

**ERGO INSURANCE N.V. / S.A.**

**ERGO**

**PRIVACY STATEMENT**

# Convenient translation of the Privacy Statement of ERGO Insurance N.V. / S.A.

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## PRELIMINARY: THE SUBSTANTIVE CHANGES IN THIS VERSION OF THE ERGO PRIVACY STATEMENT

To further increase our transparency to you, we have clarified how ERGO handles your personal data in this new version of our Privacy Statement.

These changes mainly concern the following sections:

- we have increased overall transparency by providing more detail about the purposes for which and the circumstances under which ERGO processes your personal data;
- we have further explained the legitimate interests we rely on when processing your non-sensitive personal data and summarised what they are (see section 7.6. below); and
- we have further clarified the rights you have with respect to your personal data and how and under what circumstances you can exercise them (see section 12 below).

This new version is effective as of September 2022.

## 1. ERGO AND YOUR PRIVACY

ERGO Insurance N.V./S.A. ("**ERGO**") attaches significant importance to your privacy. Our aim is to process your personal data in a manner that is lawful, appropriate and transparent in accordance with the General Data Protection Regulation (EU) 2016/679 ("**GDPR**") and any national legislation adopted pursuant to the GDPR.

With this Privacy Statement we want to emphasise ERGO's engagement in this respect since privacy is a key value of our customer orientation strategy.

Please take the time to read this Privacy Statement to better understand which categories of personal data ERGO processes from you. We also explain on what lawful basis ERGO processes your personal data, for which specific purposes and to whom we transfer those data.

This Privacy Statement also includes a description of your data protection rights, including a right to object to (some of) the processing activities we carry out, and explains how you can exercise them in accordance with the applicable data protection laws. To exercise any of your rights, you can file a request by contacting us via section 12.10. "*How can you exercise your rights?*".

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### 2. ERGO AND YOUR COOKIES

Please read our [Cookie Statement](#) when using any of our websites. This statement explains what cookies are, what ERGO uses and how you can change your cookie preferences. Our Cookie Statement can always be found on our websites.

### 3. WHAT IS THE SCOPE OF THIS PRIVACY STATEMENT AND FOR WHOM IS IT INTENDED?

ERGO is a company incorporated under the laws of Belgium, whose registered office is located at Loksumstraat 25 Rue de Loxum, 1000 Brussels, Belgium, registered at the Belgian Crossroads Bank for Enterprises with company number 0414.875.829, tel.: +32(0)25355888.

In all the situations described in this Privacy Statement, ERGO will process your personal data as **controller**, meaning that we determine the purposes and means, i.e. the why and the how, of the processing of these personal data.

This version of the Privacy Statement is intended for **all current and former Luxembourg policyholders, insured persons and/or beneficiaries that have an insurance contract with ERGO, including their proxies and legal representatives**, when their personal data are processed by ERGO. Please note that some Belgian legal provisions remain applicable to you even if you are (related to) a Luxembourg customer.

**Personal data** refers to any information about an identified or identifiable natural person. This includes, for example, your name, your picture, your telephone number, your contract number, your email address, your bank account number, etc.

Certain of your personal data, such as your health data, are considered as **sensitive personal data** and receive special protection (see section 4.2. "*Sensitive personal data*").

**Processing** means any operation or set of operations performed on (sets of) personal data, whether or not by automated means, such as the collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of data.

### 4. WHICH CATEGORIES OF PERSONAL DATA DOES ERGO PROCESS?

During our interactions with you, we may collect and process both non-sensitive and sensitive personal data about you depending on the context (for example when you use one of our digital solutions, when you call us, when you complete(d) a needs analysis or a medical questionnaire, when executing your insurance contract, etc.):

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### 4.1. Non-sensitive personal data

ERGO may process your **non-sensitive personal data**, such as your:

- identification data (e.g. name, surname, National Registry identification number, identity card number, date of birth, age, place of birth, sex, nationality, tax identification number, language, photo, policy number, customer number, IP address that you leave behind when you surf our websites (used for cookies), etc.)
- contact data (e.g. address, e-mail address, telephone number, etc.)
- product data (e.g. type of insurance, risk coverage, etc.);
- financial data (e.g. bank account number, premium, invoice due/collection date, payments (not) made or (not) received, status of the contract, value of your movable and immovable assets, your financial income and savings capacity, investment objectives, etc.)
- household composition data (e.g. marital status, number of children, name(s) of the child(ren), etc.)
- professional data (e.g. name of employer, position, etc.);
- educational data (e.g. financial background);
- hobbies and interests (e.g. dangerous sports that may involve a risk of injury);
- data related to your insurance policies, related communications and claims files;
- images and sound recordings (e.g. images from video surveillance cameras, telephone records when you call ERGO, etc.);
- survey data (e.g., customer satisfaction survey data); and/or
- profiling data (e.g., payment profile (bad payers), etc.).

### 4.2. Sensitive personal data

Under the applicable data protection laws, certain data (referred to as “sensitive personal data”) receive special protection. Amongst the latter, ERGO only processes health data and, in very limited cases, data relating to criminal convictions and offences.

#### 4.2.1. Health data

Being a life insurer, ERGO needs to process your health data relating to your past and/or present health condition for (pre)contractual purposes, including the suitability of your insurance coverages and combatting fraud.

ERGO may process your **health data**, such as your:

- physical data (e.g. weight, height, etc.);

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- life habits including your consumption habits, such as alcohol and smoking habits, etc.;
- insurance risk profile;
- past and/or present health condition (including any medical treatment);
- the official health care delivery codes, the medical treatments and medicines which you take;
- claims (i.e. your claims declarations such as a long-term care dependency or a disability to work, etc.);
- statements of expenses that may be relevant to insurance proof cases;
- medical statements and reports by or under the supervision of ERGO's medical advisor.

In principle, ERGO will only process your health data on the basis of your explicit consent or if needed for the establishment, exercise or defence of legal claims, in accordance with the applicable data protection laws. If you do not give your explicit consent or you wish to revoke your explicit consent, the management and/or proper execution of the insurance contract(s) could be hindered.

Your health data can only be processed by the advising doctors of ERGO or under their supervision, by the employees of ERGO who are charged with one or more tasks related thereto and by a limited amount of third parties whose intervention is necessary for the performance of some of these tasks, such as for example the printing and sending of your claims statements, etc. (see section 9 *"To whom does ERGO disclose personal data?"*).

In order to help serving you better, easier and faster, ERGO digitises and automates some of the processing of your personal data, including health data, for example to establish the premium, to determine the extent of the insurance coverage, etc. (see section 6 *"Does ERGO process your personal data by automated means?"*).

In all cases, ERGO takes the necessary measures to protect your (non-)sensitive personal data at all times (see section 11 *"How are your personal data protected?"*).

In accordance with article 58 of the Belgian Act on Insurances of 4 April 2014 to which ERGO is subject and article 11 of the Luxembourg Act on the Insurance Contract of 27 July 1997, genetic data **cannot** be shared with ERGO. Therefore, **we ask you and the doctors to not share this data with ERGO**. In case ERGO would however receive any genetic data from you or your doctor, ERGO shall store this data, but will not use it for the management or the execution of your insurance contract(s) (article 61 of the Belgian Act on Insurances of 4 April 2014 and article 98 of the Luxembourg Act on the Insurance Contract of 27 July 1997).

### *4.2.2. Personal data relating to criminal convictions and offences*

ERGO processes personal data relating to criminal convictions and offences for the establishment, exercise or defence of legal claims and/or in case of fraud. Such data is processed in very limited cases and only to the extent permitted by law, providing appropriate safeguards for your rights and freedoms.

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### 5. HOW DOES ERGO OBTAIN YOUR PERSONAL DATA?

We may collect your personal data directly or indirectly from you:

#### 5.1. Collected directly from you

For example, this is the case when you:

- became our customer (e.g. by completing forms such as medical questionnaires, claims declarations, etc.);
- contact(ed) us or use(d) our products and services through the various channels made available to you (to the extent applicable) (email address, ERGO Contact Center, ergo.be, ergo.lu, ergolife.be, etc.);
- exceptionally visit our on-site premises (e.g. via the surveillance cameras, at the reception when completing the visitors' register, etc.).

#### 5.2. Collected indirectly from you

For example, this is the case when:

- you have expressly authorised third parties or persons to communicate your personal data to ERGO in the context of the management and/or execution of your insurance contract(s) (e.g. through your legal representatives, your insurance intermediary, other insurers, lawyers, experts including doctors, external administrators, if applicable your mutuality or, with regard to non-sensitive personal data, through your employer who has concluded an insurance policy for your benefit, etc.);
- we obtain or verify/confirm your personal data via supervisory and governmental bodies/authorities (e.g. via industry and consumer associations, Ombudsman for Insurances or other out-of-court complaint resolution mechanisms, via judicial and police authorities, via the Belgian non-profit organisation Identifin, via Dow Jones, etc.);
- your personal data are publicly accessible, such as for example
  - a publication of your appointment as a company director (Belgian or Luxembourg Official Gazette, Belgian Crossroads Bank for Enterprises, Luxembourg Business Registers) or the solvency of your company (via Graydon);
  - your personal data that are public knowledge or that have been published in the press; and/or
  - your own publications on your website, on your blog and/or on your profile(s) on social networks for strict anti-fraud purposes during the execution of your insurance contract(s) and/or in the context of disputes.

Please note that ERGO only processes the personal data which are relevant and necessary to the collection and processing purposes.



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### 6. DOES ERGO PROCESS YOUR PERSONAL DATA BY AUTOMATED MEANS?

In order to help serving you better, easier and faster, ERGO digitises and automates some of the processing of your personal data, including health data, for the management and/or execution of your insurance contract(s).

If you consent to the processing of your health data, this consent also applies to the processing of this data in the context of automated decisions making (for example to define the premium, to determine the extent of the insurance coverage, etc.).

However, please note you have the right to obtain human intervention in relation to automated decision making and profiling, to express your point of view and to contest the decision.

You can withdraw your consent at any time. However, if you withdraw your consent, this could hinder the management and/or proper execution of the insurance contract(s).

You can exercise these rights by contacting ERGO via section 12.10. *“How can you exercise your rights?”*.

### 7. ON WHICH LEGAL BASIS AND FOR WHICH PURPOSES DOES ERGO PROCESS YOUR PERSONAL DATA?

ERGO collects and processes your personal data only if one of the following lawful grounds applies and for the following specified, explicit and legitimate purposes:

#### **7.1. We need to process your non-sensitive personal data for the management and/or execution of your insurance contract(s)**

In the context of the management and/or execution of the insurance contract(s) under which you are a policyholder, insured person or a beneficiary, ERGO and, to a certain extent, insurance intermediaries process your **non-sensitive** personal data for the following purposes:

- execution of the insurance contract(s), including risk assessment and assessment of eligibility;
- fulfilment of (pre)contractual (including your needs analysis in line with the Insurance Distribution Directive (IDD)) and obligations deriving from the insurance relationship with you, including:
  - management of the contractual relationship;
  - provision of customer service (e.g. responding to your calls and emails);
  - processing calls, including recording, in the context of the management and/or execution of the insurance contract(s);
  - issue, collection and verification of invoices, premiums and advances on policies;
  - management and settlement of claims and disbursements;
  - management of the complaints and the litigations;

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- training of our staff in the day-to-day performance of our (pre)contractual obligations towards you (e.g. how to use the applications in order to fulfil (pre)contractual obligations, etc.)
- recovery from third parties responsible for a claim; and/or
- communication with ERGO staff relating to the management and/or execution of the insurance contract(s);
- re-distribution of risk through co-insurance and reinsurance; and/or
- handling of specific requests you may have, including the provision of a coverage related or ancillary to the insurance contract.

To the extent that you communicate your health data in the (pre)contractual relationship with us, we need to obtain your explicit consent as per below section 7.2.

### 7.2. You have given your explicit consent to the processing of your personal data

As a life insurer, ERGO needs your explicit consent in order to process your health data relating to your past and/or present health condition for (pre)contractual purposes including the suitability of your insurance coverages and combatting fraud. ERGO will only process your health data for the purposes for which you explicitly consented.

More specifically:

- **prior** to the conclusion of the insurance contract(s), ERGO processed, depending on the product, certain of your health data for purposes of:
  - establishing appropriate pricing/premium and cost management; and
  - assessing risks and eligibility for the conclusion of the insurance contract by evaluating you as a (prospective) customer, based on your past and existing health data (including medical questionnaires and medical reports);
- **during** the execution of the insurance contract(s), ERGO needs to process your health data for the majority of the purposes provided in section 7.1. above, as well as for purposes of the management, processing and execution of your claims

If you do not give your explicit consent or you wish to withdraw your explicit consent, the management and/or proper execution of the insurance contract(s) could be hindered.

### 7.3. We may need to process your personal data for the establishment, exercise or defence of legal proceedings

ERGO may need to process your personal data, **including your health data and/or personal data relating to criminal convictions and offences**, for the establishment, exercise or defence of possible legal claims or for the management of our own litigations respectively. ERGO shall hereby comply with the applicable data protection laws.

### 7.4. We may process your National Registry identification number for the performance of a task carried out in the public interest

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Pursuant to Article 28 of the Belgian Act of 18 September 2017 on the Prevention of Money Laundering and Terrorist Financing and Limiting the Use of Cash (see also article 3.2 of the Luxembourg Act of 12 November 2004 on the fight against money laundering and terrorist financing and article 14.1 of the Regulation of the Commissariat aux Assurances No 20/03 of 30 July 2020 on the fight against money laundering and terrorist financing of terrorism), ERGO may process your identification number from the National Register for the sole purpose of verification by ERGO, of the identity of customers and legal representatives of the latter, who are natural persons and are not present at the time of their identification, for the verification of the identity of the beneficial owners of the customers, and for the updating of the identification data relating to the customers, legal representatives and beneficial owners via professional associations designated by the King.

### **7.5. We need to process your personal data in order to comply with a legal obligation to which ERGO is subject**

ERGO may also process your personal data (and to the extent necessary your health data) for reasons of compliance with numerous legal obligations to which ERGO, as an insurer or insurance product distributor, is subject, such as legislation or obligations governing:

- insurance undertakings, solvency II and market stability, as referred to in the Belgian law of 13 March 2016 on the status and supervision of insurance and reinsurance undertakings or the Luxembourg Act of 7 December 2015 on the Insurance Sector, the circulars of the National Bank of Belgium or of the Luxembourg Commissariat aux Assurances, etc;
- insurance policies and their distribution, such as the Belgian Insurance Act of 4 April 2014, the Luxembourg Act of 27 July 1997 on the Insurance Contract, the Insurance Distribution Directive (IDD), etc;
- social security and social welfare;
- taxes or accounting – Belgian, Luxembourg and international tax rules;
- market abuse;
- the fight against money laundering and the financing of terrorism;
- investor and consumer protection;
- data protection;
- the security of our visitors via surveillance cameras in our offices, in accordance with the Belgian law of 21 March 2007 regulating the installation and use of surveillance cameras;
- etc.

In addition, ERGO may also be subject to the requirement to respond to:

- questions from Government or Supervisory Authorities such as the Belgian Data Protection Authority or the Luxembourg National Commission for Data Protection, the Belgian Financial Services and Markets Authority (FSMA) or the National Bank

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of Belgium (NBB), the Luxembourg Commissariat aux Assurances, the Belgian SPF Finances or the Luxembourg Ministry of Finance, the Belgian Financial Information Processing Unit (CTIF) or the Luxembourg Cellule de renseignement financier (CRF), Sector or Consumer Organisations such as the Ombudsman for Insurances or out-of-court complaint resolution mechanisms, etc.;

- its external auditor; and/or
- judicial enquiries, Court orders and Court proceedings in general (whether civil or criminal).

### 7.6. We need to process your non-sensitive personal data to pursue ERGO's legitimate interests to be able to function as a business

ERGO processes your non-sensitive personal data to conduct **administrative tasks** which are indirectly linked to the management and/or execution of insurance contract(s) with you. When doing so, ERGO uses your non-sensitive personal data which is, whenever possible, anonymised or pseudonymised and in all cases minimised to what is necessary for the processing purposes they serve. ERGO also ensures that this processing is necessary to achieve the purpose(s) and that our interests are balanced against your interests and the respect of your privacy, via a legitimate interests assessment.

You can ask more information on these legitimate interests assessments by contacting us (see section 14 "*How to contact ERGO?*"). You may also exercise your right to object to this processing of personal data (see section 12.5. "*Right to object to processing*").

More precisely, ERGO processes your non-sensitive personal data on the basis of its legitimate interests in the following situations:

#### 7.6.1. *Carrying out governance tasks and controls of ERGO, ensuring security and preventing fraud*

ERGO may process your non-sensitive personal data in order to carry out governance tasks and controls of the company, to ensure security and to prevent fraud, consisting of:

- compliance with applicable regulatory requirements and guidelines, standards and codes of conduct;
- administration, management and oversight of our organisation (e.g. conducted by the legal department for governance tasks, legal risks, dispute resolution and litigations, by the risk management department, the complaints management department, the compliance department, the internal audit department, etc.);
- re-distribution of risk through (co-)insurance and/or reinsurance;
- monitoring our activities and the administrative knowledge of the various (legal) persons with whom ERGO maintains contacts, making it possible to identify the files, intermediaries and other persons involved, if necessary;
- the protection of ERGO's customers, employees, business, assets and shareholders;
- general physical security purposes;

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- communications (for example e-mails exchanges) and call recordings for purposes of proof, fraud prevention and detection;
- general security operations and control of ERGO's computer networks and systems, including our application landscape (e.g. when investigating or solving incidents or access issues at customer level on systems or applications);
- preventing, detecting and investigating late payments, crimes, abuse and fraud. As such we may detect that you are in arrears with the payment of your premium, that you are part of a collective debt repayment scheme, that you are involved in a fraud case, that you are providing your cooperation to terrorism, weapons or human trafficking, etc. Such signals may lead to not granting a contract or insurance coverage to you, to not accept premiums or even that ERGO decides to refuse to carry out a transaction or a service requested by you (customer).

These processing activities are pursued in our legitimate interest, which consists of safeguarding the operations of ERGO in the light of **the governance of the company and the prudential supervision to which an insurance company is subject**. We may hereby receive non-sensitive personal data from you through internal, external or public sources.

### *7.6.2. Monitoring and reporting*

ERGO is conducting studies, creating models and generating statistics for regulatory reporting, risk analysis or for profitability monitoring. We do this for both:

- external reporting purposes in accordance with various general financial and insurance law regulations to which we are subject (e.g. NBB, the Commissariat aux Assurances, BE GAAP, IFRS 17, Ministry of Finance) or to share statistical data (not including personal data) on insurance with the sector organisations Assuralia (Belgium) and Association des Compagnies d'Assurances et de Réassurances (ACA, Luxembourg), etc.; and
- internal reporting purposes to comply with policies and guidelines set out by Munich Re and ERGO Group to which we belong, to allow them to assess the overall and financial risks in order to guarantee the viability and continuity of the Group.

These processing activities are pursued in our legitimate interest in the light of **the prudential supervision (to have a healthy and financially viable business on the long term) to which ERGO is subject**.

### *7.6.3. Commercial modelling and profiling*

ERGO may process your non-sensitive personal data for purposes of commercial modelling and profiling, consisting of:

- conducting studies, creating models and generating statistics for strategy and commercial purposes; and
- building customer profiles and predictive models via insights gained from analytical models in order to respond effectively to customer and prospect needs.

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These processing activities are pursued in our legitimate interest, which consists of **improving our products and services and planning our strategy**.

### *7.6.4. Maintaining, improving and developing (the quality of) ERGO products and services and enhancing customer experience*

ERGO may process your non-sensitive personal data for purposes of maintaining, improving and developing (the quality of) ERGO products and services and enhancing customer experience, consisting of:

- monitoring, reviewing, evaluating, simplifying, optimising, testing and/or automating our:
  - internal processes and systems to make back-office operations more efficient;
  - Websites for improving your user experience (e.g. fixing bugs on our websites, etc.);
  - distribution channels (in particular the broker network); and/or
  - products, services, systems and processes in order to ensure their continuous improvement;
- monitoring the quality of our services (e.g. through conducting customer satisfaction surveys or by means of telephone communication records of the ERGO Contact Centre, etc.); and/or
- managing third party relationships (e.g. vendors, suppliers, business partners).

These regular processing activities are pursued in our legitimate interest, which consists of **acting and providing services in the interest of our customers**, as imposed by regulations such as e.g. the Insurance Distribution Directive (IDD), **and, more generally, for maintaining and improving our services to you**.

## **8. WHICH RULES APPLY TO MINORS AND THOSE WHO ARE LEGALLY INCAPACITATED?**

We, in principle, only process personal data of anyone under the age of 18 or of those who are legally incapacitated after we receive the consent of the holder of parental or legal responsibility over the minor and/or the legally incapacitated person. The latter will be the legal representative of the minor or legally incapacitated person for all aspects related to the management and/or execution of the insurance contract(s) as well as all privacy-related aspects in that regard.

As such, consent for the processing of personal data, including health data, on behalf of the child or the legally incapacitated person, can only be given by the holder of parental or legal responsibility.

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### 9. TO WHOM DOES ERGO DISCLOSE PERSONAL DATA?

Within the framework of our activities as an insurer, ERGO may, depending on the situation, disclose your personal data to recipients

- if necessary for the management and/or execution of your insurance contract(s) (see section 7.1.);
- if you have given your explicit consent (see section 7.2.);
- if necessary for the establishment, exercise or defence of legal proceedings (see section 7.3);
- if necessary for compliance with a legal obligation (see section 7.5.); or
- if necessary for ERGO's legitimate interests (see section 7.6.).

Insofar strictly necessary for the purposes listed under section 7 "*On which legal basis and for which purposes does ERGO process your personal data?*", ERGO discloses data to recipients, such as:

- insurance intermediaries. ERGO has a distribution network composed of independent insurance brokers for purposes of assistance in executing insurance contracts;
- insurance and reinsurance companies, for purposes of co-insurance and/or reinsurance, transfer of a contract/portfolio to another insurer, and/or recovery of expenses;
- services and healthcare providers, for purposes of allowing ERGO to provide, develop, monitor and improve its services to you (including for the management, processing and execution of your claims), such as for example:
  - Group Company DKV Belgium NV/SA for back-office support activities to ERGO as Human Resources, Legal Department, etc.;
  - medical experts or doctors or technical advisors intervening in the context of contract or claims management;
  - private investigators for possible crimes or fraud investigations;
  - IT service providers;
  - in exceptional cases, translators and translation offices;
  - external consultants to provide support to ERGO for certain activities;
  - in exceptional cases, the receptionist of the building housing ERGO's offices to inform about your visit (reception);
  - debt-collection agencies (late premium payment); and/or
  - companies responsible for document management (i.e. postal services, data entry, scanning, paper and electronic archiving, digitization, printing, mailing, etc.);
- Other Group companies to which ERGO belongs i.e. ERGO and Munich Re Group companies, for purposes of monitoring, reporting and reinsurance;
- public entities, for purposes of compliance with legal and regulatory obligations ERGO is subject to and/or for the establishment, exercise or defence of legal claims;
- the Ombudsman for Insurances or out-of-court complaint resolution mechanisms, consumers' organisations and legal assistance insurers, for the purpose of complaints handling; and/or



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- certain regulated professions such as lawyers, notaries or auditors, for the purposes of contract or claims management, and/or for the establishment, exercise or defence of legal claims, etc.

Your personal data is mainly processed in the European Economic Area. However, in the framework of the provisioning of certain services, ERGO may transfer some of your personal data to a limited amount of recipients located in countries outside the European Economic Area.

In this case, ERGO will take the appropriate and necessary measures to safeguard your personal data, for example by entering into [Standard Contractual Clauses](#), including taking supplementary measures (technical, organisational and/or contractual) if required in order to ensure a level of protection which is essentially equivalent to the level of protection existing in the European Economic Area.

Please note that ERGO only transfers your personal data subject to the necessary technical, organisational and contractual guarantees, in accordance with the applicable data protection laws.

### 10. HOW LONG DOES ERGO KEEP YOUR PERSONAL DATA?

ERGO does not retain your personal data longer than is necessary for the purposes for which it was collected and is processed.

However, ERGO must respect certain legal retention or prescription periods.

For example, the following retention periods could be applicable to the retention of your personal data:

- the Belgian Insurance Act of 4 April 2014 and in certain situations the Commission Delegated Regulation (EU) 2017/2359 of 21 September 2017 specify that (pre-)contractual documents relating to insurance contracts should be retained for a certain period of time, also after termination of the insurance contract;
- the Belgian Prevention of Money Laundering and Terrorist Financing and Limiting the Use of Cash Act of 18 September 2017 and the Luxembourg Act of 12 November 2004 provide for your identification data (such as a copy of your ID card) to be kept for a certain period of time for anti-money laundering and anti-terrorism purposes;
- for tax and accounting data, the Belgian laws stipulate that such data must be retained for a period of seven years as of 1 January of the year after the closing of the financial year (this retention period is ten years in Luxembourg) ;
- telephone recordings for purposes of monitoring the quality of the services of ERGO are used for a period of one month as from the day of their recording. However, ERGO retains the recordings longer for evidential purposes (for example in the context of complaints management, litigations and/or fraud) and to fulfil statutory compliance requirements. You can always request a copy of this recording by contacting ERGO (see section 14 "*How to contact ERGO?*");



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- ERGO generally keeps images recorded by security cameras in and around ERGO premises (identified with a sticker) for one month as of the date of the recording, as defined by law.

The retention periods can become longer in case of a suspension or interruption of those periods due to for example an Ombudsman complaint, an official notice of default by a lawyer, a writ of summons, etc. In such cases, the personal data will be retained as long as necessary for reasons of the establishment, exercise or defence of possible legal claims notably taking into account the applicable legislation.

### 11. HOW ARE YOUR PERSONAL DATA PROTECTED?

ERGO has appointed a **Data Protection Officer**, who is in charge to oversee all actions in the field of personal data protection and an **Information Security Officer**, who is in charge to oversee all actions in the field of information security.

We implement appropriate **technical and organisational measures** in order to ensure an appropriate level of security of your personal data, including but not limited to physical and IT systems access controls (limited on a *need-to-know* basis), confidentiality commitments of all ERGO employees and contractors, encrypted e-mails, etc.

Any transfer of personal data is also subject to the necessary technical, organisational and contractual guarantees in accordance with the data protection laws. For example, with our processors, the contractual safeguards include amongst others that they have to keep the personal data secure and confidential and may only process them for the purposes and means defined by ERGO. ERGO also reserves the right to carry out audits on its processors to verify their compliance with the contractual and regulatory rules in force. The processors must ensure that ERGO agrees to any potential sub-processing and that the same contractual obligations are applied by their own sub-processors.

For sensitive personal data, additional measures are taken:

- For **health data**, additional access controls are performed and the access to medical declarations and reports is limited to the advisory doctors and certain employees (limited on a need-to-know basis), which act under the supervision of the advisory doctors. Persons who are authorised to consult your health data are bound by a strict confidentiality obligation and must abide by all technical instructions to ensure the confidentiality of your health data and the security of the systems in which the data is held.
- For **personal data relating to criminal convictions and offences**, access is limited to the Legal and Compliance Department of ERGO and/or lawyers representing ERGO.

ERGO follows the ISO/IEC 27001 Standard (hereafter called the '27001 Standard') in establishing an Information Security Management System (ISMS) and implementing security

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controls across all security domains of this 27001 Standard.

In the event personal data is compromised as a result of a personal data breach, ERGO will make the notifications required under the GDPR.

**How can you help us to protect your data?** By updating your personal data as much as possible via the forms on our websites, via your broker or by contacting us directly (e-mail or telephone).

### 12. WHAT ARE YOUR RIGHTS AND HOW TO EXERCISE THEM?

In accordance with data protection laws, you benefit from a set of rights when ERGO processes your personal data. In principle, you can exercise these rights free of charge, subject to statutory exceptions. These rights may be limited, for example if fulfilling your request would reveal personal data about another person, if you ask us to delete information which we are required by law to keep or have compelling legitimate interests in keeping or if they are subject to some statutory exceptions.

#### 12.1. Right to access your data

You are entitled to find out at any time whether or not ERGO processes your personal data, and if we do process it, to have access to this data. You may also receive additional information about:

- the purposes of the data processing by ERGO;
- the categories of personal data involved;
- the (categories of) recipients they are disclosed to (among which, recipients in third countries);
- if possible, the retention period or, if that is not possible, the criteria to determine this period;
- if appropriate, information on the rights you can exercise: rectification, erasure, restriction, objection, to lodge a complaint with a supervisory authority (see below);
- the information that we have at our disposal about the source of the data if we do not collect the data from you;
- the existence of automated decision-making, including profiling, and, at least in these cases, information about the underlying logic involved, as well as the significance and the consequences of such processing for you. In case such automated decision-making (including profiling) is carried out by ERGO, see also section 12.8. "*Rights related to automated individual decision-making (including profiling)*".

You are entitled to receive a free copy of the data being processed. ERGO can request a reasonable payment for covering its administrative costs for any additional copy that you request. Please note that this right to obtain a copy can also not adversely affect the rights and freedoms of others.

#### 12.2. Right to rectify your data

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You are entitled to have incomplete, incorrect, inappropriate or out-of-date personal data corrected.

To keep your data up-to-date, we request that you notify us of any change whatever the circumstances, such as a change in your marital status or family situation, address change, change of e-mail address or bank account number. Please note that most of these data can also directly be updated by you via your insurance intermediary or via the contact forms available on our websites.

### **12.3. Right to erasure (or right to be forgotten)**

You have the right to have your personal data processed by ERGO erased in certain specific cases. This is the case if:

- they were no longer needed for the purposes for which the personal data were initially collected or were otherwise processed by ERGO;
- you withdraw your consent and ERGO does not have any other lawful basis for the processing of your data;
- you object to the processing of your data and ERGO does not have any compelling legitimate grounds that outweigh yours;
- you consider that the processing is unlawful and insofar this is indeed the case;
- your personal data have to be erased due to a legal obligation to which ERGO is subject; or
- your consent was given by a person holding the parental or legal responsibility when you were still a minor or legally incapacitated and you now want to withdraw it.

We must remind you that we are not always able or entitled to erase all your personal data as requested by you, since data protection laws provide for certain exceptions. We will inform you in more detail whether or not we are able to erase your data in our response to your request.

### **12.4. Right to restriction of processing**

Under certain circumstances, you may obtain from us the restriction of the processing of your personal data. This is the case when:

- you contest the accuracy of your personal data: its use is restricted for the time that ERGO can verify the accuracy of the data;
- the processing of your personal data is unlawful: rather than erasing your data, you request its use to be restricted;
- ERGO no longer requires your personal data for its processing purposes, but you still need it for establishing, exercising or defending a legal claim: rather than erasing your data, its use is restricted to the establishment, exercise or defence of a legal claim; or
- you object to the processing of your personal data: the use of your personal data is restricted pending that ERGO verifies if our legitimate interests outweigh your interests, rights and freedoms.

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Please note that when ERGO restricts the processing of your personal data, this restriction will not apply to the storage of your data.

Once restricted, we will only be able to process your personal data:

- if you provide your consent;
- for the establishment, exercise or defence of legal claims;
- for the protection of the rights of another natural or legal person; or
- for reasons of important public interest.

### 12.5. Right to object to processing

You also have the right to object against the processing of your personal data which is based on **our legitimate interests** (see section 7.6. “*We need to process your non-sensitive personal data to pursue ERGO’s legitimate interests to be able to function as a business*”) or on the public interest, at any time and for reasons relating to your specific situation. In that case, ERGO will discontinue the processing of your personal data unless we can demonstrate compelling legitimate grounds for processing it, which override your interests, rights and freedoms (e.g. we process your personal data in the view to combating fraud) or if the processing of your personal data is associated with the establishment, exercise or defence of a legal claim (e.g. submitting an appeal to a court of justice).

Finally, when ERGO processes your personal data for **statistical purposes**, you also have the right to object to this processing for reasons relating to your specific situation. Unless the processing would be necessary for the performance of a task carried out for reasons of public interest, ERGO will no longer process your personal data for statistical purposes.

### 12.6. Right to withdraw consent

Whenever ERGO relies on your consent, you have the right to withdraw that consent at any time. However, please note that the withdrawal of your consent does not affect the lawfulness of the collection and processing based on your consent prior to its withdrawal. This means that your consent remains valid to justify the processing of your data by ERGO before your withdrawal.

When you reach the age of 18 years old or if you are no longer legally incapacitated, you also have the right to withdraw the consent which was eventually given by the holder of your parental or legal responsibility when you were still a child or legally incapacitated.

You can withdraw your consent via section 12.10. “*How can you exercise your rights?*” below.

ERGO may have other lawful grounds for processing your data for other purposes, such as those set out in this Privacy Statement.

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In addition, please consider that if you withdraw your consent for the processing of your health data necessary for the management and/or execution of the insurance contract(s), such management and/or execution could be hindered.

### **12.7. Right to data portability**

You have the right to receive the personal data you have provided to us in a structured, commonly used and machine-readable format, and to transmit those data (or have it transmitted directly by ERGO, if technically feasible) to another controller if:

- the processing by ERGO is based on your consent or on the execution of a contract to which you are party; and
- to the extent that the respective data processing is done in an automated way.

In all other cases, you may not enjoy this right (for example, if the processing of your data is based upon a legal obligation).

This right cannot adversely affect the rights and freedoms of others.

### **12.8. Rights related to automated individual decision-making (including profiling)**

As indicated in section 6 “Does ERGO process your personal data by automated means?” of this Privacy Statement on automated decision-making, certain personal data processing operations, including through our digital channels, may be automated to facilitate individual decision-making or to respond to certain insurance queries more quickly. Such processing activities may produce legal effects concerning you (for example to define the premium, to determine the extent of the insurance coverage, etc.).

In any event, such automated individual decision is:

- necessary for the management or execution of a contract between you and ERGO;
- based on your explicit consent; or
- legally permitted.

You always have at least the right to obtain the intervention of one of our employees, the right to communicate your point of view and the right to contest the decision taken in this way – except where the automated individual decision is legally permitted.

### **12.9. Right to lodge a complaint with a Supervisory Authority**

Although we encourage you to contact ERGO in first instance, in case you consider that ERGO’s processing of your personal data infringes the data protection laws, you have the right to lodge a complaint with the Supervisory Authority in the Member State of your habitual

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residence, of your place of work or of the place of the alleged infringement. For the Belgian Data Protection Authority, you can lodge your complaint via [www.dataprotectionauthority.be](http://www.dataprotectionauthority.be) or via post at Rue de la Presse 35, 1000 Brussels, Belgium. For the Luxembourg National Commission for Data Protection, you can lodge your complaint via [www.cnpd.public.lu/en/particuliers/faire-valoir.html](http://www.cnpd.public.lu/en/particuliers/faire-valoir.html) or via post at Boulevard du Jazz 15, L-4370 Belvaux, Luxembourg.

### 12.10. How can you exercise your rights?

To exercise any of your rights, you can file a dated and signed request, with a copy of the front of your identity card to enable ERGO to verify your identity and to avoid anyone else exercising the rights on your personal data:

- by email to [privacy@ERGO.be](mailto:privacy@ERGO.be); or
- by post to ERGO Insurance NV/SA, Data Protection Officer, Loksumstraat 25, Rue de Lozum, 1000 Brussels, Belgium.

ERGO will provide you with information on actions taken as soon as possible and in any event within one month of receipt of your request. We advise you to always be as specific as possible in your request to exercise your rights, so that ERGO can handle your request appropriately. The contact methods mentioned above are also your first resort for all enquiries regarding data protection.

In case you would have a complaint concerning the exercise of your rights, you can contact ERGO [here](#).

### 13. WHAT HAPPENS WHEN ERGO MODIFIES THIS PRIVACY STATEMENT?

ERGO reserves the right to modify and update this Privacy Statement whenever needed. The latest version of this Privacy Statement can always be found at [https://www.ergo.lu/fr\\_lu/information-juridique/privacy-statement/](https://www.ergo.lu/fr_lu/information-juridique/privacy-statement/).

You will be informed that the ERGO Privacy Statement has been updated via a banner on our website and via a note on our normal correspondence.

### 14. HOW TO CONTACT ERGO?

ERGO is a company incorporated under the laws of Belgium, whose registered office is located at Loksumstraat 25 Rue de Lozum, 1000 Brussels, Belgium, registered at the Belgian Crossroads Bank for Enterprises with company number 0414.875.829, tel.: +32(0)25355888. ERGO has a branch in Luxembourg established at Allée de la Poudrerie 55, L-1899 Kockelscheuer, Luxembourg, registered at the Luxembourg Business Register with number B58508, tel.: +352 44 74 01.

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If you have any questions, comments, remarks, requests or complaints regarding this Privacy Statement or the processing of your personal data by ERGO, please contact the Data Protection Officer of ERGO, either:

- by post at the following address: ERGO Insurance NV/SA, Data Protection Officer, Loksumstraat 25, Rue de Loxum, 1000 Brussels, Belgium; or
- by e-mail at the following address: [privacy@ERGO.be](mailto:privacy@ERGO.be).