

## DATA PRIVACY NOTICE

### WHO WE ARE

Your privacy is very important to us. This privacy notice (“Privacy Notice”) is provided by Berkshire Hathaway International Insurance Limited (“BHIL”). References to “**we**”, “**our**” and “**us**” in this Privacy Notice are references to BHIL. References to “**you**” or “**your**” refers to the individual whose personal data is being processed by BHIL (**you** may be the insured, beneficiary, claimant or other person involved in a claim or relevant to the insurance policy).

**We** are a controller of **your** personal data under applicable data protection laws including from May 25<sup>th</sup> 2018 the General Data Protection Regulation (“GDPR”). **We**, as a controller determine why and how we collect and process **your** personal data.

### WHAT IS THE PURPOSE OF THIS PRIVACY NOTICE

In order to provide certain insurance products and services, BHIL may collect information about **you** which constitutes personal data under the GDPR. This Privacy Notice explains how **we** collect, use, share and protect **your** personal data. Please read this Privacy Notice carefully to understand what **we** do with **your** personal data.

We may change this Privacy Notice from time to time and if we make any material changes then we will make the updated Privacy Notice available on our website at [www.bhil.com](http://www.bhil.com) and also by other means

#### 1. PERSONAL DATA WE MAY COLLECT ABOUT YOU.

In order for us to provide insurance quotes, insurance policies, and/or deal with any claims or complaints, we need to collect and process personal data about **you**. The types of personal data that are processed may include:

| Types of Personal Data      | Details  |
|-----------------------------|--|
| Individual details:         | Name, address (including proof of address), other contact details (e.g. email and telephone numbers), gender, marital status, date and place of birth, nationality, employer, job title and employment history, academic and professional information, family details, including their relationship to <b>you</b> .          |
| Identification details:     | Identification numbers issued by government bodies or agencies, including <b>your</b> national insurance number or , passport number, tax identification number and driving licence number   |
| Financial information:      | Bank account or payment card details, income or other financial information  |
| Risk details:               | Information about <b>you</b> which <b>we</b> need to collect in order to assess the risk to be insured and provide a quote. This may include data relating to your health, criminal convictions, or other <b>special categories of personal data</b> . For certain types of policy, this could also include telematics data. |
| Policy information:         | Information about the quotes you receive and policies you take out   |
| Credit and Anti-Fraud Data: | Credit history, credit score, sanctions and criminal offences,   |

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|   | and information received from various anti-fraud databases relating to <b>you</b>   |
| Previous and current claims:                | Information about previous and current claims, (including other unrelated insurances), which may include data relating to <b>your</b> health, criminal convictions, or other <b>special categories of personal data</b> and in some cases, surveillance reports   |
| <b>Special categories of personal data:</b> | Certain categories of personal data which have additional protection under the GDPR. The categories are health, criminal convictions, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric, or data concerning sex life or sexual orientation |

## 2. WHERE WE MIGHT COLLECT YOUR PERSONAL DATA FROM

We might collect your personal data from various sources, including:

- **you**;
- **your** family members, employer or representative;
- other insurance market participants;
- credit reference agencies;
- anti-fraud databases, sanctions lists, court judgements and other databases;
- government agencies such as the DVLA and HMRC;
- open electoral register; or
- in the event of a claim, third parties including the other party to the claim (claimant / defendant), witnesses, experts (including medical experts), loss adjustors, solicitors, and claims handlers

Which of the above sources apply will depend on **your** particular circumstances.

## 3. WHO HAS ACCESS TO YOUR PERSONAL DATA?

The insurance life-cycle may involve the sharing of **your** personal information between insurance market participants (an intermediary, insurer, reinsurer), some of which **you** will not have direct contact with. In addition, **your** personal data may not have been collected directly by **us**.

**You** can find out the identity of the initial data controller of **your** personal data within the insurance market life-cycle in the following ways:

- Where you took out the insurance policy yourself: the insurer and, if purchased through an intermediary, the intermediary will be the initial data controller and their data protection contact can advise you on the identities of other insurance market participants that they have passed **your** personal data to.
- Where your employer or another organisation took out the policy for your benefit: **you** should contact **your** employer or the organisation that took out the policy who should provide you with details of the insurer or intermediary that they provided **your** personal data to and **you** should contact their data protection contact who can advise **you** on the identities of other insurance market participants that they have passed **your** personal data to
- Where you are not a policyholder or an insured: you should contact the organisation that collected **your** personal data who should provide **you** with details of the relevant insurance market participant's data protection contact.

#### 4. THE PURPOSES, CATEGORIES AND LEGAL GROUNDS FOR OUR PROCESSING OF YOUR PERSONAL DATA.

Data protection law says that **we** are only allowed to use personal information if **we** have a proper reason for doing so. This includes when **we** share it outside BHIL. Data protection law says **we** must have one or more of the following reasons:

- **To fulfil a contract we have with you**
- **When it is our legal duty**
- **When it is in our legitimate interest**
- **When you consent to it**

When **we** have a commercial or other business interest reason of **our** own to use **your** personal information this is called a “legitimate interest”. **We** will tell **you** what that is if **we** rely on it as a means to process your data.

**We** will not collect and use **special categories of personal data** information without **your** consent unless the law allows **us** to do so. If **we** do it will only be for the following reasons:

- When it is necessary for reasons of substantial public interest, or
- To establish, exercise or defend legal claims

**We** set out below the purposes and legal basis for which **we** may process **your** personal data during the lifecycle of providing insurance products and services to **you**.

| Purpose  | Categories of Data  | Our Reasons  |
|--|---|--|
| <b>Quotation /Policy Inception</b>   |   |  |
| <ul style="list-style-type: none"> <li>▪ Setting you up as a client including possible fraud, sanctions and anti-money laundering checks</li> <li>▪ Evaluating the risks to covered and matching to appropriate policy /premium</li> <li>▪ Payment of premium where the insured/policyholder is an individual</li> </ul> | <ul style="list-style-type: none"> <li>▪ Individual details</li> <li>▪ Identification details</li> <li>▪ Financial Information</li> <li>▪ Policy Information</li> <li>▪ Risk details</li> <li>▪ Previous claims</li> <li>▪ Credit and anti-fraud data</li> </ul>          | <ul style="list-style-type: none"> <li>▪ Performance of our contract with you</li> <li>▪ Compliance with a legal obligation</li> <li>▪ Legitimate interests               <ul style="list-style-type: none"> <li>- Ensure client is within our acceptable risk profile</li> <li>- To ensure appropriate product and premium</li> </ul> </li> </ul>   |
| <b>Policy Administration</b>   |   |  |
| <ul style="list-style-type: none"> <li>▪ Client care and including communication with you and sending updates</li> <li>▪ Payments to and from individuals</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Individual details</li> <li>▪ Policy information</li> <li>▪ Risk details</li> <li>▪ Previous claims</li> <li>▪ Current claims</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Perform contract</li> <li>▪ Legitimate interests               <ul style="list-style-type: none"> <li>- To correspond with clients, beneficiaries and claimants in order to facilitate the placing of the policy and the handling of claims</li> </ul> </li> <li>▪ Substantial Public Interest</li> <li>▪ Consent</li> </ul>                                    |
| <b>Claims Processing</b>   |   |  |
| <ul style="list-style-type: none"> <li>▪ Managing insurance and reinsurance claims</li> <li>▪ Defending or prosecuting legal claims</li> <li>▪ Investigating or prosecuting fraud</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Individual details</li> <li>▪ Policy information</li> <li>▪ Risk details</li> <li>▪ Previous claims</li> <li>▪ Current claims</li> <li>▪ Health data</li> <li>▪ Criminal records data</li> <li>▪ Other sensitive data</li> </ul> | <ul style="list-style-type: none"> <li>▪ Perform contract</li> <li>▪ Legitimate interests               <ul style="list-style-type: none"> <li>- To assess the veracity and quantum of claims</li> <li>- Defend and make claims</li> <li>- To assist with the prevention and detection of fraud</li> </ul> </li> <li>▪ Consent</li> <li>▪ Legal claims</li> <li>▪ Substantial public interest</li> </ul> |

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**Renewals**

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| <ul style="list-style-type: none"> <li>▪ Contacting the insured/policyholder to renew the insurance policy</li> <li>▪ Evaluating the risks to be covered and matching to appropriate policy/premium</li> <li>▪ Payment of premium where the insured /policyholder is an individual</li> </ul> | <ul style="list-style-type: none"> <li>▪ Individual details</li> <li>▪ Policy information</li> <li>▪ Risk details</li> <li>▪ Previous claims</li> <li>▪ Current claims</li> </ul> | <ul style="list-style-type: none"> <li>▪ Perform contract</li> <li>▪ Legitimate interests               <ul style="list-style-type: none"> <li>- To correspond with clients in order to facilitate the placing of the policy</li> </ul> </li> <li>▪ Consent</li> <li>▪ Substantial Public Interest</li> </ul> |
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**Throughout the insurance lifecycle**

- |   |  |   |
|---|--|---|
| <ul style="list-style-type: none"> <li>▪ Complying with our legal and regulatory obligations</li> <li>▪ Pricing and risk modelling</li> <li>▪ Handling complaints</li> <li>▪ Transferring books of business, company sales and reorganisations</li> </ul> | <ul style="list-style-type: none"> <li>▪ Individual details</li> <li>▪ Policy information</li> <li>▪ Identification details</li> <li>▪ Current claims</li> <li>▪ Previous claims</li> <li>▪ Financial Information</li> <li>▪ Risk details</li> </ul> | <ul style="list-style-type: none"> <li>▪ Legal Obligation</li> <li>▪ Consent</li> <li>▪ Substantial Public Interest</li> <li>▪ Legitimate Interests               <ul style="list-style-type: none"> <li>- To structure our business appropriately</li> <li>- To build risk models that allow the acceptance of risk at appropriate premiums</li> </ul> </li> </ul> |
|---|--|---|
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**5. WHO WE MAY SHARE YOUR PERSONAL DATA WITH**

In order to undertake the activities listed above it may be necessary to share **your** data with third parties. Who **we** share this data with may depend on the insurance products and services we provide to **you** but may include:

- Other insurers that co-insure your policy
- Reinsurance intermediaries
- Reinsurance Companies
- Loss adjusters, solicitors and claims management companies
- Anti-Fraud agencies and private investigators
- Government departments and databases
- Outsourced service providers
- Regulators
- Our European subsidiary Berkshire Hathaway European Insurance DAC for policy renewal and claim administration purposes.
- Our Group affiliate service companies Resolute Management Limited and Resolute Management Services Limited.

**We** may also share **your** personal data with certain BHIL affiliates within the Berkshire Hathaway Group who are located in the United States who provide administration and consulting services to BHIL in relation to the insurance products and services we provide to **you**. Any such transfers are made under agreements using European Union approved model data transfer clauses which obligate the recipient to protect **your** personal data.

**6. CONSENT**

In order to provide insurance cover and deal with insurance claims in certain circumstances **we** may need to process **your special categories of personal data**, such as medical and criminal convictions records, as set out against the relevant purpose.

**Your** consent to this processing may be necessary for BHIL to achieve this.

**You** may withdraw **your** consent to such processing at any time. However, if **you** withdraw **your** consent this will impact **our** ability to provide insurance or pay claims.

## 7. PROFILING

When calculating insurance premiums insurance market participants may compare your personal data against industry averages. **Your** personal data may also be used to create the industry averages going forward. This is known as profiling and is used to ensure premiums reflect risk.

Profiling may also be used by **us** to assess information you provide to understand fraud patterns. Where **special categories of personal data** are relevant, such as past motoring convictions for motor insurance, **your special categories of personal data** may also be used for profiling.

## 8. RETENTION OF YOUR PERSONAL DATA

**We** will keep **your** personal data only for so long as is necessary and for the purpose for which it was originally collected. In particular, for so long as there is any possibility that either **you** or **we** may wish to bring a legal claim under the insurance policy or where **we** are required to keep **your** personal data due to legal or regulatory reasons.

## 9. INTERNATIONAL TRANSFERS

**We** may need to transfer **your** data to insurance market participants or their affiliates or sub-contractors and BHIL group affiliates which are located outside of the European Economic Area (EEA) where data privacy laws may not be the same as they are in the EEA. Those transfers would always be made in compliance with the GDPR.

**If you would like further details of how your personal data would be protected if transferred outside the EEA, please contact the BHIL Data Protection Officer**

## 10. YOUR RIGHTS

If you have any questions in relation to **our** use of **your** personal data, **you** should first contact the Data Protection Officer at BHIL by post or email using the following details:

Data Protection Officer  
Berkshire Hathaway International Insurance Limited  
4<sup>th</sup> Floor, 8 Fenchurch Place  
London EC3M 4AJ  
Email: [DPO@Bhiil.com](mailto:DPO@Bhiil.com)

Under certain conditions, **you** may have the right to require **us** to:

- provide **you** with further details on the use **we** make of **your** personal data/special categories of data;
- provide **you** with a copy of the personal data that **you** have provided to **us**;
- update any inaccuracies in the personal data **we** hold;
- delete any special category of data/personal data that **we** no longer have a lawful ground to use;
- where processing is based on consent, to withdraw **your** consent so that **we** stop that particular processing;

- object to any processing based on the legitimate interests ground unless **our** reasons for undertaking that processing outweigh any prejudice to **your** data protection rights; and
- restrict how **we** use **your** personal data whilst a complaint is being investigated.

In certain circumstances, we may need to restrict the above rights in order to safeguard the public interest (e.g. the prevention or detection of crime) and our interests (e.g. the maintenance of legal privilege).

## 11. YOUR RIGHT TO COMPLAIN TO THE INFORMATION COMMISSIONERS OFFICE (“ICO”)

If you are not satisfied with **our** use of **your** personal data or **our** response to any request by **you** to exercise any of **your** rights in SECTION 10, or if **you** think that **we** have breached the GDPR, then **you** have the right to complain to the ICO. Please see below for contact details of the ICO.

### England

Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113 (local rate) or  
Tel: 01625 545 745 (national rate)  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

### Scotland

Information Commissioner's Office  
45 Melville Street  
Edinburgh  
EH3 7HL

Tel: 0131 244 9001  
Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)

### Wales

Information Commissioner's Office  
2nd floor Churchill House  
Churchill way  
Cardiff  
CF10 2HH

Tel: 029 2067 8400  
Email: [wales@ico.org.uk](mailto:wales@ico.org.uk)

### Northern Ireland

Information Commissioner's Office  
3rd Floor, 14 Cromac Place  
Belfast  
BT7 2JB

Tel: 0303 123 1114 (Local rate)  
Tel: 028 9027 8757 (national rate)  
Email: [ni@ico.org.uk](mailto:ni@ico.org.uk)