

# Your Statutory Rights

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## Important

Please read this note carefully as it outlines your statutory rights concerning the processing and use of your personal data and medical information which will be required to process and administer a claim under the policy or to assess your suitability for our vocational rehabilitation services.

Your statutory rights are set out in the Access to Medical Reports Act 1988, (in Northern Ireland, the Access to Personal Files and Medical Reports (Northern Ireland) Order 1991) as well as in UK Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA). Rights under the Access to Medical Reports Act 1988 only apply to residents of the United Kingdom, excluding the Isle of Man and the Channel Islands.

If you would like further information concerning your rights, please contact the Information Commissioner on 0303 123 1113 or visit its website: [www.ico.org.uk](http://www.ico.org.uk)

In these notes, and in the accompanying forms, "health professional" includes but is not restricted to a registered medical practitioner, for example, your GP, consultant, occupational health consultant, dentist, nurse, midwife or health visitor.

## 1. Access to Medical Reports

- 1.1. A '*medical report*' is a report written by a health professional about your physical and/or mental health which we may request in the course of our assessment of the claim or in the provision of vocational rehabilitation services and is covered by the consent provided under the Access to Medical Reports Act 1988 (in Northern Ireland, the Access to Personal Files and Medical Reports (Northern Ireland) Order 1991).
- 1.2. If you choose to give consent you have **two** options. You can either (i) consent to medical reports being sent to us directly or (ii) request to view and comment on all medical reports before they are sent to us. These options only apply with respect to medical reports from a registered medical practitioner, for example your GP or treating Consultant. They do not apply to medical reports from other health professionals, for example, registered dentists or nurses, or doctors appointed by your employer.
- 1.3. If you wish to view a medical report *before* it is sent to us, we will write to you at the same time as we write to the health professional. You will then have **21 days** to arrange to view the report before they send it to us. However, the health professional will send us the report after 21 days if you have not arranged to view it.
- 1.4. Even if you wish to view a medical report before it is sent to us, the health professional may not show you some or all of the medical report where the health professional reasonably believes that:
  - i) the information in the medical report would be likely to cause serious harm to your own or another's physical or mental health; or
  - ii) the medical report contains data about another person.
- 1.5. If you require the health professional to amend any of the medical report, because, for example, you consider it incorrect or misleading, you can ask the health professional to do this. If they will not change the medical report, you can provide additional information or material which the health professional must attach to the medical report before it is sent to us.

- 1.6. If you do not wish to view the medical report before it is sent to us, you can still ask to view the report for up to 6 months from when the medical report was sent to us by submitting a request to the health professional. The health professional is entitled to charge you a fee for this.
- 1.7. If you wish to view the report at any time, then you should approach us to view the report. Such a request will be dealt with in accordance with your statutory rights.

## 2. Medical Records and Medical Reports from Your GP, Consultant or Other Health Professional

- 2.1. In order for us to process and assess your claim and/or offer vocational rehabilitation services, we will need to have access to your records concerning your mental and/or physical health. We will only request medical reports or records that are relevant to the claim or the provision of rehabilitation treatment/services and in accordance with the UK Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA).
- 2.2. Before we can ask a health professional for your medical records, we will ask for your written consent to enable them to release such information to us.
- 2.3. If you choose to give consent to us having access to your medical records, you have **two** options. You can either (i) consent to medical records being sent to us directly or (ii) request to view your medical records before they are sent to us. For your information, the Access to Medical Reports Act 1988 does not apply to the request for copies of medical records. However, your GP/Consultant may not want to release the medical records until you confirm that you are happy for this to take place.
- 2.4. To help us assess and process the claim or provision of effective vocational rehabilitation we may also ask independent health professionals other than your GP and/or Consultant to examine your physical and/or mental health.
- 2.5. When we arrange an independent medical examination, we will provide the health professional with sufficient information to enable them to conduct the examination. We may need to provide them with existing medical records and any medical reports which may be relevant to the claim or vocational rehabilitation service.
- 2.6. You are not obliged to give your consent but if you do not then it is highly likely that we will not be able to assess or process the claim or offer vocational rehabilitation services.

## 3. How information relating to you will be processed

- 3.1. All information relating to you, including your medical records and any medical reports, will be held electronically and/or in a manual system (which may be situated either within or outside the UK/European Economic Area). Information will be processed fairly and lawfully in accordance with the principles of current data protection legislation.
- 3.2. Under the UK Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA) you have the right to access all personal data that we hold about you.
- 3.3. Access to information concerning you will be limited to employees, appointed advisors and contractors of Unum, for example, independent health professionals, who need access to such information in order to process and/or assess the claim, or for the provision of vocational rehabilitation services.

- 3.4. To meet our legal and regulatory obligations we will, where required, additionally share non-medical information and conduct checks with third parties for purposes relating to the claim, for claim monitoring purposes to ensure that the claim remains valid, and for other lawful purposes. Third parties (who may be situated either within or outside the UK/European Economic Area) may include, but are not limited to, trustees in bankruptcy, financial institutions, credit reference agencies, private fraud investigation agencies, law enforcement, medical agencies, other insurance companies or sub-contractors and agents.
- 3.5. To meet our legal and regulatory obligations, and our legitimate interests as an insurer, we will share both medical and non-medical information about you with reinsurers, your employer, their intermediaries and other insurance companies for the purposes of assessing claims, administering the policies and fraud prevention.
- 3.6. Where applicable, we will share both medical and non-medical information about you with government regulators and with the Financial Ombudsman Service in order to resolve a complaint or for audit purposes.
- 3.7. We will, if applicable, pass information concerning the claim to the Income Protection Claims Register. This register is run by the Association of British Insurers which aims to prevent duplicate and/or fraudulent claims. We will also share data and exchange intelligence with other insurers and industry databases for fraud prevention purposes.
- 3.8. Details of companies that we will share your personal information with for the purposes noted above are available on our website at [www.unum.co.uk/third-party-datasharing](http://www.unum.co.uk/third-party-datasharing)
- 3.9. Telephone conversations are recorded and emails are monitored for the purpose of training in the interests of improving the quality of service that we provide. You will have the right to request that a call is not recorded.
- 3.10. With the exception of the circumstances detailed in this section, Unum will not discuss any information about you, including your medical condition, with anyone, other than yourself, without your consent. This includes your spouse, other relatives or friends or your legal advisor. In certain circumstances you may wish for Unum to discuss your medical condition and/or claim with certain parties. In this case, we will obtain your express consent to do so in advance.
- 3.11. Medical and non-medical information about you will be shared with your employer for lawful policy and claim administration purposes and in relation to your return to work and vocational rehabilitation services.
- 3.12. If you wish to access the information that we hold about you, you should submit a request in writing to: The Data Protection Officer, Unum, Milton Court, Dorking, Surrey, RH4 3LZ.
- 3.13. In order to meet our legal and regulatory obligations, Unum will retain your data for up to seven years after the end of the policy or conclusion of the claim at which point it will be securely deleted.
- 3.14. Further details regarding how we process information about you can be found on our website at [www.unum.co.uk/privacy-notice](http://www.unum.co.uk/privacy-notice)

## [unum.co.uk](http://www.unum.co.uk)

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