

# MEDCO PRIVACY POLICY

## INTRODUCTION

MedCo Registration Solutions ("MedCo") is committed to protecting your personal data. This Privacy Policy will inform you how MedCo uses your personal data and tells you about your rights under data protection legislation. Please make sure you read the policy carefully.

Where you provide personal information to MedCo about other people (for example, staff members) MedCo will be the data controller of the personal data you provide. You are required to bring this Policy to the individual's attention and provide them with a privacy policy which incorporates MedCo's Privacy Policy, before supplying MedCo with their personal data.

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## ➤ WHO WE ARE

The data controller is MedCo, of Suite 44, Shenley Pavilions Chalkdell Drive, Shenley Wood, Milton Keynes, Buckinghamshire, England, MK5 6LB. You can contact MedCo by post at the above address or by email at [enquiries@medco.org.uk](mailto:enquiries@medco.org.uk)

MedCo is a system to facilitate the sourcing of medical reports brought under the Ministry of Justice's RTA Small Claims Pre-Action Protocol or the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents. In order for MedCo to provide the search results, MedCo will provide other users with your personal data to enable them to contact you directly. MedCo also uses your personal data to ensure that you meet the requirements to obtain access to the MedCo system, check that you are maintaining the required standards and to manage your relationship with MedCo.

## ➤ DATA MEDCO COLLECTS ABOUT YOU

Personal data means any information about an individual from which that person can be identified. It does not include data where information which would identify the person has been removed (anonymous data). MedCo collects, uses, stores and transfers different kinds of personal data about you which have been grouped together follows:

- **Identity Data** includes title, first name, surname name, medical expertise, medical qualifications (including number of years practicing), accreditations, gender and your registration number(s) given to you by a regulator and any relevant information from regulators, if applicable.

- **Contact Data** includes postal address, email address and telephone numbers, including fax number.

- **Financial Data** includes bank account details, payment details and any information about direct financial links.

- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.

- **Profile Data** includes your email address and the password associated with it.

- **Usage Data** includes information about how you use our website and the MedCo database.

- **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences.

MedCo will process any other information passed to it by you, your organisation or third parties.

MedCo will also collect, use and share statistical data for different purposes. This 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, MedCo may collect data to calculate the percentage of users accessing a specific website feature.

MedCo does not collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data).

MedCo collects information about criminal convictions, regulatory offences and any related information which is passed to it by third parties, notified to MedCo by you or is in the public domain. This will include information relating to any offences or alleged offences you have committed or any court sentences which you are subject to. It is necessary for MedCo to process this personal data to ensure that you are suitable/remain suitable to have access to the MedCo System.

## ➤ PROCESSING YOUR PERSONAL DATA

The type of personal data we collect and the way we use it will depend upon our relationship with you. MedCo collects and uses personal data about two classes of Data Subjects:

- ❖ Employees/Directors of organisations that use the MedCo system; and
- ❖ Medical experts

### ❖ EMPLOYEES/DIRECTORS OF ORGANISATIONS THAT USE THE MEDCO SYSTEM

#### 1. HOW IS YOUR PERSONAL DATA COLLECTED

MedCo uses different methods to collect data from and about you:

##### •Information you give to MedCo

You may give MedCo information about your Identity, Contact, and Financial Data by filling in forms or by corresponding with MedCo by post, phone, email or otherwise. This includes personal data you provide when you:

- Complete the online form to register with MedCo;
- Renew your organisation's agreement with MedCo;
- Make a declaration about direct financial links; and
- Correspond with MedCo; and
- Meet with MedCo staff.

##### •Information MedCo collects about you

Every time you visit this website MedCo will automatically collect the following information:

- **Technical information**  
This includes the Internet protocol (IP) address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform; and
- **Information about your visit**  
This includes the full Uniform Resource Locators (URL) clickstream to, through and from this website (including date and time); page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page.

##### •Third parties or publicly available sources

MedCo may receive personal data about you from various third parties and public sources as set out below:

- Companies House;
- Google searches;
- News sources;
- Social media;
- Solicitors Regulation Authority;
- Insurers;
- Law enforcement bodies;
- Government departments;
- Local authorities;
- General Medical Council;
- Ministry of Justice (MoJ);
- Health and Care Professions Council ;

- Financial Conduct Authority;
- Claims Portal Limited ;
- Medico-Legal Reporting Organisations (MRO);
- Insurance Fraud Bureau;
- Chartered Society of Physiotherapy; and
- Insolvency Service.

## 2. HOW MEDCO USES YOUR PERSONAL DATA

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

- Where MedCo needs to perform the contract it is about to have or already has with your organisation;
- Where it is necessary for MedCo's legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests;
- Where MedCo needs to comply with a legal or regulatory obligation such as Data Protection requirements;
- Where MedCo is performing its public task which is in the public interest and is set out in law.

Generally MedCo does not rely on consent as a legal basis for processing your personal data other than when making audio recordings of meetings you have with MedCo. You have the right to withdraw consent at any time by emailing: [enquiries@medco.org.uk](mailto:enquiries@medco.org.uk).

### Purposes for which MedCo will use your personal data

Set out below, in a table format, is a description of all the ways MedCo intends to use your personal data, and which of the legal bases MedCo relies on to do so. This includes identifying the basis of the legitimate interests where appropriate.

Purpose/Activity	Lawful basis for processing personal data
To register you as a MedCo user - this will include making certain checks that the registering party and its employees/directors are considered to be suitable to obtain access and to use the database operated by MedCo.	Necessary to enter in to the contract with MedCo  Necessary for the performance of a task carried out in the public interest
To check whether there are any direct financial links when registering with MedCo and an ongoing basis.	Necessary for the performance of the contract with MedCo  Necessary for the performance of a task carried out in the public interest
To check whether you have any convictions or regulatory offences which prohibit you from having access to or continuing having access to the MedCo System.	Criminal convictions: Substantial public interest-permitted as it is a regulatory requirement relating to unlawful acts and dishonesty
To check whether you have been declared bankrupt.	Necessary to enter in to the contract with MedCo  Necessary for the performance of a task carried out in the public interest

<p>To enable and produce search results of an enquiry made by a registered party who is intending on using a medical expert to complete a medico legal report. This includes listing your personal details to allow other users to contact you, if applicable.</p>	<p>Necessary to perform the contract with MedCo</p> <p>Necessary for the performance of a task carried out in the public interest</p> <p>Necessary to comply with our legal obligations</p>
<p>To make and use audio records of meetings attended by you.</p>	<p>Consent</p>
<p>To manage MedCo's relationship with you and communicate with you. This includes but not limited to:</p> <ul style="list-style-type: none"> <li>(a) Arranging and undertaking audits.</li> <li>(b) Notifying you of changes to terms.</li> <li>(c) Renewing your organisation's Agreement with MedCo.</li> <li>(d) Providing updates on the MedCo service.</li> <li>(e) Corresponding about issues/complaints arising from your use of the MedCo database.</li> <li>(f) Responding to queries you raise with MedCo.</li> <li>(g) Taking decisions relating to your use of the MedCo database.</li> <li>(h) To keep written records of minutes of meetings and discussions held with you.</li> <li>(i) To bring a claim or defend MedCo in legal proceedings.</li> </ul>	<p>Necessary to perform the contract with MedCo</p> <p>Necessary for the performance of a task carried out in the public interest</p> <p>Necessary to comply with legal obligations</p>
<p>To check on an ongoing basis that you are compliant with the user agreement, regulatory requirements, legal requirements and that you should be given continued access to the MedCo Portal. This includes audits of your organisation.</p>	<p>Necessary to perform the contract with MedCo</p> <p>Necessary to carry out a public task which is in the public interest</p>
<p>To undertake marketing.</p>	<p>Necessary for our legitimate interest - carrying out direct marketing</p>
<p>To prevent and investigate fraud.</p>	<p>Necessary to perform the contract with MedCo</p> <p>Necessary to carry out a public task which is in the public interest</p>
<p>To comply with our legal or regulatory obligations.</p>	<p>Necessary to comply with our legal obligations</p>
<p>To administer and protect the MedCo portal and the MedCo website including</p> <ul style="list-style-type: none"> <li>(a) ensuring those accessing the portal are permitted to do so;</li> <li>(b) that the portal is being used appropriately; and</li> <li>(c) Individuals who are using the portal should continue to have access/not in breach of obligations.</li> </ul>	<p>Necessary for the performance of the contract with MedCo</p> <p>Necessary for the performance of a task carried out in the public interest</p>

<p>Statistical and analytical purposes including:</p> <p>(a) Measuring the effectiveness of individuals or organisations who contribute data to the relevant databases operated by MedCo; and</p> <p>(b) Measuring the effectiveness of the Database operated by MedCo.</p>	<p>Necessary for the performance of the contract with MedCo</p> <p>Necessary for the performance of a task carried out in the public interest</p>
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## Marketing

MedCo is selective about marketing which is sent to you, to ensure that it is relevant to you. MedCo may use personal data to form a view on what you may want, need, or what may be of interest to you.

You can ask MedCo to stop sending you marketing messages by clicking on the link in the marketing email or at any time by emailing: [enquiries@medco.org.uk](mailto:enquiries@medco.org.uk). If you ask MedCo to stop sending you marketing information, we will continue to send your emails related to your use of the MedCo system, where necessary.

## Cookies

When you first use the MedCo website a banner message will be displayed asking you whether you agree to receive all cookies on the MedCo website. MedCo only uses cookies which are strictly necessary or to improve the performance of the MedCo website. At any time you can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

The MedCo website may link you through to third party websites which may also use cookies over which MedCo has no control. We recommend that you check the third parties' privacy policy for information about any cookies they may use.

**For more information about the cookies MedCo uses, please see MedCo's Cookies Policy.**

### 3. DISCLOSURES OF YOUR PERSONAL DATA

MedCo may have to share your personal data with the parties set out below for the purposes set out in the table above.

#### • Internal Third Parties

- Motor Insurance Bureau (including its subsidiary Motor Insurance Bureau Management Services Ltd)

#### • External Third Parties

- Services providers acting as processors based in the Republic of Ireland and Netherlands who provide IT and system administration services.
- Professional advisers including lawyers, bankers, auditors and insurers.
- HM Revenue & Customs, regulators such as GMC, SRA, HCPC, FCA and ICO and other authorities based in the United Kingdom who require reporting of processing activities in certain circumstances.
- Claims Portal Limited and Insurance Fraud Bureau.
- Your personal data will be shared with an Authorised User when they undertake a search of the MedCo Database. The sharing of your personal data is necessary to enable Authorised Users to instruct your organisation.

MedCo requires all third parties to respect the security of your personal data and to treat it in accordance with the law. MedCo does not allow our third party service providers to use your personal data for their own purposes and only permits them to process your personal data for specified

purposes and in accordance with instructions given by MedCo.

#### **4. INTERNATIONAL TRANSFERS**

MedCo does not transfer your personal data outside the European Economic Area (EEA). However, third parties such as MedCo's IT Service provider will sometimes transfer your personal data outside of the EEA in order to provide services or conduct their business.

We ensure that your personal information is protected by putting in place appropriate contractual arrangements using standard contractual clauses approved by the European Commission to ensure that the third party and any subsidiaries comply with UK Data Protection Legislation. The European Commission also certifies that certain countries are considered to be compliant with European data protection requirements and are not required to enter into the standard contractual arrangements. This list is updated from time to time by the European Commission.

If you would like further information about our data transfers and the safeguards MedCo has put in place, please email: [enquiries@medco.org.uk](mailto:enquiries@medco.org.uk).

#### **5. DATA SECURITY**

MedCo 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. In addition, access to your personal data to those employees, agents, contractors and other third parties is limited to those who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

MedCo has put in place procedures to deal with any suspected personal data breach and will notify you and the ICO of a breach where MedCo is legally required to do so.

#### **6. DATA RETENTION**

##### **How long will MedCo use my personal data for?**

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

To determine the appropriate retention period for personal data, MedCo considered 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 MedCo processes your personal data and whether MedCo can achieve those purposes through other means, and the applicable legal requirements. MedCo requires third parties it shares your personal data with, to comply with MedCo's Data Retention Policy.

We keep information about you for no longer than six years after you cease using the MedCo Database for regulatory and audit purposes. MedCo may keep certain information for shorter periods of time as it only retains information for as long as it is necessary.

In some circumstances MedCo may anonymise your personal data (so that it can no longer identify/be associated with you) for research or statistical purposes in which case MedCo may use this information indefinitely without further notice to you.

**Please refer to MedCo's Data Retention Policy for more details.**

#### **7. AUTOMATED DECISION MAKING**

The MoJ established MedCo to address concerns about the independence and quality of medico-legal reports provided in road traffic accident soft tissue injury claims. After consultation the random allocation model was considered, by the MoJ, to be the most appropriate means of meeting the Government's policy objectives.

The MedCo random allocation model uses anonymised information about a Claimant to return a limited choice of MROs and medical experts from which Authorised Users can select an individual expert or MRO they wish to instruct. The consequence of this process is that Authorised Users will only be given a limited choice of medical experts/MROs they can select to instruct when they undertake a search using the MedCo System. MedCo does not use special category data when it provides the random allocation.

More detailed information about the random allocation search process can be found in MedCo's business process guide on the MedCo website: [www.medco.org.uk](http://www.medco.org.uk)

The automated processing is necessary to perform the contract between your organisation and MedCo as well as to also to comply with the requirements set down by the MoJ. Your personal data does not form part of the automated decision making process but the MedCo system will provide the medical expert or authorised user with your personal data to enable the parties to make arrangements for the provision of a medico-legal report.

You are entitled to object to the processing of your personal data. If you no longer wish for your personal data to appear as the contact details for your organisation, you can ask MedCo to change this to another person in your organisation or for your organisation's generic contact details to be listed instead of yours.

**Please see below more information about your right to object to processing of your personal data**

## ❖ MEDICAL EXPERTS

### 1. HOW IS YOUR PERSONAL DATA COLLECTED

MedCo uses different methods to collect data from and about you.

#### •Information you give to MedCo

You may give MedCo information about your Identity, Contact, and Financial Data by filling in forms or by corresponding with MedCo by post, phone, email or otherwise. This includes personal data you provide when you:

- Complete the online form to register with MedCo;
- Renew your agreement with MedCo;
- Make a payment to MedCo;
- Make a declaration about direct financial links;
- Correspond with MedCo; and
- Meet with MedCo staff.

#### •Information MedCo collects about you

Every time you visit this website MedCo will automatically collect the following information:

- **Technical information**  
This includes the Internet protocol (IP) address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform; and
- **Information about your visit**  
This includes the full Uniform Resource Locators (URL) clickstream to, through and from this website (including date and time); page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page.

#### •Third parties or publicly available sources

MedCo may receive personal data about you from various third parties and public sources as set out below:

- Companies House;
- Google searches;
- News sources;
- Social media;
- Solicitors Regulation Authority;
- Insurers;
- Law enforcement bodies;
- Government departments;
- Local authorities;
- General Medical Council;
- Ministry of Justice;
- Health and Care Professions Council;
- Financial Conduct Authority;
- Claims Portal Limited;
- Medico-Legal Reporting Organisations;
- Insurance Fraud Bureau;
- Chartered Society of Physiotherapy; and
- Insolvency Service.

## 2. HOW MEDCO USES YOUR PERSONAL DATA

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

- Where MedCo needs to perform the contract it is about to have or already has with you.
- Where MedCo needs to comply with a legal or regulatory obligation such as Data Protection requirements and anti-fraud legislation.
- Where MedCo is performing its public task which is in the public interest and is set out in law.

Generally MedCo does not rely on consent as a legal basis for processing your personal data except when making audio recordings of meetings or sending you direct marketing. You have the right to withdraw consent to marketing or the processing of audio recordings at any time by emailing: [enquiries@medco.org.uk](mailto:enquiries@medco.org.uk).

### Purposes for which MedCo will use your personal data

Set out below, in a table format, is a description of all the ways MedCo intends to use your personal data, and which of the legal bases MedCo relies on to do so.

Purpose/Activity	Lawful basis for processing personal data
To register you as a MedCo user – this includes making certain checks that the registering party is considered to be suitable to obtain access and to use the database operated by MedCo.	Necessary to enter in to the contract with MedCo  Necessary for the performance of a task carried out in the public interest
To check whether there are any direct financial links when registering with MedCo and an ongoing basis.	Necessary for the performance of the contract with MedCo  Necessary for the performance of a task carried out in the public interest
To check whether you have any convictions or regulatory offences which prohibit you from having access to or continuing having access to the MedCo System and being listed as a MedCo expert.	Criminal convictions: Substantial public interest-permitted as it is a regulatory requirement relating to unlawful acts and dishonesty
To check whether you have been declared bankrupt.	Necessary to enter in to the contract with MedCo  Necessary for the performance of a task carried out in the public interest
To obtain payment of the relevant fee under the MedCo Charging Policy or to make payment for a Service provided by MedCo.	Necessary to perform the contract with MedCo  Necessary to comply with our legal obligations
To enable and produce search results of an enquiry made by a registered party who is intending on using a medical expert to complete a medico legal report. This includes listing your personal details to allow other users to contact you, if applicable.	Necessary to perform the contract with MedCo  Necessary for the performance of a task carried out in the public interest  Necessary to comply with our legal

	obligations
To hold your details as a medical expert (including your accreditation details) on the MedCo system. It will allow MedCo and third parties to:  (a) check whether you are accredited and operational on the MedCo system; (b) see your contact details, enabling them to send you instructions, if you are a direct medical expert.	Necessary to perform the contract with MedCo  Necessary for the performance of a task carried out in the public interest
To make and use audio records of meetings attended by you.	Consent
To manage MedCo's relationship with you and communicate with you. This includes but not limited to :  (j) Arranging and undertaking audits or peer reviews; (k) Notifying you of changes to terms; (l) Renewing your Agreement with MedCo; (m) Providing updates on the MedCo service; and (n) Corresponding about issues/complaints arising from your use of the MedCo database (o) Responding to queries you raise with MedCo (p) Taking decisions relating to your use of the MedCo database. (q) Updating you about your accreditation requirements and related correspondence about accreditation events (r) Check your accreditation status; (s) To keep written records of minutes of meetings and discussions held with you; (t) To bring a claim or defend MedCo in legal proceedings	Necessary to perform the contract with MedCo  Necessary to comply with a legal obligation  Necessary for the performance of a task carried out in the public interest
To check on an ongoing basis that you are compliant with the user agreement, regulatory requirements, legal requirements and that you should be given continued access to the MedCo Portal. This includes audits and peer reviews	Necessary to perform the contract with MedCo  Necessary for the performance of a task carried out in the public interest
To undertake marketing.	Consent
To prevent and investigate fraud.	Necessary to perform the contract with MedCo  Necessary for the performance of a task carried out in the public interest
To comply with our legal or regulatory obligations.	Necessary to comply with our legal obligations
To administer and protect the MedCo portal and the MedCo website including (a) ensuring those accessing the portal are permitted to do so; (b) that the portal is being used appropriately; and (c) Individuals who are using the portal should continue to have access/not in breach of obligations.	Necessary for the performance of a task carried out in the public interest  Necessary for the performance of the contract with MedCo

<p>Statistical and analytical purposes including:</p> <ul style="list-style-type: none"> <li>• Measuring the effectiveness of individuals or organisations who contribute data to the relevant databases operated by MedCo; and</li> <li>• Measuring the effectiveness of the Database operated by MedCo.</li> </ul>	<p>Necessary for the performance of the contract with MedCo</p> <p>Necessary for the performance of a task carried out in the public interest</p>
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## Marketing

MedCo is selective about marketing which is sent to you, to ensure that it is relevant to you. MedCo may use personal data to form a view on what you may want, need, or what may be of interest to you.

You can ask MedCo to stop sending you marketing messages by clicking on the link in the marketing email or at any time by emailing: [enquiries@medco.org.uk](mailto:enquiries@medco.org.uk). If you ask MedCo to stop sending you marketing information, we will continue to send your emails related to your use of the MedCo system, where necessary.

## Cookies

When you first use the MedCo website a banner message will be displayed asking you whether you agree to receive all cookies on the MedCo website. MedCo only uses cookies which are strictly necessary or to improve the performance of the MedCo website. At any time you can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

The MedCo website may link you through to third party websites which may also use cookies over which MedCo has no control. We recommend that you check the third parties' privacy policy for information about any cookies they may use.

**For more information about the cookies MedCo uses, please see MedCo's Cookies Policy.**

### 3. DISCLOSURES OF YOUR PERSONAL DATA

MedCo may have to share your personal data with the parties set out below for the purposes set out in the table above.

#### •Internal Third Parties

- Motor Insurance Bureau (including its subsidiary Motor Insurance Bureau Management Services Ltd)

#### •External Third Parties

- Services providers acting as processors based in the Republic of Ireland and Netherlands who provide IT and system administration services.
- Professional advisers including lawyers, bankers, auditors and insurers.
- HM Revenue & Customs, regulators such as GMC, SRA, HCPC, FCA and ICO and other authorities based in the United Kingdom who require reporting of processing activities in certain circumstances.
- External training and accreditation service providers such as Bond Solon.
- Claims Portal Limited and Insurance Fraud Bureau.
- Your personal data will be shared with an Authorised User when they undertake a search of the MedCo Database. The sharing of your personal data is necessary to enable Authorised Users to instruct you.

MedCo requires all third parties to respect the security of your personal data and to treat it in accordance with the law. MedCo does not allow our third party service providers to use your personal

data for their own purposes and only permits them to process your personal data for specified purposes and in accordance with instructions given by MedCo.

#### **4. INTERNATIONAL TRANSFERS**

MedCo does not transfer your personal data outside the European Economic Area (EEA). However, third parties such as MedCo's IT Service provider will sometimes transfer your personal data outside of the EEA in order to provide services or conduct their business.

We ensure that your personal information is protected by putting in place appropriate contractual arrangements using standard contractual clauses approved by the European Commission to ensure that the third party and any subsidiaries comply with UK Data Protection Legislation. The European Commission also certifies that certain countries are considered to be compliant with European data protection requirements and are not required to enter into the standard contractual arrangements. This list is updated from time to time by the European Commission.

If you would like further information about our data transfers and the safeguards MedCo has put in place, please email: [enquiries@medco.org.uk](mailto:enquiries@medco.org.uk).

#### **5. DATA SECURITY**

MedCo 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. In addition, access to your personal data to those employees, agents, contractors and other third parties is limited to those who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

MedCo has put in place procedures to deal with any suspected personal data breach and will notify you and the ICO of a breach where MedCo is legally required to do so.

#### **6. DATA RETENTION**

##### **How long will MedCo use my personal data for?**

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

To determine the appropriate retention period for personal data, MedCo considered 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 MedCo processes your personal data and whether MedCo can achieve those purposes through other means, and the applicable legal requirements. MedCo requires third parties it shares your personal data with, to comply with MedCo's Data Retention Policy

We keep information about you no longer than six years after you cease using the MedCo Database for regulatory and audit purposes. MedCo may keep certain information for shorter periods of time as it only retains information for as long as it is necessary.

In some circumstances MedCo may anonymise your personal data (so that it can no longer identify/be associated with you) for research or statistical purposes in which case MedCo may use this information indefinitely without further notice to you.

**Please refer to the MedCo Data Retention Policy for more details.**

#### **7. AUTOMATED DECISION MAKING**

The MoJ established MedCo to address concerns about the independence and quality of medico-legal reports provided in road traffic accident soft tissue injury claims. After consultation the random allocation model was considered, by the MoJ, to be the most appropriate means of meeting the Government's policy objectives.

The MedCo random allocation model uses anonymised information about a Claimant to return a limited choice of MROs and medical experts allowing an Authorised User to select which individual expert or MRO they wish to instruct. The consequence of this process is that that Authorised Users will only be given a limited choice of medical experts/MROs they can select to instruct when they undertake a search using the MedCo System. MedCo does not use special category data when it provides the random allocation.

More detailed information about the random allocation search process can be found in MedCo's business process guide on the MedCo website: [www.medco.org.uk](http://www.medco.org.uk)

Your personal data is used to list you as an expert in a search result, allowing an Authorised User to select you to provide a medico-legal report and your details will be provided to an authorised user to enable the parties to make arrangements for the provision of a medico-legal report. The automated processing of your personal data is necessary to perform the contract between you and MedCo as well as to comply with the requirements set down by the MoJ.

**Please see below more information about your rights in relation to automated decision making**

### ➤ YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. If you wish to exercise any of the rights set out above, please email: [enquiries@medco.org.uk](mailto:enquiries@medco.org.uk).

It is important that the personal data MedCo holds about you is accurate and current. Please update MedCo if your personal data changes during your relationship with MedCo.

MedCo will not usually charge you a fee for any request you make.

MedCo may need to request specific information from you to confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

Where MedCo needs to collect personal data by law or under the terms of the Agreement MedCo has with you and you fail to provide that data when requested or withdraw consent, MedCo may not be able to enter in to or perform the obligations under the Agreement. In those circumstances MedCo may have to terminate the Agreement or refuse to enter in to an Agreement with you.

MedCo will respond to your requests as soon as possible and at the latest within a month. Occasionally it may take MedCo longer than a month if your request is particularly complex or you have made a number of requests. In this case, you will be notified and kept updated on the progress of your request.

You have the right to:

**Request access to your personal data** (commonly known as a "data subject access request")

This enables you to receive a copy of the personal data MedCo holds about you and to check that MedCo is lawfully processing it.

**Request correction of the personal data that MedCo holds about you**

This enables you to have any incomplete or inaccurate data MedCo holds about you corrected, though it may be necessary to verify the accuracy of the new data you provide to MedCo.

**Request erasure of your personal data**

This enables you to ask MedCo to delete or remove personal data in certain circumstances, such as audio recordings of meetings. You also have the right to ask MedCo to delete or remove your personal

data where you have successfully exercised your right to object to processing (see below), where MedCo may have processed your information unlawfully or where MedCo is required to erase your personal data to comply with the Data Protection Legislation. MedCo may not always be able to comply with your request of erasure for specific legal reasons. If this is the case you will be notified at the time of your request.

### **Object to processing of your personal data**

When MedCo is relying on a legitimate interest 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 MedCo is processing your personal data for direct marketing purposes. In some cases, MedCo may demonstrate that it has compelling legitimate grounds to process your information which overrides your rights and freedoms.

### **Request restriction of processing of your personal data**

This enables you to ask MedCo to suspend the processing of your personal data in the following scenarios:

- (a) if you want MedCo to establish the data's accuracy;
- (b) where MedCo's use of the data is unlawful but you do not want MedCo to erase it;
- (c) where you need MedCo to hold the data even if it no longer requires it as you need it to establish, exercise or defend legal claims; or
- (d) you have objected to MedCo's of your data but MedCo needs to verify whether it has overriding legitimate grounds to use it.

### **Request the transfer of your personal data to you or to a third party**

MedCo will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. This right only applies to automated information where you initially provided consent for it to be processed or where MedCo used the information to perform a contract with you.

### **Automated decision making**

This enables you to obtain an explanation of the automated decision making or challenge and object to the processing of personal data for the use of automated decision making. If you do not want MedCo to undertake automated decision making in relation to your personal data you may be unable to continue to use the MedCo system.

### **Withdraw consent at any time where MedCo are relying on consent to process your personal data.**

This will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, MedCo may not be able to continue to provide services to you. If this is the case, MedCo will advise you of this at the time you withdraw your consent.

### **Lodge a complaint with the ICO**

You have the right to make a complaint to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)).

### **CHANGES TO THE PRIVACY NOTICE**

This version was last updated on 18 May 2018.

MedCo will keep this policy under review and will update it from time to time to reflect developments in data protection legislation and amendments to ICO guidance.

Any changes MedCo makes to this policy will be published in an updated version on its website.