DATA PROCESSING

Altitude Insurance Ltd and/or Altitude Insurance Brokers Ltd and/or Altitude Quest Insurance and/or Altitude Quest Insurance Solutions (known collectively as "Altitude" or the "Company")

In order to fairly obtain Data, you as the Data Subject must, at the time the personal Data is being collected, be made aware of:

- **The name of the Data controller –** Altitude Insurance Ltd and/or Altitude Insurance Brokers Ltd and/or Altitude Quest Insurance and/or Altitude Quest Insurance Solutions.
- **The purpose in collecting the Data –** to provide our services to you, including but not limited to, quotations/ arranging Policy coverage/ conducting our relationship with you/ marketing/ research and statistical analysis/ internal record keeping/ crime prevention.
- **The identity of any representative nominated for the purposes of the Acts -** Altitude Insurance Ltd and/or Altitude Insurance Brokers Ltd and/or Altitude Quest Insurance and/or Altitude Quest Insurance Solutions plus, Third Parties as advised to you.
- **The persons or categories of persons to whom the Data may be disclosed –** In carrying out our services, it may be necessary to disclose any/ all of your personal data to Third Parties, including but not limited to, Insurers/ agents and service providers/ consultants/ our Affiliates/ industry regulators and professional advisors and auditors. Depending on the circumstances, the disclosure of personal data (including sensitive personal data) to any of the above may involve a transfer of data outside of the European Economic Area. A full list of all persons or categories of persons to whom the Data may be disclosed can be provided to you on an individual case basis if requested.
- **Whether replies to questions asked are obligatory and the consequences of not providing replies to those questions –** Data is collected by us for the sole purpose of providing a service to you, in the event that you do not provide requested Data, Insurers may not be able to provide you with a Quotation/ arrange Policy coverage/ pay out a claim. Further information can be provided if required on an individual case basis.
- **The existence of the right of access to your personal Data and/or rectify your Data if inaccurate or processed unfairly –** In the case of personal data, with limited exceptions, you have the right to access and if necessary, correct any information held about you. If you wish to access/ correct, please confirm in writing your wishes to – Altitude Insurance Ltd and/or Altitude Insurance Brokers Ltd and/or Altitude Quest Insurance and/or Altitude Quest Insurance Solutions, C/o Laura Durcan, 60 Merrion Square South, Dublin 2, D02 HE24, ROI or office@altitudeinsuranceltd.com with the email titled "Personal Data".
- **Any other information which is necessary so that processing may be fair and to ensure the Data Subject has all the information that is necessary so as to be aware as to how their Data will be processed –** as per our Terms of Business Agreement and/or any other information advised to you as and when necessary.

In addition, where personal Data is not obtained directly from the Data Subject, either at the time their Data is first processed or at the time of disclosure to a third party, all the above information must be provided to the Data Subject and they must also be informed of the identity of the original Data Controller from whom the information was obtained, and the categories of Data concerned.

To fairly process personal Data, it must have been fairly obtained (i.e., via one of our Questionnaires or a telephone conversation with you) and the Data Subject must have given consent to the processing, or the processing must be necessary for one of the following reasons -

- the performance of a contract to which the Data Subject is a party.
- in order to take steps at the request of the Data Subject prior to entering into a contract.
- compliance with a legal obligation, other than that imposed by contract.
- to prevent injury or other damage to the health of the Data Subject.
- to prevent serious loss or damage to property of the Data Subject.

- to protect the vital interests of the Data Subject where the seeking of the consent of the Data Subject is likely to result in those interests being damaged.
- for the administration of justice.
- for the performance of a function conferred on a person by or under an enactment.
- for the performance of a function of the Government or a Minister of the Government.
- for the performance of any other function of a public nature performed in the public interest by a person.
- for the purpose of the legitimate interests pursued by a Data controller except where the processing is unwarranted in any particular case by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the Data Subject.

To fairly process sensitive Data, it must have been fairly obtained and there are additional special conditions (one of the conditions outlined above must also be met) of which at least one of the following must be met:

1. **Consent -** Consent of the data subject (See below for conditions for valid consent).
2. **Contract -** Necessary for the performance of the contract (or in the case of Brokers to provide the insurance product).
3. **Legal Obligation -** Necessary to comply with a legal obligation.
4. **Vital Interests -** Necessary to protect the vital interests of the data subject.
5. **Public Interest -** Necessary for the performance of a task in the public interest or in the exercise of an official authority – included for completeness but not applicable to Brokers.
6. **Legitimate Interests -** Necessary for the legitimate interests of the data controller, unless such interests are overridden by the interests of the data subject (See requirements below); and
7. **In the case of Criminal History/ongoing criminal proceedings only: Risk Assessment or Fraud Prevention**. Note: Criminal history is no longer deemed Sensitive (or Special Category) data.

Legal Bases for Processing – Sensitive/Special Category Data (e.g. Health data): - (Art 7 GDPR & S.39 - 44 DP Bill)

One of the following grounds must be satisfied in order to process Sensitive Data: -
Explicit Consent – Explicit consent of the data subject (See below for conditions for valid consent).
Vital Interests - Necessary to protect the vital interests of the data subject where the data subject is incapable of giving consent.
Insurance and Pension purposes – Necessary and proportionate for the purposes of providing an insurance, pension or mortgage product**.**
Legal Obligations under Employment Law/Social Welfare Law – Necessary for carrying out either the obligations of the employer or for exercising the rights of the employer or employee.
Medical Assessment/Diagnosis/Treatment – Necessary for the purposes of preventative/ occupational medicine, the assessment of the working capacity of an employee, medical diagnosis.
Legal Advice and Legal Proceedings – Necessary for obtaining legal advice whether or not in the context of a claim (or prospective claim);

Consent & Explicit Consent – the conditions for a valid consent are: - (Art.7 GDPR)

There is no practical difference between “Consent” and “Explicit Consent”. Both require as follows:

- **Positive Action -** Clear affirmative action is required, no pre-ticked boxes, no implied or assumed consent in the event of no positive action by the data subject.
- **Free will -** Must be freely given, so will not be appropriate where (i) the processing is necessary to perform the contract (or to provide the product), or (ii) where there is no real free will, for example as between employee and employer: Legitimate Interests or Employment Law obligations may be a more appropriate ground.
- **Specific -** Must be specific to the particular options given, so for example a customer must be able, should they wish to, to withhold their consent to Profiling for Marketing purposes but to consent to Marketing itself. So, if consent is requested in the form of a written declaration, then the different options must be set out

individually and separate consents requested for each option, and in an intelligible easily accessible format using clear and plain language.

- **Recorded -** Must be verifiable, a record must be kept of how and when consent was given. So, consent can be confirmed over the phone but then recorded thereafter and this should be proceduralised.
- **Can be withdrawn at any time -** It must be made easy for consent to be withdrawn. Prior to giving consent, a data subject must be informed of their right to withdraw their consent at any time.

Contacting Us –

If you have any questions or comments about the Data we process, why or our Data Processing practices, please contact us.

The Company may modify or update this Data Processing notice from time to time at any time without prior notice. You can check the "Last Updated" date below to see when the notice was last changed. We encourage you to check this notice often so that you can continue to be aware of how we are protecting your personal information. Your continued use of our services constitutes your consent to the contents of this Data Processing notice, as it may be modified from time to time.

Email: office@altitudeinsuranceltd.com

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