

EUCARE PRIVACY NOTICE

CUSTOMER PRIVACY NOTICE

This Privacy Notice is dated 11th July 2019.

1. *INTRODUCTION*

EUCARE Insurance PCC Ltd (C 88658) of 16, Europa Centre, Triq John Lopez, Floriana, FRN1400, Malta (“**EUCARE**”; “**we**”, “**us**” or “**our**”), its subsidiaries and affiliated and associated entities, respect your privacy and are wholly committed to protecting the confidentiality and security of your personal data.

Protecting your privacy is an absolute top priority for us.

As a brief summary, we (**EUCARE**) are an authorised insurance company manufacturing and providing insurance products and services on a cross-border basis. We are duly authorised in Malta under the Insurance Business Act, 1998 (Chapter 403 of the laws of Malta) to carry on business of insurance in four classes (including Class 1 – Accident, 2 – Sickness, 16 – Miscellaneous financial loss, and 18 – Assistance)) from Malta to other European Union (“**EU**”) Member States and are regulated by the Malta Financial Services Authority (“**MFSA**”).

We generally distribute our insurance products and services from Malta to the European Union (“**EU**”) and European Economic Area via our appointed intermediaries. Further details about our products and services may be found on the following page of our website <<https://www.eucare.nl/>> (the “**Website**” or the “**Site**”), although we may modify or add to these from time to time in line with any developments or growth to our business.

The purpose of this Privacy Notice (the “**Notice**”) is to explain how we will process your personal data when you:

- request a quotation from us for any of our products or services or interact with us in any other manner;
- apply for, purchase or otherwise use any of our products or services; or
- make a claim under or in connection with any product or service acquired from us;

and, in each case, whether directly with us or through any of our appointed intermediaries.

This includes any data that you may provide for and in relation to our newsletters, updates, events and other marketing and promotional communications.

Where we have entered into an agreement with a company or individual (the “**Policyholder**”) to provide insurance cover for a specified group under a group insurance policy (i.e. a *group plan*), such as health insurance for a group health policy plan, we will for those cases also need to process the personal data of the individuals who have been named or enrolled as a beneficiary under that policy (each referred to as a “**Beneficiary**”). An example of this would be a family insurance policy which is selected and procured by the legal guardians of the family and extends to cover their dependents. This Notice, therefore, also explains how we process personal data about such Beneficiaries, and should therefore be circulated accordingly. Thus, where a Policyholder provides or intends to provide us with any information about a Beneficiary, that Policyholder must circulate our Notice to that Beneficiary and procure and confirm to us that the Beneficiary is aware that you have shared his or her personal data with us and understands that we will collect and process that personal in accordance with, and for the purposes set out, in this Notice.

In this Notice, “you” is used to refer to both Policyholders and Beneficiaries.

PLEASE READ this Notice carefully and share with any beneficiaries that may be covered under your policy.

2. IMPORTANT INFORMATION AND WHO WE ARE

PURPOSE OF THIS PRIVACY NOTICE

We are a controller of your personal data. We process your data in an appropriate and lawful manner, in accordance with the Data Protection Act (Chapter 586 of the Laws of Malta) (the “**Act**”), including its subsidiary legislation, and the General Data Protection Regulation (Regulation (EU) 2016/679) (the “**Regulation**” or the “**GDPR**”), each as may be amended, supplemented or replaced from time to time.

This Notice aims to ensure that you are fully informed on how EUCARE (as your insurance provider) will collect and process your personal data. It informs you about the items of personal data which we will collect about you and describes how we will handle it (regardless of the way you interact with us, whether by email, phone, through an intermediary or otherwise), and in turn, also tells you about (i) our obligations in regard to processing your personal data responsibly, (ii) your data protection rights as a data subject and (iii) how the law protects you.

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

This Notice should be read in conjunction with our terms of business.

If you have any questions relating to this Notice, including any requests to exercise your legal rights (which are described at **Section 12**), please contact us, by email or in writing, using the contact details set out below.

CONTROLLER

EUCARE, as defined above, is the controller and responsible for your personal data.

We have appointed a data protection officer (**DPO**) who is responsible for overseeing questions in relation to this Notice, and for handling any data subject requests. If you have any questions or requests, including any requests to exercise your legal rights as a data subject, please contact our DPO using the details set out below.

Contact Details

Full name of legal entity:	EUCARE Insurance PCC Ltd (C 88658)
Name:	Ranier Buhagiar
Email address:	<i>ranier.buhagiar@eucareinsurance.com</i>
Postal address:	16, Europa Centre, Triq John Lopez, Floriana, FRN1400, Malta
Telephone number:	0035679310911

You have the right to lodge a complaint at any time to a competent supervisory authority on data protection matters, such as (in particular) the supervisory authority based in the place of your habitual residence or your place of work. In the case of Malta, this is the Office of the Information and Data Protection Commissioner (the “**IDPC**”) (<https://idpc.org.mt>). We would, however, appreciate the opportunity to deal with your concerns before you approach the supervisory authority, so please do contact us in the first instance.

Please use the words ‘**Data Protection Matter**’ in the subject line.

LAST UPDATE AND YOUR DUTY TO INFORM US OF CHANGES

This Notice was last updated on **8th January 2020**.

It is imperative that the personal data we hold about you is accurate and current at all times. Otherwise, this will impair our ability to provide you with the products and/or services which you have requested from us (amongst other potential issues). Please keep us informed if your personal data changes at any time during your relationship with us.

3. SOME KEY DEFINITIONS

Set out below are key definitions of certain data protection terms which appear in, and apply to, this Notice.

- “**data subjects**” means living individuals (i.e. **natural persons**) about whom we process personal data.
- “**data controller**” or “**controller**” means a person who determines the purposes for which, and the manner in which, any personal data is processed. As already mentioned, we are a controller of your personal data.
- “**data processor**” or “**processor**” means any person who processes personal data on our behalf (we being the relevant data controller).
- “**legitimate interest**” means our interest to conduct and manage our business affairs appropriately and responsibly, to protect the reputation of our business, and to provide our customers with the best possible service. We make sure to consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us at the following email address: ranier.buhagiar@eucareinsurance.com.
- “**performance of a contract**” means processing your personal data where it is necessary for the performance of a contract to which you are a party or otherwise a beneficiary, or to take steps at your request before entering into such a contract and/or providing you with any of our products or services.
- “**personal data**” means data relating to a living individual (i.e. **natural person**) who can be identified from the data (information) we hold or possess. This includes, but is not limited to, your name and surname (including maiden name where applicable), address, date of birth, nationality, gender, civil status, tax status, identity document number, contact details (including mobile and home phone number and personal email address), photographic image, bank account details, emergency contact information and online identifiers. The term “**personal information**”, where and when used in this Notice, shall have the same meaning as personal data.
- “**processing**” means any activity that involves use of personal data. It includes obtaining, recording or holding data, or carrying out any operation or set of operations on data (including organising, amending, retrieving, using, disclosing, erasing or destroying it). Processing also includes transferring personal data to third parties.

- “**sensitive personal data**” or “**sensitive data**” or “**special categories of personal data**” includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. This type of sensitive data can only be processed under strict conditions.
- “**comply with a legal obligation**” means processing your personal data where it is necessary to comply with a legal or regulatory obligation to which we are subject.

Note that personal data does not include information relating to a legal person (such as a body corporate or other entity). Information such as a company name, its company number, registered address and VAT number does not amount to personal data under applicable data protection legislation, including the GDPR. Naturally, we will still treat and handle any and all such information in a confidential manner, in accordance with our standard practices and obligations at law.

4. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that individual can be identified. It does not include where the identity and other identifiers have been removed (**anonymous data**). During the course of your relationship (including at quotation stage), we may collect, use, store and transfer different kinds of personal data about you, which we have grouped together. In that regard, we generally process three main categories of personal data about you and, where applicable in the context of your policy, also your dependents:

- Standard personal data** (for example, information which we use to contact you, identify you and enter into a relationship with you and to manage that relationship);
- Special categories of personal data.** This mainly applies where we have been engaged as your health insurance provider (whether directly by yourself or where you have been named as a beneficiary under a policy procured by another person), and for which cases we will need to process health information relating to you, i.e. your health data, in order to be able to issue, administer and provide the requested health coverage to you.
- Due diligence information** (for example, information we receive in connection with our background and screening checks against fraud and anti-money laundering databases).

STANDARD PERSONAL INFORMATION

The data subcategories listed below pertain to ‘Standard Personal Data’:

- **Identity Data** includes your first name, maiden name (where applicable), surname, title, address, marital status, date of birth, age, gender, sex, nationality, identity card and/or passport number;
- **Contact Data** includes your residential address, email address and telephone and/or mobile number;
- **Coverage Data** includes, in respect of each policy which you hold with us, details about (i) the risks insured; (ii) the type of cover provided; (iii) the amount covered; (iv) the beneficiaries named or enrolled under that policy; (v) our quotation; (vi) your disclosures pursuant to that policy and (vii) your application made with us;
- **Dependency Data** includes identity data about your spouse or partner and other dependents;
- **Employment Data** includes your occupation and current and previous employment information, such

as your employer, place of work, type of work, salary, and any health and safety risks that are relevant to your work;

- **Financial Data** includes your bank account number and details and payment history with us;
- **Claims Data** includes both information relating to your claims history, no claims discount and payment history, and details about any claims which you make with us, including the date of that claim, amount of compensation requested, file and interview notes, your claim declaration, related correspondence, our decision and the reasons for our decision and (where applicable) details on any payouts made by us under that claim;
- **Marketing Data** includes your preferences in receiving marketing from us and our business partners and your communication preferences.
- **Usage Data**, includes information about how you use our products and services.

Furthermore, we also collect, use and share Aggregate Data, such as statistical or demographic data, for any purpose. Aggregate Data may be derived from your personal data but is not considered personal data at law as this data does not directly or indirectly reveal your identity. However, if we combine or connect Aggregate Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used and processed by us in accordance with this Notice.

SPECIAL CATEGORIES OF PERSONAL DATA

As mentioned earlier, we also collect and process health data about those customers or applicants who have engaged or requested to engage us as their health insurance provider, including Beneficiaries. We generally need to process this type of sensitive personal data (i.e. ‘**health data**’, as outlined below) as part of our business operations and requirements, including for underwriting and claims handling purposes and in order to be able to issue, administer and provide the health cover which is being requested from us.

More generally, we may also need to process special categories of personal data about our applicants and customers (i.e. not just those for whom we act as their health insurance provider) in order to satisfy our obligations at law and/or for reasons of substantial public interest, such as to prevent insurance fraud.

This will primarily involve the following:

- i. **Health Data:** this applies where you have engaged or requested to engage us as your health insurance provider and comprises information about your current and previous physical and mental health, including details of any physical and / or psychological health or medical conditions which you may be suffering from or may have suffered in the past. We will generally receive or extract such health-related data about you from:
 - applications which you have filled in and submitted to us;
 - any disclosures which you make in connection with an application or a policy;
 - your medical claims history;
 - any medical reports requested or submitted in connection with a claim which you have made;
 - notes and reports about your history and any treatment or care which you have received or need;
 - records of medical services which you have received; and/or
 - referrals provided from your existing or previous insurance provider.

It may also be recorded in any (i) quotes which we may have directly or indirectly issued to you and/or

(ii) communications exchanged with you in relation to claims, complaints or incidents.

We will only collect and process your Health Data in limited circumstances, namely **where necessary for an insurance or ‘business of insurance’ purpose**, such as, for example, to advise on, arrange, provide or manage a health insurance policy which you hold with us, or to verify, investigate and deal with a claim made under that policy in accordance with our applicable terms of business, or relating to rights and responsibilities arising under or in connection with that health policy or at law.

In these circumstances, our processing may be based on any or all of the following lawful bases:

- the provision of health / social care or treatment or management of health / social care systems and services;
- to protect the vital interests of the insured (e.g. emergencies);
- for the establishment, exercise or defence of legal claims (e.g. policy claims);
- other derogations introduced under applicable national law in terms of Article 9(4) of the GDPR, such the provisions and conditions of the Processing of Data Concerning Health for Insurance Purposes Regulations (Subsidiary Legislation 586.10 of the laws of Malta) (the “**Insurance Regulations (Malta)**”).

Otherwise, if we cannot rely on another lawful basis, we will limit our processing of your Health Data to where we’ve obtained your **explicit consent**. For instance, we may also ask you to authorise your healthcare provider to supply relevant supporting information, including (where relevant) health information about the family or personal history of each person to be insured under the requested policy.

- ii. **Due Diligence Data:** this applies to all of our applicants and customers in general. Through our background and screening checks on applicants and customers, we may receive information about criminal convictions and offences, both actual and alleged, such as for example pending charges (“**Criminal Records**”). We will only process such Criminal Records to the extent required or permitted by applicable law and/or on the basis of any applicable guidelines issued by a competent supervisory authority, including for the purpose of detecting, preventing or suppressing any possible, attempted or perpetrated insurance fraud.

IF YOU FAIL TO PROVIDE PERSONAL DATA

Where we need to collect personal data about you by law, or pursuant to our terms of business and/or service requirements, and you fail to provide that data when requested or object to its processing (such as in the case of Health Data for a health insurance policy), we may not be able to perform or conclude the insurance contract which we have or are trying to enter into with you and may no longer be able to provide you with our products or services. This also applies where you omit any information which we request in our application forms or fail to provide us with certain required disclosures. In certain instances, we may even need to exercise our prerogative to terminate our contract with you and withdraw the provision of our products and services to you.

We will however notify you if this is the case at that point in time.

5. HOW IS YOUR PERSONAL DATA COLLECTED?

The personal data that we process about you, as listed above, is collected and generated from a variety of sources, in accordance with applicable laws and regulations, as follows:

- i. **through your interactions with us**, including by phone (**we may record or monitor phone calls** in order to ensure that we are abiding by legal rules and industry codes of practice and for quality assurance purposes), by email, through our website, by filling in and submitting applications or during face-to-face meetings. This includes personal data which you provide when you:
 - request a quotation or apply to procure a policy from us;
 - request or receive any of our products or services;
 - contact us with complaints or queries;
 - report issues;
 - lodge or submit any claims;
 - request marketing to be sent to you;
 - participate in a survey; and/or
 - provide us with feedback,
- ii. **through the submission of forms and documents**, such as when you provide us with or include your personal data in any applications, declarations, claims, complaints, forms, questionnaires or other documents which you make or submit to us (including any customer disclosures);
- iii. **in the course of managing and administering our relationship with you**. This might include your claims or cover history, and records of our interactions with you (including any correspondence exchanged with us).

We also collect information from third party sources, including other people and organisations, such as:

- the main member, if you are a dependent under a family insurance policy;
- your employer, if you are covered by a group insurance plan sponsored or taken out by your employer;
- insurance brokers and other agents involved in the application, arrangement or procurement of your policy;
- any family member or other individual acting on your behalf;
- any healthcare professionals, clinicians, healthcare providers, hospitals or clinics for those cases where we have been engaged, or requested to act, as your health insurance provider;
- other third parties we work with, such as agents working on our behalf, other insurers and reinsurers,
- any business partners or service providers who work with us in relation to your policy, product or service, particularly where we do not provide it to you directly;
- other third parties whom we work with in connection with your policy and/or claims, including actuaries, auditors, legal advisors, translators and interpreters, tax advisors, regulators, data protection supervisory authorities, healthcare professional, other healthcare providers and medical assistance providers;
- debt collection and credit reference agencies and fraud detection agencies;
- publicly available sources, such as the electoral register.

6. HOW WE USE YOUR PERSONAL DATA

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely upon to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data pursuant to more than one lawful ground or basis, depending on the specific purpose for which we are using your data.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
<p>(a) To review and decide on your application; and</p> <p>(b) To enter into a customer relationship with you; and</p> <p>(c) To fulfil our contract with you and execute and implement your insurance cover, <i>i.e.</i> to provide you/your dependents / beneficiaries with the products or services requested from us;</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Coverage;</p> <p>(d) Dependency;</p> <p>(e) Employment;</p> <p>(f) Financial;</p> <p>(g) Claims;</p> <p>(h) Due Diligence; and</p> <p>(i) Health (for health insurance policies).</p>	<p>(a) Performance of a contract with you;</p> <p>(b) Necessary to comply with a legal obligation;</p> <p>(c) Necessary for our legitimate interests:</p> <ul style="list-style-type: none"> • to determine whether we want to enter into a relationship with you, • to determine whether we can take you on as a customer, • to verify your ability to meet financial commitments; • to assess whether the insurance coverage being requested can be granted; <p>(d) Processing is necessary for reasons of substantial public interest (detection, prevention and suppression of fraud); and</p> <p>(e) in the case of Health Data, based on:</p> <ul style="list-style-type: none"> • reliance on a derogation under applicable national law, such as the satisfaction of the conditions set out Regulation 4 of the Insurance Regulations (Malta); • it being necessary to establish, exercise or defend legal claims (for example, claims made against us under a policy); • in the case of an emergency, to protect your vital interest; • the provision of health / social care or treatment or management of health / social care systems and services; or • failing any of the above, your explicit consent.
<p>Due diligence processes:</p>	<p>(a) Identity;</p>	<p>(a) Necessary to comply with a legal</p>

<p>(a) To fulfil any due diligence and KYC internal compliance policies and requirements which we have; and</p> <p>(c) To conduct background and screening checks (including anti-fraud checks).</p>	<p>(b) Contact;</p> <p>(c) Employment;</p> <p>(d) Financial;</p> <p>(e) Claims; and</p> <p>(f) Due Diligence.</p>	<p>obligation;</p> <p>(b) Necessary for our legitimate interests to verify the identity of applicants and to protect against fraud (to the extent that a legal obligation does not apply to us);</p> <p>(c) Processing is necessary for reasons of substantial public interest (detection, prevention and suppression of fraud, including insurance fraud).</p>
<p>Insurance contract administration, including:</p> <p>(a) quotation;</p> <p>(b) underwriting;</p> <p>(c) policy administration;</p> <p>(d) claims handling;</p> <p>(e) direct claims settlement</p> <p>(e) renewals;</p> <p>(f) premium adjustments;</p> <p>(g) payouts;</p> <p>(h) manage premiums, payments and fees; and</p> <p>(i) claims file administration;</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Coverage;</p> <p>(d) Dependency;</p> <p>(e) Employment;</p> <p>(f) Financial;</p> <p>(g) Claims; and</p> <p>(h) Health (for health insurance policies).</p>	<p>(a) Performance of a contract with you;</p> <p>(b) Necessary to comply with a legal obligation;</p> <p>(c) Necessary for our legitimate interests:</p> <ul style="list-style-type: none"> • to make sure that claims are handled efficiently and to investigate complaints, • to make sure that the information used to handle your claim or complaint is accurate; • to collect insurance premiums; • identify and limit outstanding payments due; <p>(d) in the case of Health Data, based on:</p> <ul style="list-style-type: none"> • reliance on a derogation under applicable national law, such as the satisfaction of the conditions set out Regulation 4 of the Insurance Regulations (Malta); • it being necessary to establish, exercise or defend legal claims (for example, claims made against us under a policy); • in the case of an emergency, to protect your vital interest; • the provision of health / social care or treatment or management of health / social care systems and services; or • failing any of the above, your explicit

		consent.
<p>(a) For legal, tax and accounting purposes (e.g. reporting to tax & regulatory authorities, and accounting record requirements);</p> <p>(b) To collect and recover debts owed to us (debt recovery); and</p> <p>(c) For internal record keeping requirements.</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Coverage;</p> <p>(d) Dependency;</p> <p>(f) Financial; and</p> <p>(g) Claims.</p>	<p>(a) Performance of a contract with you.</p> <p>(b) Necessary to comply with a legal obligation (namely, accounting and other record-keeping requirements).</p> <p>(c) Necessary for our legitimate interests (to enforce our rights and recover debts due to us).</p>
<p>Relationship management.</p> <p>(a) To enable us to manage our relationship with you in an efficient and effective manner;</p> <p>(b) To keep our records up to date, including in relation to your policy, renewals and claims;</p> <p>(c) To ensure that you have received a product or service which you are covered for;</p> <p>(d) To maintain records of our products and services provided to you and our interactions with you;</p> <p>(e) To perform material control and ensure that you have been provided with the best possible treatment or service</p> <p>(f) To respond to any queries or complaints we may receive from you and to seek to</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Coverage;</p> <p>(d) Dependency;</p> <p>(e) Employment;</p> <p>(f) Financial;</p> <p>(g) Claims;</p> <p>(h) Due Diligence; and</p> <p>(i) Health (for health insurance policies).</p>	<p>(a) Performance of a contract with you;</p> <p>(b) Necessary to comply with a legal obligation;</p> <p>(c) in the case of Health Data, based on:</p> <ul style="list-style-type: none"> • reliance on a derogation under applicable national law, such as the satisfaction of the conditions set out Regulation 4 of the Insurance Regulations (Malta); • it being necessary to establish, exercise or defend legal claims (for example, claims made against us under a policy); • in the case of an emergency, to protect your vital interest; • the provision of health / social care or treatment or management of health / social care systems and services; or • failing any of the above, your explicit

<p>resolve these;</p> <p>(g) To notify you of any changes to our terms or policies.</p>		<p>consent.</p>
<p>(a) To detect, prevent, suppress and/or report fraudulent activity and/or any other criminal activity.</p> <p>(b) To assist and cooperate in any investigations against you, as may be required of us, (including any investigations being carried out against you by other insurers);</p> <p>(c) Risk Management: to conduct our audit, compliance controls and other risk management functions.</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Coverage;</p> <p>(d) Dependency;</p> <p>(e) Employment;</p> <p>(f) Financial;</p> <p>(g) Claims;</p> <p>(h) Due Diligence; and</p> <p>(i) Health (for health insurance policies).</p>	<p>(a) Performance of a contract with you;</p> <p>(b) Necessary to comply with a legal obligation;</p> <p>(c) Necessary for our legitimate interests:</p> <ul style="list-style-type: none"> • analyse data for risk management (including the control of health care expenditures); • maintain an internal registration to help combat fraud and comply with legal obligations; <p>(c) in the case of Health Data, based on:</p> <ul style="list-style-type: none"> • reliance on a derogation under applicable national law, such as the satisfaction of the conditions set out Regulation 4 of the Insurance Regulations (Malta); • it being necessary to establish, exercise or defend legal claims (for example, claims made against us under a policy); • in the case of an emergency, to protect your vital interest; • the provision of health / social care or treatment or management of health / social care systems and services; or • failing any of the above, your explicit consent.
<p>Marketing</p> <p>(a) To deliver advertisements to you and measure or understand the effectiveness of the advertising which we serve to</p>	<p>(a) Identity;</p> <p>(b) Contact</p> <p>(c) Coverage;</p> <p>(d) Marketing; and</p>	<p>(a) Necessary for our legitimate interests:</p> <ul style="list-style-type: none"> • to study and evaluate how customers use our products and/or services; • to develop them;

<p>you;</p> <p>(b) To develop and carry out marketing activities;</p> <p>(c) For statistical research and analysis so that we can monitor and improve our products and services, or develop new ones;</p> <p>(d) To use data analytics to improve our products, services, marketing, and customer relationships.</p>	<p>(e) Usage.</p>	<ul style="list-style-type: none"> • to grow our business; • to inform our marketing strategy; • research the quality of coverage provided;
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Please contact us at ranier.buhagiar@eucareinsurance.com if you need further details, or even if you simply wish to enquire about the specific lawful basis we are relying on to process your personal data where more than one lawful basis has been set out in the table below.

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose, or we are obliged to process your data by applicable laws or court or regulatory orders.

If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us at ranier.buhagiar@eucareinsurance.com.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal data without the need to obtain your consent, in compliance with the above rules, where this is required or permitted by law.

7. MARKETING

You may **receive marketing communications from us** (which may consist of newsletters, industry updates, mailshots, publications, promotional materials and/or information about our events) where:

- you provide your consent to receiving such marketing communications; or
- you have an ongoing customer relationship with us;

AND

- provided you have not unsubscribed to receiving marketing from us (see **your right to object** below).

THIRD-PARTY MARKETING

We will get your express opt-in consent before we share your personal data with any third parties (including any associated or affiliated entities) for marketing purposes.

OPTING OUT

You can ask us to stop sending such advertising and marketing communications at any time by:

- following the **opt-out** or **unsubscribe** links on any marketing message sent to you;
- contacting us at any time at ranier.buhagiar@eucareinsurance.com.

Where you opt out of receiving such communications, this will not apply to personal data processed or provided to us as a result of your entry into a customer relationship with us or the provision of our products or services to you.

8. DISCLOSURES OF YOUR PERSONAL DATA

We will ensure that your personal data is processed in a manner that is compatible with the purposes indicated above at **Section 6**. For these stated purposes, we may have to disclose or share your personal data, including your submitted forms, with the parties set out below, each of whom operate as joint or independent controllers.

- **our appointed intermediaries**, whom we have appointed to act as our agent and to sell our products and services on our behalf. We generally also outsource claims handling to our appointed intermediaries.
- **our reinsurers**, whom we have appointed to reinsure and mitigate our risks;
- **your insurance broker**;
- **the policyholder or your broker** if you are a member or a beneficiary under a policy taken out by that holder;
- **your employer (or their broker)** for coverage, premium or renewal administration purposes if you are a member or beneficiary under an insurance scheme or plan taken out by your employer;
- **healthcare professionals, healthcare providers and clinicians** used to assess or support your application for a health insurance policy with us or any claims which you make under a policy;
- **Employers or representatives**: if you receive a discount on your premium because you are part of a collective insurance, we use your personal data to periodically check with your employer or representative to see whether you are still entitled to this discount;
- **Suppliers** that we engage to receive and process claims on our or your behalf;
- **Our professional advisors** (such as our auditors, actuaries, accountants, insurance managers, financial advisers and legal counsel);
- **Other organisations** where exchange of information is necessary for the purpose of fraud protection or credit risk reduction (including with other insurers);
- **debt recovery agencies** who assist us with the recovery of debts owed to us;
- **To regulators, government bodies and tax authorities**, when required by applicable laws;
- **To any relevant party, claimant, law enforcement agency or court**, to the extent necessary for the establishment, exercise or defence of legal claims in accordance with applicable law and regulation; and
- **To any relevant party** for the purposes of prevention, investigation, detection or prosecution of criminal offences in accordance with applicable law and regulation; and

- **Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets** (successors in title). Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, the new owners may use your personal data in the same way as set out in this Notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law.

As indicated, we may also disclose your data if we are under a duty to disclose or share your personal data to comply with any legal obligation, judgment or under an order from a court, tribunal or authority. We may also transfer your personal data when we are required to do so by any judicial body, court order or order issued by a police authority.

We may also disclose your data to enforce our contractual terms with you or your entity, or to protect our rights, property or safety, that of our partners or other applicants or investors. This includes exchanging information with other companies and organisations for the purposes of fraud protection.

9. *INTERNATIONAL TRANSFERS*

As we deal with many international organisations and use global information systems in connection with our business, we may need to from time to time transfer your personal data to outside the European Economic Area (“EEA”) (*i.e.* the EU Member States plus Norway, Liechtenstein and Iceland). We will only do so to the extent necessary for the purposes stated in this Notice, including to: (i) provide our products or services to you; (ii) fulfil our contractual obligations to you or exercise our contractual obligations against you; (iii) comply with our legal or regulatory obligations or (iv) assert, exercise or defend a legal claim.

Where we do need to transfer your personal data outside the EEA (whether for these purposes or any other purpose listed in **Section 6**), we will ensure a similar degree of protection is afforded to that personal data by ensuring at least one of the following safeguards applies or is otherwise implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- In the absence of an adequacy decision, we will use standard contractual clauses that have been approved by the European Commission.
- Where we use providers based in the U.S., we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US.

Please contact our **DPO** at ranier.buhagiar@eucareinsurance.com if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

10. *DATA SECURITY*

We have 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 (**safeguard its integrity and confidentiality**). We also regularly review and, where practicable, improve upon these security measures. We limit access to your personal data to those employees who ‘need-to-know’ such information, as based on their respective work duties with us.

Additionally, we have 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 we are legally required to do so.

11. *DATA RETENTION*

How long will you use my personal data for?

Please note that we consider our relationship with customers to be an ongoing and continuous relationship, until terminated by either party.

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

We will only retain your personal data for as long as necessary to fulfil the purposes for which we collected it, *i.e.* the performance our contract with you and the ongoing provision of your insurance cover, and **thereafter**:

- to satisfy any legal, accounting, tax or reporting obligations to which we may be subject;
- to the extent that we may also need to retain your personal data to be able to assert, exercise or defend possible legal claims against or otherwise involving you (including any claims connected with a policy).

In most cases, we will retain a customer's personal data (whether a policyholder, member or beneficiary) for a period of time which is equal to the duration of the policy and cover held with us, including any renewals thereof, and for a further period of *seven (7) years* from the date the policy expires or lapses, save for cases where a longer retention period is required for possible disputes or claims, ongoing or pending investigations, requests made by competent authorities or pursuant to applicable laws, including record-keeping requirements.

Kindly contact our DPO at ranier.buhagiar@eucareinsurance.com for further details about the retention periods that we apply.

Data Minimisation

Whenever and to the extent possible, we anonymise the data which we hold about you when it is no longer necessary to identify you from the data which we hold about you. In some circumstances, we may even anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

12. *YOUR LEGAL RIGHTS*

Under certain circumstances, data protection laws grant you certain rights in relation to your personal data.

- *Request access to your personal data.*
- *Request correction (**rectification**) of your personal data.*
- *Request erasure of your personal data.*
- *Object to processing of your personal data.*
- *Request restriction of processing your personal data.*
- *Request transfer of your personal data.*
- *Right to withdraw consent.*

If you wish to exercise any of the rights set out above, please contact our **DPO** at ranier.buhagiar@eucareinsurance.com.

KINDLY NOTE THAT NONE OF THESE DATA SUBJECT RIGHTS ARE ABSOLUTE, AND MUST GENERALLY BE WEIGHED AGAINST OUR OWN LEGAL OBLIGATIONS AND LEGITIMATE INTERESTS. IF A DECISION IS TAKEN TO OVERRIDE YOUR DATA SUBJECT REQUEST, YOU WILL BE INFORMED OF THIS BY OUR DPO ALONG WITH THE REASONS FOR OUR DECISION.

No fee is usually charged

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may simply refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us 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 or revealed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within a period of one month from the date of receiving your request. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

YOU HAVE THE RIGHT TO

i. *REQUEST ACCESS*

You have the right to **request access** to your personal data (commonly known as a “*data subject access request*”). This enables you to request information as to whether or not your personal data is being processed by us, and to also request a copy of the information that we hold about you (to check, for instance, that we are processing it lawfully).

You may send an email to ranier.buhagiar@eucareinsurance.com requesting information as the personal data which we process. Generally, you shall receive one copy free of charge via email of the personal data which is undergoing processing. Any further copies of the information processed will typically incur a charge of **€10.00**.

This right to access your personal data is without prejudice to the integrity and confidentiality of the personal data of other persons. You are only entitled to request access to personal data that **relates to you**.

ii. *RIGHT TO INFORMATION*

You have the **right to information** when collecting and processing personal data about you from publicly accessible or third party sources. When this takes place, we will inform you, within a reasonable and practicable timeframe, about the third party or publicly accessible source from whom we have collected your personal data.

iii. *REQUEST CORRECTION (RECTIFICATION)*

You have the right to **request correction or rectification** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected and/or updated, though we may need to verify the accuracy of the new data you provide to us. As mentioned, it is in your interest to keep us informed of any changes or updates to your personal data which may occur during the course of your business relationship with us.

iv. *REQUEST ERASURE*

You have the right to **request erasure** of your personal data.

This enables you to ask us to delete or remove personal information where:

- there is no good reason for us continuing to process it;
- you have successfully exercised your right to object to processing (see below);
- we may have processed your information unlawfully; or
- we are required to erase your personal data to comply with local law.

Note, however, that we 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. These may include instances where the retention of your personal data is necessary to:

- comply with a legal or regulatory obligation to which we are subject; or
- establish, exercise or defend a legal claim (including policy claims).

v. ***OBJECT TO PROCESSING***

You have the right to **object to processing** of your personal data where we are relying on a legitimate interest or those of a third party, and there is something about your particular situation that makes you want to object to that processing as you feel that it impacts on your fundamental rights and freedoms. Please refer to the table set out in **Section 6** to understand those situations where we rely on a legitimate interest in order to process your personal data.

In such cases, we will cease processing your personal data for the ‘objected purposes’, unless we can demonstrate compelling legitimate grounds for such processing which override your interests, rights and freedoms of the data subject, or for the establishment to exercise or defend legal claims.

You also have the right to object where we are processing your personal data for direct marketing purposes (as, for instance, described under the ‘**Marketing**’ in **Section 7** above).

vi. ***RESTRICTION OF PROCESSING***

You have the right to **request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- if you want us to establish the data's accuracy;
- where our use of the data is unlawful but you do not want us to erase it;
- where you need us to hold onto the data even if we no longer require it, as you need it to establish, exercise or defend legal claims; or
- where you have objected to our use of your personal data, but we need to verify whether we have overriding legitimate grounds to use it.

vii. ***DATA PORTABILITY***

You have the right to **request the transfer (data portability)** of your personal data to you or to a third party. We 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.

viii. WITHDRAWAL OF CONSENT

You may **withdraw your consent at any time** where we are relying on consent to process your personal data. This will **not** however affect the lawfulness of any processing which we carried out before you withdrew your consent. Any processing activities that are not based on your consent will remain unaffected.

Once we have been made aware that you have withdrawn your consent, we will no longer process your personal data for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

ix. PROFILING AND AUTOMATED DECISION-MAKING

By law, we are required to inform you if you are the subject of any of the following activities:

- **profiling:** which means automated processing of your personal information to help us evaluate certain matters about you, such as your preferences in relation to our products and services; and
- **automated decision-making (ADM):** which means taking a decision about an individual on the basis of technological means and without any human involvement.

This is because you have certain rights relating to both ADM and profiling. You have the right to object to profiling relating to direct marketing (see your '**right to object to processing**', as described above in this Notice). If you do this, we will no longer carry out profiling for direct marketing purposes.

In the case of ADM, you have the right not to be subject to a decision based **solely** on automated processing, which produces legal effects concerning you or otherwise significantly affects you, unless it is:

- necessary for entering into, or the performance of, a contract between you and us;
- authorised by EU or Member State law and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
- based on your explicit consent.

In that regard, we utilise the following processes, both of which involve ADM and profiling to a certain degree:

- depending on the type of product or service you wish to procure from us and to help us to decide what level and extent of cover we can offer you, we will ask you to provide information about your medical history. We may use software to review this information to determine whether you have any previous or existing health conditions for which we are unable to cover you and which will be excluded from your policy;
- we may also use software to help us calculate the price of our products and services based on what we know about you and other customers. For example, our technology may analyse information about your claims history and compare it with the information we hold about previous claims to evaluate how likely you are to need to make a claim during the period of your policy;
- when your policy is due for renewal, we may also use software to evaluate your payment and claims history to help determine and establish what premium adjustments we may need or wish to make; and

- we may use information about the products and services you have purchased or used, and information about what other customers who have purchased or use the same products and/or services, to make sure we send you information about the products you are most likely to be interested in.

In all cases, we will not take any decision about you or any of the policies which you hold with us (including any renewals) without some prior human involvement.

13. CHANGES TO THIS NOTICE

This Notice may be updated from time to time, including to reflect any business developments or any legal or regulatory developments which take place or affect our business or industry sector.

Changes, revisions and amendments to this Notice will be duly notified to you.

The latest version of the Notice is available at https://eucare.nl/wp-content/uploads/2019/07/CUSTOMER-PRIVACY-NOTICE_EUCARE.pdf and is also available upon request from our DPO.

If you have any questions regarding this Notice, or if you would like to send us your comments, please contact us today or alternatively write to us using the **Contact Details** indicated in this Notice or on our website.