

# Privacy Policy

## Tokio Marine Europe S.A. (“TME”)

Tokio Marine Europe S.A. take the privacy of our customers very seriously and are committed to protecting your privacy. This policy explains how we collect, use, and transfer your personal data, and your rights in relation to the personal data stored by us when you use our website or otherwise engage with our services.

The following information complies with the applicable data protection regulations and the Code of Conduct for Insurers in the Netherlands.

### Privacy Statement Summary – **Last updated version September 2022**

This policy sets out the following:

- What personal data we collect about you and how;
- How the data is used;
- Our legal basis for collecting your personal data;
- Who we share your data with;
- Where we transfer your personal data;
- How long we retain your personal data for;
- Your rights and choices in relation to the data held by us;
- How to make a complaint in relation to the data held by us; and
- How to contact us with any queries in relation to this notice, or the personal data held by us.
- It also contains information about how we use cookies on our website.

We may offer certain products, programs or services that have unique or additional terms, privacy notices and/or consent forms that explain how Tokio Marine processes information. For details on any product-specific features, notices or terms, please review the terms for those Services.

## Who is TMHCC?

Tokio Marine HCC is a trading name of Tokio Marine Europe S.A (TME). Please see [here](#) for further information. This company and its branches are collectively referred to in this privacy statement as “TME”, “we”, “us” or “our”.

For the purposes of European data protection laws, if you are visiting our website [tmhcc.com](https://tmhcc.com) (our "Website") or otherwise engaging with our services from the European Economic Area (or "EEA"), the data controller is TME.

## What is personal data?

In this privacy notice, references to “personal data” are references to data that relates to a living individual. Some examples of personal data are your name, address and telephone number but it may also include information such as your IP address and location.

## What personal data do we collect?

### ■ Personal data provided by you directly

In order to provide services to you we may ask you to provide personal data. This may include, amongst other things, your name, email address, postal address, telephone number, gender, date of birth, passport number, bank account details, credit history and claims history, depending on the service you are seeking. The person-related data you are being asked for as well as the reasons why we are asking you to provide them will be explained to you immediately at the time we request them from you.

Some of the personal data that you provide may be “special category” data. According to General Data Protection Regulation (‘GDPR’), “special category personal data” includes in particular personal data relating to your physical or mental health<sup>1</sup>. This data can also be inferred from the information you have provided. The “Special category of personal data” that you may provide are collecting as part of the insurance policy you would like to conclude and/or have already entered and are necessary in order for TME to handle the subscription and/or the management of your policy.

### ■ Personal data that we collect with your prior consent

When you visit TMHCC website, we may collect certain information with your prior consent from your device. In some countries, including countries in the EEA, this information may be considered personal data under applicable data protection laws.

Specifically, the personal data we collect with your prior consent may include data like your IP address, device type, unique device identification numbers, browser-type, broad geographic location (e.g. country or city level location) and other technical information. We may also collect personal data about how your device has interacted with our website, including the pages accessed and links clicked.

Collecting this personal data enables us to better understand visitors to TMHCC website, where they come from, and what content on TMHCC website is of interest to them. We use this personal data for our internal analytics purposes and to improve the quality and relevance of TMHCC website to our visitors.

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<sup>1</sup> In some countries, racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership might be requested to perform a contract.

Some of this personal data may be collected using cookies and similar tracking technology, as explained further under the heading "Cookies" below.

■ Personal data **that we obtain from third party sources**

From time to time, we may receive your personal data from third party sources but only where we have checked that these third parties either have your consent or are otherwise legally permitted or required to disclose your personal data to us.

For example, if you are an individual who is obtaining insurance from us via an insurance broker, we may obtain data about you from your broker in order to help us prepare your quote and/or your insurance policy. For information about how your broker uses and shares your personal data, please refer to the broker's own privacy statement.

We may, where we are legally permitted to, also collect personal data from the following sources in order to provide services to you:

- Credit reference agencies;
- Anti-fraud and other databases;
- Government agencies;
- Sanctions lists;
- Family members; and
- In the event of an insurance claim: other parties to the claim, including witnesses, experts, loss adjusters, solicitors, and claims handlers.

### How is personal data used and what are the lawful bases we rely on?

The GDPR lists a limited number of lawful bases on which a controller can rely to process personal data:

- The **consent** of the data subject,
- The performance of a **contract** between the data subject and the controller or the necessity in order to take **steps at the request of the data subject prior to entering into a contract**,
- A **legal obligation**,
- The **vital interest** of a natural person,
- The performance of a task carried out in the **public interest**,
- The **legitimate interests** pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject.

The lawful basis on which TME relies to collect and to process your personal data will vary depending on the personal data itself and the specific purpose for which TME collects it. We will collect and use ('process') your personal data, including special category personal data, only where such processing is necessary for performance of a contract into which you have entered (cf. point 1 below), where the processing is necessary for the purposes of the legitimate interests pursued by TME (cf. point 2 below), where the processing is necessary in order for us to comply with any legal obligations to which we are subject (cf. point 3 below), or where it is based on the **consent** (cf. point 4 below). The collection and use of your personal data, including special category personal data, will be based on the relevant laws relating to the protection of personal data<sup>2</sup>.

<sup>2</sup>Laws relating to the protection of personal data:

- **Belgium:** The Belgian Law of 30 July 2018 on the Protection of Natural Persons with regard to the Processing of Personal Data
- **Denmark:** The Danish Data Protection Act 2018

1. In many cases, the processing of your personal data by TME is based on the existence and necessity for the **performance of your contract** with TME or on the necessity to take pre-contractual steps at your request.

If you are a natural person and we conclude an insurance contract directly with you, the purposes for which TME relies on this contractual lawful basis are as follows:

- To set you up as a new client or when you sign up for an online account;
  - To provide you with an insurance quote;
  - To accept payments from you;
  - To communicate with you about your policy;
  - To renew your policy;
  - To respond to your enquiries;
  - To process insurance claims,
2. TME may have to process personal data on the basis of its **balanced legitimate interests**, for the following purposes:
    - To process the personal data necessary for the negotiation, conclusion and performance of the insurance contract (if you are a natural person subject to or affected by an insurance contract that we have not concluded directly with you – if the contract is concluded with you, see point 1);
    - To model our risks;
    - To defend or prosecute legal claims;
    - To investigate or prosecute fraud;
    - To obtain reinsurance for your policy;
    - To process reinsurance claims.
  3. TME may also have to process personal data in order to comply with its **legal and regulatory obligations**, a.o. in the following situations:
    - In order to complete ‘know your customer’, sanctions enquiries or money laundering checks before taking you on as a new client;
    - in order to establish a contract between you and the Company;
    - in order to develop the business activity of the Company,
    - in order to manage professional alerts like whistleblowing,
    - in order to apply your rights related to the protection of your data.
  4. In certain situations, TME may process data on the basis of your **consent**. You will always be specifically informed of this when your consent is collected.

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- **France:** The French Data Protection Act of 6 January 1978 amended.

- **Germany:** The German Act to Adapt Data Protection Law to Regulation (EU) 2016/679 and to Implement Directive (EU) 2016/680

- **Ireland:** The Irish Data Protection Act 2018

- **Italy:** The Italian Privacy Code (cross referenced with the GDPR);

- **Luxembourg:** The Luxembourgish Law of 1 August 2018 on the organization of the National Commission for Data Protection and the General Scheme on Data Protection

- **Spain:** The Spanish Organic Law 3/2018, of December 5, on the Protection of Personal Data and guarantee of digital rights

- **The Netherlands:** The Dutch Law on the protection of natural persons with regards to the processing of personal data and on the free movement of such data of May 16, 2018 published in the Official Gazette of the Kingdom of the Netherlands on May 22, 2018.

- **Norway:** The Norwegian Personal Data Act of 2018

If you have questions about or need further information concerning the lawful basis on which we collect and use your personal data, please contact us using the contact details provided under the “**Contact Us**” section below.

### Whom we disclose your personal data?

We may disclose your personal data with the following categories of recipients:

- To our group companies, third party service providers and partners who provide data processing services (for example to assist in the performance of our services) or who otherwise process personal data for purposes that are described in this Privacy Policy (see “How does TME use my personal data?”). A list of our current group companies is available at <http://www.tokiomarinehd.com/en/group/> and a list of our current service providers and partners may be available upon request;
- To any competent law enforcement body, regulatory, government agency, court or other third party where we believe disclosure is necessary (i) as a matter of applicable law or regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your vital interests or those of any other person;
- To a potential buyer (and its agents and advisers) in connection with any proposed purchase, merger or acquisition of any part of our business, provided that we inform the buyer it must use your personal data only for the purposes disclosed in this Privacy Policy;
- To any other person with your consent to the disclosure.

### International Transfers

Your personal data may be transferred to, and processed in, countries other than the country in which you are resident. These countries may have data protection laws that are different to the laws of your country.

Specifically, the servers of HCC Insurance Holdings Inc. are located in the United States. However other TMHCC group companies are registered elsewhere, including in the EEA and operate around the world. This means that when we collect your personal data, we may process it in any of these countries.

However, we have taken appropriate safeguards to require that your personal data will remain protected in accordance with this Privacy Policy. These include implementing the European Commission’s Standard Contractual Clauses for transfers of personal data between our group companies, which require all group companies to protect personal data they process from the EEA in accordance with European Union data protection law.

Our Standard Contractual Clauses can be provided on request. We have implemented similar appropriate safeguards with our third-party service providers and partners and further details can be provided upon request.

### How long is personal data retained for?

We will keep your personal data on our records for as long as: we have an ongoing legitimate business need to do so. This includes:

- Providing you with the service you have requested from us; or

- To comply with applicable legal, tax or accounting requirements. It also includes keeping your data for so long as there is any possibility that you or we may wish to bring a legal claim under your insurance contract, or
- Where we are required to keep your data for legal or regulatory reasons.

Please contact us using the contact details provided under the “**Contact Us**” section below should you require further information on our Record Retention procedures.

We may also retain your personal data where such retention is necessary in order to protect your vital interests or the vital interests of another natural person.

### Automated decision-making

In some instances, our use of your personal data may result in automated decisions being taken (including profiling) that legally affect you or similarly significantly affect you.

Automated decisions-making is the process of making a decision by automated means without any human involvement on the basis of a computer determination (using software algorithms). For example, in certain instances we may use automated decisions to establish whether we will offer insurance coverage to a prospective insured. We have implemented measures to safeguard the rights and interests of individuals whose personal data is subject to automated decision-making.

We will only use automated decisions-making when:

- It is necessary for the performance of the contract between you and TME;
- Is authorized by Union or Member State law to which TME is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests;
- It is based on your explicit consent.

When we make an automated decision about you, you have the right to contest the decision, to express your point of view, and to require a human review of the decision.

### Marketing

Please be informed that it is only allowed to send Newsletters without collecting prior consent of the customer/you if the following conditions are met:

- We have obtained your contact information in connection with the sale of a product or service; or
- We use the information for direct marketing purposes for similar products or services that it provides and the customer is clearly and expressly given the right to object, free of charge, and in a simple manner to the use of this electronic contact information.

Please see hereafter the specifications for the Business to Business (B2B) and Business to Consumer (B2C):

- B2B Marketing

Where you have not opted out of receiving marketing information we may send marketing materials to you (unless you are within Belgium, Germany<sup>3</sup>, Italy, the Netherlands or Spain where you will only receive marketing materials if you have opted to receive them).

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<sup>3</sup> Germany legally requires consent from customers that is clear, explicit, and freely given. Lacking this consent—which must play out in a two-stage system (double opt-in), TME cannot send any marketing communications to individuals or businesses in Germany.

- B2C Marketing

We will only use your personal data to send marketing information to you where you have opted to receive it.

As mentioned above, we may use your personal data to send you marketing materials, with your prior consent. However, if you would like to stop receiving marketing information from us, please unsubscribe by clicking the “**unsubscribe**” link in the relevant marketing email, email us at [bcn-marketing@tmhcc.com](mailto:bcn-marketing@tmhcc.com) or write to us at:

**Marketing Officer**

*TMHCC*

Torre Diagonal Mar  
Josep Pla 2, 10th Floor  
08019 Barcelona  
Spain

Telephone: +34 93 530 7300

### Your Rights as a Data Subject

Your principal rights under data protection laws are as follows:

- a) The right to be clearly informed about the processing of your personal data;
- b) The right to access;
- c) The right to rectification;
- d) The right to erasure (The right to be forgotten);
- e) The right to restrict processing;
- f) The right to object to processing;
- g) The right to data portability;
- h) The right to complain to TME;
- i) The right to complain to a supervisory authority;
- j) The right to withdraw consent; and
- k) The right to object automated decision-making.

The double opt-in system requires the user to take two separate positive actions to consent to the email received. Usually, these two steps take the form of filling out a subscription form and then clicking a link in a confirmation email to enable their subscription.

Except TME is sending marketing emails related to products or services that the customer purchased in the past. In such a case, the customer is informed of their right to opt out.



- If you wish to access, correct, update or request deletion of your personal data, we will ask you to provide us with a copy of any of the following documents:
  - Driver's license; Passport; National ID card, Birth certificate; or
  - Utility bill (from the last 3 months).

With regards to your right of access, the first access request will be complied with free of charge, but additional copies may be subject to a reasonable fee.

- Similarly, if we have collected and processed your personal data with your consent, then you can withdraw your consent at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal data conducted in reliance on lawful processing grounds other than consent.
- After filing a complaint with TME, you have the right to complain to a data protection authority about our collection and use of your personal data or a competent court. For more information, please contact your local data protection authority.

Please find below the contact details of the Data Protection Authorities related to TME branches:

Country	Data protection supervisory authority contact details
<b>Luxembourg</b>	<b>Commission Nationale pour la Protection des Données</b> 1, avenue du Rock'n'Roll L-4361 Esch-sur-Alzette <b>Tel.:</b> +352 2610 60 1 <b>E-Mail:</b> <a href="mailto:info@cnpd.lu">info@cnpd.lu</a> <b>Website:</b> <a href="http://www.cnpd.lu/">http://www.cnpd.lu/</a>
<b>Belgium</b>	<b>Autorité de la protection des données - Gegevensbeschermingsautoriteit (APD-GBA)</b> Rue de la Presse 35 – Drukpersstraat 35, 1000 Bruxelles – Brussel <b>Tel.:</b> +32 2 274 48 00 <b>E-Mail:</b> <a href="mailto:contact@apd-gba.be">contact@apd-gba.be</a> <b>Website:</b> <a href="https://www.autoriteprotectiondonnees.be/">https://www.autoriteprotectiondonnees.be/</a> <a href="https://www.gegevensbeschermingsautoriteit.be/">https://www.gegevensbeschermingsautoriteit.be/</a>
<b>Denmark</b>	<b>Datatilsynet</b> Carl Jacobsens Vej 35 2500 Valby <b>Tel.</b> +45 33 1932 00 <b>Fax</b> +45 33 19 32 18 <b>E-Mail:</b> <a href="mailto:dt@datatilsynet.dk">dt@datatilsynet.dk</a> <b>Website:</b> <a href="http://www.datatilsynet.dk/">http://www.datatilsynet.dk/</a>
<b>France</b>	<b>Commission Nationale de l'Informatique et des Libertés - CNIL</b> 3 Place de Fontenoy, TSA 80715 – 75334 Paris, Cedex 07 <b>Tel.:</b> +33 1 53 73 22 22 <b>Website:</b> <a href="http://www.cnil.fr/">http://www.cnil.fr/</a>





<b>Germany</b>	<b>Die Bundesbeauftragte für den Datenschutz und die Informationsfreiheit</b> Graurheindorfer Str. 153 53117 Bonn Tel.: +49 228 997799 0 E-Mail: <a href="mailto:poststelle@bfdi.bund.de">poststelle@bfdi.bund.de</a> Website: <a href="http://www.bfdi.bund.de/">http://www.bfdi.bund.de/</a>
<b>Ireland</b>	<b>Data Protection Commission</b> 21 Fitzwilliam Square Dublin 2 D02 RD28 Tel.: +353 76 110 4800 E-Mail: <a href="mailto:info@dataprotection.ie">info@dataprotection.ie</a> Website: <a href="http://www.dataprotection.ie/">http://www.dataprotection.ie/</a>
<b>Italy</b>	<b>Garante per la protezione dei dati personali</b> Piazza Venezia 11, 00187 Roma Tel.: +39 06 69677 1 E-Mail: <a href="mailto:garante@garanteprivacy.it">garante@garanteprivacy.it</a> Website: <a href="http://www.garanteprivacy.it/">http://www.garanteprivacy.it/</a>
<b>Netherlands</b>	<b>Autoriteit Persoonsgegevens</b> Bezuidenhoutseweg 30 P.O. Box 93374 2509 AJ Den Haag/The Hague Tel.: +31 70 888 8500 Website: <a href="https://autoriteitpersoonsgegevens.nl/nl">https://autoriteitpersoonsgegevens.nl/nl</a>
<b>Norway</b>	<b>Datatilsynet</b> Tollbugata 3 0152 Oslo Tel.: +47 22 39 69 00 E-Mail: <a href="mailto:postkasse@datatilsynet.no">postkasse@datatilsynet.no</a> Website: <a href="http://www.datatilsynet.no">www.datatilsynet.no</a>
<b>Spain</b>	<b>Agencia Española de Protección de Datos (AEPD)</b> C/Jorge Juan 6, 28001 Madrid Tel.: +34 91 266 3517 E-Mail: <a href="mailto:internacional@aepd.es">internacional@aepd.es</a> Website: <a href="https://www.aepd.es/">https://www.aepd.es/</a>
<b>UK</b>	<b>Information Commissioner's Office (ICO)</b> Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Tel.: 0303 123 1113 E-Mail: <a href="mailto:dataprotectionfee@ico.org.uk">dataprotectionfee@ico.org.uk</a> Website: <a href="https://ico.org.uk">https://ico.org.uk</a>

We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws.

You may exercise any of your rights in relation to your personal data by contacting us using the email [dpo-tmelux@tmhcc.com](mailto:dpo-tmelux@tmhcc.com).

Alternatively, you can use the details set out in the “Contact us” section at the bottom of this page.

## Security

TMHCC places great importance on the security of all personal data associated with our customers. We have security measures in place to attempt to protect against the loss, misuse and alteration of personal data under our control.

For example, our security and technology policies are periodically reviewed and enhanced as necessary and only authorized personnel have access to user information. We use Secured Socket Layer (SSL) to encrypt financial information you input before it is sent to us. The servers we use to store personal data are kept in a secure environment.

Whilst we cannot ensure or guarantee that loss, misuse, or alteration of data will not occur, we use our best efforts to prevent this.

## Cookies

TMHCC sites use cookies (a small piece of information that is placed on your computer when you visit certain websites) to distinguish you from other users, to track your browsing pattern and to build a profile of how you and other users use our sites. This helps us to provide you with a good experience when you browse any of our sites and allows us to improve our sites. If you have an online account with us, TMHCC also uses cookies to recognize you to pre-fill forms to save you time. TMHCC does not mandate Cookies for you to access our sites and you may freely set your browser to reject all Cookies or prompt you to accept or reject them. Some of the cookies we use are session cookies and only last until you close your browser, others are persistent cookies which are stored on your computer for longer. We may collect personal data through web beacons about your web browsing activities such as the address of the page you are visiting, the address of the referrer page you had previously visited, the time you are viewing the page, your browsing environment and your display settings. We do this to optimize your browsing experience, the use of web-based services and provide you with relevant personal data on TMHCC products and services when you have opted-in to receiving such correspondence. For further information about TMHCC's use of cookies, see TMHCC's Cookie Policy [<http://www.tokiomarinehd.com/en/group/>].

## Updates to this Privacy Policy

We may update this Privacy Policy from time to time in response to changing legal, technical or business developments. When we update our Privacy Policy, we will take appropriate measures to inform you, consistent with the significance of the changes we make. We will obtain your consent to any material Privacy Policy changes if and where this is required by applicable data protection laws.

You can see when this Privacy Policy was last updated by checking the “last updated” date displayed at the top of this Privacy Policy.

## Contact us

If you have any questions about this Privacy Policy, please contact us using the following contact details:

**Data Protection Officer**

Tokio Marine Europe S.A.

26 Avenue de la Liberté

L-1930 Luxembourg

[dpo-tmelux@tmhcc.com](mailto:dpo-tmelux@tmhcc.com)