

Bodycare Clinics Limited
Privacy notice for Injured Parties

Introduction

This is Bodycare Clinics Limited’s privacy notice relating to relating to Our medical examination, reporting and rehabilitation services and the associated processing by Us of personal data that We collect from You or Instructing Parties.

In providing Our services and processing associated personal data We may be either a data controller or a data processor for the purposes of Data Protection Law. Our status as a data controller or a data processor will depend on the particular factual circumstances and to help you understand this we have created a table in [Section 4](#) below.

In any situation where we are not the data controller, the data controller’s privacy policy will also apply and We will only be able to deal with Your personal data in accordance with the instructions of the data controller.

Under Data Protection Law We have a legal duty to protect any information We collect from You or (where appropriate Your Child) and We are committed to protecting and respecting the privacy of You and Your Child. We use up to date technologies and encryption software to safeguard personal data, and keep strict security standards to prevent any unauthorised access to it.

Please read the following carefully to understand Our policies and practices regarding Your personal data and how We will treat it.

Quick Jump Links

1. Contact Us	2
2. Definitions	2
3. Where we get Your personal data from	2
4. Our role (based on service We are performing) and legal basis and purpose of processing.....	3
5. Other Parties’ Roles	6
6. Personal data We process.....	6
7. How We store personal data.....	7
8. Who We may disclose Your personal data to	7
9. Methods of disclosing Your personal data	8
10. Duration for storing Your personal data	8
11. Your rights.....	8
12. How to complain	9

1. Contact Us

Questions, comments and requests regarding Our privacy policy are welcomed and should be addressed to:

The Data Protection Officer at Bodycare Clinics Limited, Q6, Quorum Business Park, Benton Lane, Newcastle Upon Tyne, NE12 8BT OR emailed to: data.protection@bodycareclinics.com

2. Definitions

- **Bodycare Clinics** refers to Bodycare Clinics Limited, company number 05011409, of Q6, Quorum Business Park, Benton Lane, Newcastle Upon Tyne, NE12 8BT and **We, Us, Our, Ours** and **Ourselves** also refer to Bodycare Clinics Limited
- **Child** refers to a child for whom You are the parent or legal guardian who is under the age of 18 years old
- **Data Protection Law** refers to the Data Protection Act 2018, UK General Data Protection Regulation (EU regulation 2016/679 as amended and in force in the United Kingdom), and all other laws and regulations relating to the collection and processing of personal data
- **Expert** means a specialist in their field who is engaged to provide expert reports or specialist advice on medical conditions
- **Instructing Party (Instructing Parties)** means Your legal representative, insurer and/or Square Health Limited
- **Treatment Provider** means a specialist who is engaged to provide certain treatment services including but not limited to rehabilitation services
- **You, Your, Yours** and **Yourself** refer to you

3. Where we get Your personal data from

Your personal data has been provided to Us by an Instructing Party (the Data Controller). Additional personal data may be collected directly from You or an Expert, Treatment Provider or diagnostic service provider.

4. Our role (based on service We are performing) and legal basis and purpose of processing

We process Your personal data for one or more of the following reasons:

- to obtain a medical report
- for arranging treatment / diagnostic services
- for arranging investigations to assist in Your case

Service	Our role	Legal Basis of processing	Further detail
Provision of Expert Report (Medco)	Data Controller of all data processed	<ul style="list-style-type: none">• Legitimate interests• To comply with a legal obligation• Exercise and Defence of Legal Claims• Explicit consent	<p>As a Medical Reporting Organisation, We are a data controller of all personal data that We process for Medco purposes (which includes complying with directions from Instructing Parties). ¹</p> <p>We will process only the personal data that is necessary for Us to exercise and defend any legal claims that might be brought in relation to the service provided.</p> <p>Explicit consent may be required when We need to obtain Your medical records for the purpose of being reviewed by the medical expert and to aid in completion of the medical report.</p>
Provision of Expert Report (non-Medco)	Data Controller for certain information	<ul style="list-style-type: none">• Legitimate interests• Exercise and Defence of Legal Claims• Explicit Consent	<p>We will process only the personal data that is necessary for Us to exercise and defend any legal claims that might be brought in relation to the service provided.</p> <p>Explicit consent may be required when We need to obtain Your medical records for the purpose of being reviewed by the medical expert and to aid in completion of the medical report.</p>

¹ Please see here for more details about Our responsibilities as an MRO: [Microsoft Word - MoJ Qualifying Criteria for Medical Reporting Organisations.docx](#)

Service	Our role	Legal Basis of processing	Further detail
	Data Processor for certain information	Determined by the Data Controller (Instructing Party)	<p>Your personal data will be used where necessary and as instructed by the Instructing Party:</p> <ul style="list-style-type: none"> To keep an internal record of the progress of Your case To arrange an independent report from a medical expert To arrange treatment as recommended by the medical expert To provide management information to monitor the service provided by Us To review and enhance the quality of any services, including monitoring compliance
Provision of treatment (including rehab treatment referral)	Data Controller for certain information	<ul style="list-style-type: none"> Necessary for the performance of a contract with you Legitimate interests Exercise and Defence of Legal Claims Explicit Consent 	<p>When We enter into a Form of Authority with you this becomes a contract which requires Us to provide certain services to you. We will be the Data Controller of any immediate needs assessments We conduct to arrange for services to be provided to You.</p> <p>We will process only the personal data that is necessary for Us to exercise and defend any legal claims that might be brought in relation to the service provided.</p> <p>Explicit consent may be required when we arrange treatment and for disclosing the treatment report/records.</p>
	Data Processor for certain information	Determined by the Data Controller (Instructing Party)	<p>Where we act as a Data Processor for an Instructing Party, Your personal data will be used where necessary and as instructed by the Instructing Party:</p> <ul style="list-style-type: none"> To keep an internal record of the progress of Your case To arrange an assessment from treatment providers

Service	Our role	Legal Basis of processing	Further detail
			<ul style="list-style-type: none"> To arrange medical tests (for example x-rays, MRI scans etc) To arrange treatment as recommended by the treatment provider To provide management information to monitor the service provided by Us To review and enhance the quality of any services, including monitoring compliance
Provision of diagnostic services	Data controller for certain information	<ul style="list-style-type: none"> Legitimate interests Exercise and Defence of Legal Claims 	We will process only the personal data that is necessary for Us to exercise and defend any legal claims that might be brought in relation to the service provided.
	Data processor for certain information	Determined by the Data Controller (Instructing Party)	<p>Where we act as a Data Processor for an Instructing Party, Your personal data will be used where necessary and as instructed by the Instructing Party:</p> <ul style="list-style-type: none"> To keep an internal record of the progress of Your case To arrange medical tests (for example x-rays, MRI scans etc) To provide management information to monitor the service provided by Us To review and enhance the quality of any services, including monitoring compliance

5. Other Parties' Roles

There are other parties involved in the engagements we perform. They will have their own respective roles and responsibilities in respect of Your personal data. To help You to understand this we've summarised their roles below:

- Instructing Parties

We accept instructions to provide services to You from various 'Instructing Parties'. These include legal representatives and insurers. In the table above We have identified where We act as a Data Processor for an Instructing Party. In these circumstances the Instructing Party is a Data Controller. That Data Controller's privacy notice will also apply to the processing of Your personal data. Where we act as Data Processor We are only able to deal with that personal data in accordance with the instructions of that Data Controller.

- Experts and Treatment Providers

We will instruct Experts or Treatment Providers to provide various services (for example an expert report or a course of physiotherapy). In every case the Expert/ Treatment Provider will be an Independent Data Controller of Your personal data that they process to perform their engagement. This is because no other party can tell them what personal data they must process in order to perform the service (they are the 'expert' in their field) or what is required for them to process to satisfy regulatory/ professional obligations. However, when they accept any information from Us or send any reports back to Us they act as either a Data Processor for Us or a Sub-Processor for the Instructing Party (as applicable).

- Diagnostic Services providers

We will instruct various third party providers to perform diagnostic services for you. Similarly to Experts and Treatment Providers they will act as our Data Processor (or a Sub-Processor) in respect of the personal data We provide them and personal data they provide Us. However, they will be Independent Data Controllers of data that they must retain to satisfy their own regulatory/ professional obligations.

6. Personal data We process

We may collect, process, store and transfer the following personal data and special categories of personal data:

- Your name
- Address
- Contact details
- Date of birth
- Details of the circumstances of the claim or incident and any damage, injury suffered by You

- Information about Your work/education and lifestyle
- Physical build (height/weight)
- Marital status
- Your GP details or details of other people who have treated You
- Medical records (for example from Your GP, hospitals or other organisations where you may have received treatment in relation to the incident) for the purpose of being reviewed by the medical expert and to aid in completion of the medical report
- Medical history (including, but not limited to current and past history, psychological history, medication, tests and investigation results)
- Details of physical examination, diagnosis and prognosis as provided by the medical examiner or other health organisations (such as hospitals or treatment providers)

7. How We store personal data

Storing Your personal data and special categories of personal data will be carried out electronically or in paper format:

- Electronic – stored on Our secure (password and firewall protected) applications/servers located in the UK or Ireland
- Paper – stored in secure lockable cabinets
- CDs/DVDs – stored in secure lockable cabinets

8. Who We may disclose Your personal data to

We may disclose Your personal data and special categories of personal data to one of more of the recipient types where necessary or as directed by the Instructing Party:

- The Instructing Party
- The referring agency who appointed your solicitors
- Independent medical experts for the purpose of obtaining a medical report
- Independent treatment providers for the purpose of arranging treatment
- Diagnostics providers (for example hospitals) for the purpose arranging investigations to assist in Your case
- Medical Records providers
- Ministry of Justice (via Medco)
- DCX Mobile Application (where applicable)

- Any debt recovery agencies appointed by Us
- Financial/Non Financial Auditors/Lawyers
- Third party admin/secretarial functions which medical experts engage with

In dealing with Your claim/case, We may also transfer Your information to people providing Us with support, administrative services and secure shredding services for the more efficient processing of Your claim/case. Your details will be processed in each case in strict confidence and We have set up adequate measures to ensure that Your privacy is protected when transferring Your data to third parties for the purposes of providing Our services to You.

9. Methods of disclosing Your personal data

Your personal data and special categories of personal data may be disclosed electronically or in paper format.

- Electronic – via email. Emails are encrypted during transit providing the recipient has enabled the necessary protection.
- Electronic – via secure integration connection with the controller (where appropriate)
- Paper – sealed envelope via Royal Mail
- Paper – (containing special categories of data) Royal Mail Recorded Delivery service
- CDs/DVDs - Royal Mail Recorded Delivery service

10. Duration for storing Your personal data

We will keep Your data on our system for at least 7 years following completion of Your case. We may keep a limited amount of Your data for longer:

- where there are financial reasons for doing so (e.g. there are still outstanding amounts owed to Us on your file);
- to comply with insurance requirements (i.e. for the exercise and defence of legal claims); or
- if needed by Us to comply with other legal obligations (for example Medco requirements).

The data will be deleted once it is no longer necessary.

11. Your rights

Under Data Protection Law, you have rights including:

Your right of access - You have the right to ask us for copies of Your personal data where We are the Data Controller of that personal data.

Your right to rectification - 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 information you think is incomplete.

Your right to erasure - You have the right to ask Us to erase your personal data in certain circumstances.

Your right to restriction of processing - You have the right to ask Us to restrict the processing of your personal data in certain circumstances.

Your right to object to processing - You have the right to object to the processing of Your personal data in certain circumstances.

Your right to data portability - You have the right to ask that we transfer the personal data you gave us to another organisation, or to You, in certain circumstances.

Your right to withdraw consent – When we use consent as our lawful basis You have the right to withdraw Your consent.

You don't usually need to pay a fee to exercise your rights. If you make a request, we have one calendar month to respond to you.

To make a data protection rights request, please contact us using the contact details at the top of this privacy notice.

12. How to complain

If you have any concerns about Our use of Your personal data, You can make a complaint to Us using the Contact Us details at the beginning of this privacy notice.

If you remain unhappy with how we've used your data after raising a complaint with us, you can also complain to the ICO.

The ICO's address:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Helpline number: 0303 123 1113

Website: <https://www.ico.org.uk/make-a-complaint>