Sharing the personal data of absent employees

Employers setting up Group Income Protection cover with us will consider how they share the employee personal data we need to set up and run a policy. However until it happens, it's easy to overlook the extra detail we'll ask for if an employee becomes absent because of their health.

Our Absence Notification form asks you to give us basic details about absences and share details of any occupational health advice you may have received. Telling us of potential claims is time critical and we encourage you to consider the legal basis for sharing these 'special category' details at an early stage.

This leaflet outlines several legal bases you may wish to consider when sharing employee health information with us. We've also explained the legal basis we rely on to process your Group Income Protection claims and the benefits of telling us of potential claims on time.

We're unable to offer advice. If you're unsure which legal basis is right for you, we recommend talking to your Data Protection Officer or legal adviser.

Notifying us of Group Income Protection claims

Notifying us of a potential claim at an early stage can bring benefits for you and your employee. Where appropriate we can provide fast tracked rehabilitation, therapies and support. Early access to these services can help speed up a recovery and allow your experienced employee to return to work sooner.

You'll want to tell us quickly to see if we can offer any support; however you may not have approached your employee for their explicit consent to share details about their health, or they may be too unwell to consider this a priority.

In the following section we've identified different legal basis for sharing and processing personal and health information that don't rely on consent and you may wish to consider.

Possible legal bases for sharing employee information

To help satisfy yourself that you have a legal basis for sharing the information requested in our Absence Notification form, you may wish to consider the following options.

Possible legal basis	What it may cover
Data Protection Act 2018, Schedule 1, Part 1, paragraphs 2(2)(b) and (d)	Processing medical data to assess an employee's working capacity and provide healthcare or treatment. The UK GDPR recognises the Data Protection Act 2018 where medical data is processed for employment, social security and social protection purposes.
Data Protection Act 2018, Schedule 1, Part 2, paragraph 20	Processing the health and medical information of a third party to an insurance contract.
Explicit employee consent	Obtaining the employee's explicit consent before telling us about a potential claim.

Obtaining explicit consent may have unintended consequences if it delays you sending us the Absence Notification form. It's important to keep in mind the other legal basis for both you and your employee's benefit.

When should you notify us

- We've identified a tipping point after about six weeks of absence, where appropriate rehabilitation could make a real difference to the speed of recovery. A delay in providing support can significantly lengthen recovery, particularly for mental health conditions.
- The longer your employee takes to recover, the longer you're left without your experienced employee.
- Our policy terms require you to tell us about absent employees no later than by the end of the deferred period. If you don't, we may delay the start of the claim. If you tell us more than 90 days after the deferred period ends, we may not pay the claim at all.

The legal basis we rely on to process Group Income Protection claims

The Data Protection Act 2018 allows us to process the details you provide to help identify the working capacity of your employee and provide healthcare or treatment. We'll use this information to start setting up your claim, and where appropriate, identify any rehabilitation therapy or support we can offer.

When we first contact your employee, we'll share our Privacy Policy and inform them of their personal data and medical data rights. Before continuing we'll ask your employee's permission to access relevant medical reports and ask them to give their explicit consent to continue processing their personal data.

Our data relationship and privacy policy

As an insurer, we're an independent Data Controller. We are solely responsible for the personal data we hold and process in connection with the Group Income Protection policy, and will meet our obligations under the Data Protection Act 2018. We acknowledge that you, as an employer, are also an independent Data Controller.

Protecting personal information is extremely important to us. It's especially important for a large financial company like ours, as our customers trust us to look after a huge amount of sensitive information on everything from their business affairs to their medical history.

The way we collect, use, store and share information is equally important. Our customers expect us to manage their information privately and securely. If we don't, they'll lose their trust in us.

Our Privacy Notice tells you, and the employees you insure with us, how we collect and process personal information. We publish our up to date Privacy Notice online:

www.legalandgeneral.com/privacy-notice/

Please share this with the employees you've insured with us.

Contact us

0345 026 0094
We may record and monitor calls. Call charges will vary.

groupprotection.benefitsmanagement@landg.com
https://group-protection.legalandgeneral.com/adviser/

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