

Highdome PCC Limited

Privacy Notice

This Privacy Notice is dated 1st September 2019.

1. Introduction

Highdome PCC Limited (C 54503) of Alfred Craig Street, Ta' Xbiex, XBX 1111, Malta (the “**Company**”; “**Highdome**”; “**we**”, “**us**” or “**our**”), and its affiliated and associated entities, respect your privacy and are wholly committed to protecting your personal data.

Highdome is duly recognised by the Malta Financial Services Authority (“**MFSA**”) as a protected cell company (PCC) licensed to write insurance and reinsurance business under the *Insurance Business Act* (Chapter 403 of the Laws of Malta) (the “**Act**”) and the *Companies Act (Cell Companies Carrying on Business of Insurance) Regulations* (S.L. 386. 10 of the Laws of Malta) (the “**Regulations**”). Highdome currently manages a number of distinct ‘cells’ (as defined under Article 2 of the Regulations) through which it conducts insurance business in accordance with the Act and the Regulations.

This Privacy Notice (the “**Notice**”) explains how Highdome processes personal data in the course of its operations, namely, when processing personal data for the purposes of compiling its premium and claims reports (bordereau), maintaining its risk register and honouring the claims brought under its issued insurance policies.

In this Notice, “you” is used to refer to any of the individuals whose personal data is being processed for the aforementioned aims.

2. Controller

When processing personal data for the above mentioned aims, we are the 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**”) and the General Data Protection Regulation (Regulation (EU) 2016/679) (the “**Regulation**” or the “**GDPR**”).

This Notice aims to ensure that you are fully informed as to the manner in which Highdome collects and processes your personal data, namely (i) the items of personal data which we will collect about you, (ii) how we handle such items of personal data once collected, (iii) our obligations in terms of the responsible processing of your personal data, (iv) your data protection rights as a data subject and (v) 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 the other notices and is not intended to override them.

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

Contact details

Full name of legal entity: Highdome PCC Limited (C 54503)

Email address: dpo@highdomepcc.com

Postal address: Alfred Craig Street, Ta' Xbiex, XBX 1111, Malta

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

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 collect and process personal data.
- “**data controller**” or “**controller**” means any entity or individual who determines the purposes for which, and the manner in which, any personal data is processed.
- “**data processor**” or “**processor**” means any entity or individual that processes data on our behalf and on our instructions (we being the 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 applicants and investors with the best possible service. We make sure we 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: dpo@highdomepcc.com.
- “**performance of a contract**” means processing your personal data where it is necessary for the performance of a contract to which you or your respective entity (in case of institutional investors) are a party, or to take steps at your request before entering into such a contract.
- “**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 the data, or carrying out any operation or set of operations on the 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 institutional investors). 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. Consequently, the collection, use and processing of information which strictly relates to a legal person does not give rise to ‘controller obligations’ at law. We will still naturally treat any and all such information in a confidential manner, in accordance with our standard applicant and investor 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 person can be identified. It does not include data where the identity has been removed (**anonymous data**). We may collect, use, store and disclose different kinds of personal data about you which we have grouped together as follows:

- **Identity Data:** includes your name, surname, address, data of birth, gender, identity card number, passport number, tax registration number, social security number and insurance contract reference number.
- **Contact Data:** includes your personal and business contact details (both electronic and mailing), *e.g.* work and residential address, phone number and e-mail.
- **Financial Data:** includes your bank details i.e. account details, IBAN number and BIC Code.
- **Transaction Data:** includes information relating to the transactions performed with/through us.

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 in 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 in accordance with this Notice.

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 you fail to provide that data when requested, we may not be able to (i) honour our agreement with you, or (ii) continue the business relationship (if already commenced).

We will duly inform and notify you if this is the case at the time.

Sensitive Personal Data

Although we do not seek to collect or otherwise process your sensitive personal data, there may be occasions where we may need to process it, namely where:

- the processing is necessary for the detection or prevention of crime (including the prevention of fraud) to the extent permitted by applicable law or regulation;
- the processing is necessary for the establishment, exercise or defence of legal rights.

We will only process information about your criminal convictions and offences (actual or alleged) to the extent required or permitted by applicable law.

5. How is Your Personal Data Collected?

The personal data that we process about you, as listed above, is collected in accordance with applicable laws and regulations, primarily when you, either directly or via our insurance intermediaries, submit your personal details to us upon issuance of the particular insurance product.

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	Retention periods and lawful bases for retention
<p>Administration of insurance business</p> <ul style="list-style-type: none"> - To enable us to collect and manage the premia relating to the insurance policies issued; - To enable us to honour any claims made under the insurance policies issued; - To enable us to maintain a risk register in accordance with prevailing best practice in the field, and this in order to allow us to assess the levels of risk underlying the particular type of insurance product being provided. - To enable us to process personal data where this is necessary for the detection or prevention of crime, or where otherwise lawfully requested by the relevant authorities, to the extent permitted 	<ul style="list-style-type: none"> (a) Identity; (b) Contact; (c) Financial; (d) Transaction 	<ul style="list-style-type: none"> (a) Necessary for the performance of the underlying contract; (b) Necessary for compliance with our legal obligations; (c) Necessary for our legitimate interests. 	<ul style="list-style-type: none"> ○ Duration of relationship. <ul style="list-style-type: none"> - processing is necessary for the performance of a contract to which the data subject is party. ○ 5 year period for quotations that are issued but not accepted (starting from the end of the quotation validity date). <ul style="list-style-type: none"> - processing for the avoidance of insurance fraud, including the risk of intentional non-disclosure. ○ 10 year period for insurance policies issued (starting from the later of the date of termination or a claim or dispute). <ul style="list-style-type: none"> - processing for the purpose of preventing insurance fraud, as well as compliance with legal obligation to retain accounting, taxation and regulatory records for set periods.

by law.			
Remedial Action - To permit us to pursue available remedies or limit any damages that we may sustain.	(a) Identity (b) Contact; (c) Financial; (d) Transaction;	(a) Necessary for our legitimate interests.	○ 5 years - This takes into account the prescriptive period for contractual claims under the Civil Code (Chapter 16 of the Laws of Malta)

Please contact us at dpo@highdomepcc.com if you need details or 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 above.

7. 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 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.

8. Disclosures of your personal data

We may transfer your personal data to other entities where necessary to achieve or further any of the purposes in **Section 6** above, namely:

- **Other affiliates within our group of companies;**
- **Our professional advisers** (such as our auditors, accountants, financial advisers and legal counsel) and service providers (IT and insurance managers);
- **Regulators, government bodies and tax authorities (local and overseas)** when required by applicable laws and/or regulations);
- **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;
- **Any relevant party for the purposes of prevention, investigation, detection or prosecution of criminal offences** in accordance with applicable law and regulation;
- **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.

Furthermore, we do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our documented instructions.

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. This includes exchanging information with regulatory bodies in Malta or if applicable, overseas, public bodies including the Police and other organisations and may undertake credit or fraud searches with relevant agencies for the purposes of fraud detection

and prevention. We may also transfer your personal data to applicable governmental and regulatory authorities, agencies and other public bodies in order to comply with our legal obligations. In particular, we may transfer your personal data to the Malta Financial Services Authority (“**MFSA**”), the Registrar of Companies (“**RoC**”), the Financial Intelligence Analysis Unit (“**FIAU**”) as well as applicable tax authorities such as the Commissioner for Internal Revenue. 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. Other International Transfers

As previously mentioned in Clause 8, should it be necessary for your personal data to be transferred and/or stored in countries outside of the EEA, we will ensure that 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 (i.e. an “adequacy decision”).
- In the absence of an adequacy decision, we will use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Should we transfer your personal data to affiliates 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 us at dpo@highdomepcc.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.

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?

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal 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 and management of our business relationship with you (whilst ongoing), and **thereafter**:

- for the purpose of satisfying any legal, accounting, tax or reporting obligations to which we may be subject; and/or
- to the extent that we may also need to retain your personal data to be able to assert, exercise or defend possible future legal claims against, or otherwise involving, you.

For information on the period of retention of your data by us please consult Section 6 of this Notice.

In some circumstances you can ask us to delete your data. See “**Clause 12 (iv) Request erasure**” below for further information.

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, you have rights under data protection laws 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 us at dpo@highdomepcc.com.

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 such 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 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 to your personal data (commonly known as a “*data subject access request*”). This enables you to receive a copy of the personal data we hold about you and to check that we are processing it in a lawful manner.

You may send an email to dpo@highdomepcc.com requesting information as the personal data which we process. 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 shall incur a charge of €10.00.

(ii) Right to information when collecting and processing personal data about you from publicly accessible or third party sources. When this take places, 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 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 of your personal data. This enables you to ask us to delete or remove personal data 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.

(v) 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 which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms.

In some cases, we may have compelling legitimate grounds to process your personal information that override your rights and freedoms.

(vi) 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) 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) **Withdraw your consent at any time** where we are relying on consent to process your personal data (which will generally not be the case). 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.

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 data protection team along with the reasons for our decision.

13. Queries and Complaints

We have appointed a Data Protection Officer (DPO) to receive and action all queries and/or complaints that you may have. He/she may be reached at dpo@highdomepcc.com.

Should you feel aggrieved by our actions, 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 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/en/Pages/Home.aspx>). We would, however, appreciate the opportunity to deal with your concerns before you approach the supervisory authority, so please contact us in the first instance.

14. Changes / Updates to this Notice

This Notice may be updated from time to time.

The latest version of the Notice is available at <http://highdomepcc.com/pcc/> and is also available upon request from the Company’s head office at Alfred Craig Street, Ta’ Xbiex XBX1111, Malta.

It is imperative that the personal data we hold about you is accurate and current at all times. Please keep us informed if your personal data changes during your relationship with us.

15. Conclusion

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.