have a right to make a complaint at any time to the supervisory authority in your country of residence or employment or place of the alleged infringement. The Information Commissioner's Office ("ICO") is the UK supervisory authority for data protection issues. You can contact the ICO at:

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

Tel: 0303 123 1113 or 01625 545 745

<https://ico.org.uk/concerns/>

Duty to inform us of changes

It is important that the personal data MIB holds about you is accurate and current. Please keep MIB informed if your personal data changes during your relationship with us.