



Data Protection Policy

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Data Protection

1 Purpose

All personal information which Catalpa Underwriting Ltd (Catalpa) holds is protected by the Data Protection Acts 1988 and 2003. The company takes its responsibilities under these laws seriously. This policy document will set out, in writing, the manner in which Personal Data relating to staff, Clients and others is kept and how the data concerned is protected.

2 Executive Summary

Catalpa is a data controller of Personal Data relating to its past, present and future employees, Policyholders, Claimants, and various other individuals. As such, the company is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised as follows:

- obtain and process Personal Data fairly
- Keep it only for one or more specified and explicit lawful purposes
- Process it only in ways compatible with the purposes for which it was given initially
- Keep Personal Data safe and secure
- Keep data accurate, complete and up-to-date
- Ensure that it is adequate, relevant and not excessive
- Retain it no longer than is necessary for the specified purpose or purposes and
- Provide a copy of his/her Personal Data to any individual, on request.

3 Scope

Purpose of the Policy: The Data Protection Acts apply to the keeping and processing of Personal Data, both in manual form and on computer. The purpose of this Policy is to assist Catalpa to meet its statutory obligations while explaining those obligations to staff. To whom will the Policy apply? The Policy applies to all staff insofar as they handle or process Personal Data.

4 Identifying Personal Data

The personal Data held by Catalpa may include:

- A) Staff records
- B) Client records
- C) Board of Management details
- D) Claim records

4.1 Staff records

Categories of Staff Data These may include:

- Name, address and contact details
- Date of birth, PPS number
- Marital and family status
- Educational or previous employment background
- Original records of application and appointment
- Interview records, references
- Record of appointments to promotion posts
- Details of approved absences (career breaks, parental leave, study leave etc.)
- Records of in-service courses attended
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress.

Note: a record of grievances may be maintained which is distinct from and separate to individual personnel files.

- Superannuation and pension documentation
- Salary, payroll details, bank details.
- Garda vetting forms (if applicable)

Purpose

- for the management and administration of Company business now and into the future e.g. payment of staff, pension payments in the future, human resources management, etc.

Location

Staff records are kept at Catalpa Underwriting Ltd., 3 Howley Square, Oranmore, Galway, Ireland.

Security

Catalpa stores all personal information in controlled access, centralised databases (including computerised and manual files) in its Head Office in 3 Howley Square, Oranmore, Galway. Catalpa will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. Catalpa acknowledges that high standards of security are essential for processing all personal information.

Sensitive Personal Data – Certain categories of information are categorised as “sensitive” under data protection legislation. Catalpa may hold some or all of the following sensitive information about its employees:

- Medical information, records of sickness absence and medical certificates. Catalpa may request an employee to have a medical examination and will therefore hold the resulting medical report. The purpose of keeping this sort of information is to administer sick pay and disability entitlement, monitor and

manage sickness absence and to comply with our health and safety obligations. Satisfactory health is one of the conditions of admission to the Superannuation Scheme.

- Information on commission/alleged commission of offence, any proceedings for an offence. Catalpa holds this information to satisfy itself of the employee's suitability for their position. This information is held separate from an individual's personnel file.

4.2 Client records

Categories of Client Data

These may include:

- Name, address and contact details
- Date of birth
- Marital and family status
- Driving Licence details
- Convictions
- Medical Conditions
- Claim Details

Purpose

- for the management and administration of Company business now and into the future e.g. policy administration, Claims handling current and in the future

Location

Client records are kept at Catalpa Underwriting Ltd., 3 Howley Square, Oranmore, Galway, Ireland and regularly securely transferred to the Insurers.

Security

Catalpa stores all personal information in controlled access, centralised databases (including computerised and manual files) in its Head Office in 3 Howley Square, Oranmore, Galway. Catalpa will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. Catalpa acknowledges that high standards of security are essential for processing all personal information.

Sensitive Personal Data – Certain categories of information are categorised as "sensitive" under data protection legislation. Catalpa may hold some or all of the following sensitive information about its employees:

- Medical information. Catalpa may request a claimant to have a medical examination and will therefore hold the resulting medical report. The purpose of keeping this sort of information is to handle claims.

- Information on commission/alleged commission of offence, any proceedings for an offence. Catalpa holds this information to satisfy itself of the client's suitability for their position.

4.3 Board of Management records

Categories of Data

These may include:

- Name, address and contact details of each member of the board of management
- Records in relation to appointments to the Committee/Board
- Minutes of meetings and correspondence which may include references to particular individuals.
- Travel expenses paid, PPS Number, tax details, bank details.

Purpose

To enable the company and Board of Management to operate in accordance with applicable legislation and to maintain a record of appointments and decisions. To facilitate the payment of members expenses.

Location

Client records are kept at Catalpa Underwriting Ltd., 3 Howley Square, Oranmore, Galway, Ireland and regularly securely transferred to the Insurers.

Security

Catalpa stores all personal information in controlled access, centralised databases (including computerised and manual files) in its Head Office in 3 Howley Square, Oranmore, Galway. Catalpa will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. Catalpa acknowledges that high standards of security are essential for processing all personal information.

4.4 Claimant records

Categories of Claimant Data

These may include:

- Name, address and contact details
- Date of birth
- Marital and family status
- Driving Licence details
- Convictions

- Medical Conditions
- Claim Details

Purpose

- For the management and administration of Company business now and into the future e.g. Claims handling current and in the future

Location

Claimant records are kept at Catalpa Underwriting Ltd., 3 Howley Square, Oranmore, Galway, Ireland and regularly securely transferred to the Insurers.

Security

Catalpa stores all personal information in controlled access, centralised databases (including computerised and manual files) in its Head Office in 3 Howley Square, Oranmore, Galway. Catalpa will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. Catalpa acknowledges that high standards of security are essential for processing all personal information.

Sensitive Personal Data – Certain categories of information are categorised as “sensitive” under data protection legislation. Catalpa may hold some or all of the following sensitive information about its employees:

- Medical information. Catalpa may request a claimant to have a medical examination and will therefore hold the resulting medical report. The purpose of keeping this sort of information is to handle claims.
- Information on commission/alleged commission of offence, any proceedings for an offence. Catalpa holds this information to satisfy itself of the client’s suitability for their position.

5 Applying the Data Protection Principles to Personal Data

The Data Protection Acts 1988 and 2003 confer rights on individuals as well as responsibilities on those persons controlling and processing personal data. Catalpa has key responsibilities in relation to the information which it keeps on computer or in structured manual files about individuals. Catalpa undertakes to execute its responsibilities in accordance with the eight Data Protection Principles/Rules as outlined below:

5.1 Obtain and process Personal Data fairly

Catalpa will ensure that data subjects (staff, Client, board members etc) are aware, at the time the personal data is being collected, of:

- The name of the Company (the “data controller”);
- The purpose in collecting the data;
- The persons or categories of persons to whom the data may be disclosed;

- Whether replies to questions asked are obligatory and the consequences of not providing replies to those questions;
- The existence of the right of access to their Personal Data;
- The right to rectify their data if inaccurate or processed unfairly;
- 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.

This will be achieved by adopting appropriate data protection notices at the point of data capture e.g. Policy Wording, Proposal forms, Staff Handbook, etc. An example of such a notice is set out in the appendices which contain the draft data protection notices used by Catalpa in its policy wordings.

In the case of Sensitive Personal Data, explicitly given consent will be requested unless it is necessary:

- To process the sensitive data in connection with an employment right or obligation;
- To prevent injury or other damage to the health of a person or otherwise to protect their vital interests;
- For the purpose of obtaining legal advice, or in connection with legal proceedings, or is necessary for the purposes of establishing, exercising or defending legal rights;
- For medical purposes (more extensive advice as to what constitutes medical purposes is available from www.dataprotection.ie)
- For the purpose of the assessment or payment of a tax liability;
- In relation to the administration of a Social Welfare scheme. The minimum age at which consent can be legitimately obtained for processing and disclosure of Personal Data is not defined in the Data Protection Acts. However, the Data Protection Commissioner recommends, that, "as a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged from twelve up to and including seventeen should give consent themselves and, in addition, consent should also be obtained from the student's parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice."

5.2 Keep it only for one or more specified, explicit and lawful purposes

Catalpa will keep data for purposes that are specific, lawful and clearly stated and the data will only be processed in a manner compatible with these purposes. Management and staff will be made aware of the purpose for which data is kept and ensure that it is not used for any purpose which may be incompatible with the original purpose.

5.3 Use and disclose it only in ways compatible with these purposes

Catalpa will only use and disclose personal data in ways that are necessary for the purpose(s) or compatible with the purpose(s) for which it collects and keeps the data.

Catalpa will ensure that staff/department involved in processing personal data are aware of the purpose of collecting such data and use/process it only for that specific purpose or compatible purpose(s).

For the purposes outlined above it may from time to time be necessary to disclose employee's personal information to third parties, including: Revenue Commissioners, Department of Social Welfare, the III, An Garda Síochána, banks and other financial institutions, past and future employers, auditors, pension administrators, trade unions and staff associations or other.

Client data may be disclosed to third parties including: the Insurer, InsureLink.

It may also be necessary to disclose information in order to comply with any legal obligations. Catalpa takes all reasonable steps as required by law to ensure the safety, privacy and integrity of the information and, where appropriate, enter into contracts with such third parties to protect the privacy and integrity of any information supplied.

We will also add details of your policy to the Motor Third Party Liability Database maintained by the Motor Insurers Bureau of Ireland (MIBI). MIBI will make this information available to the Minister for Transport, Tourism and Sport and An Garda Síochána for the purposes of section 78A of the Road Traffic Act 1961 (as amended). MIBI may also use this information to:

- comply with its own legal obligations (e.g. to provide information to members of the public who were involved in an accident with an unidentified driver pursuant to regulation 5(5) of SI 651/2003 (as amended)); and
- for the performance of its obligations pursuant to the agreement with the Minister for Transport dated 29 January 2009 (as amended from time to time) which was entered into to provide compensation to individuals involved in accidents with uninsured drivers.

5.4 Keep it safe and secure

Catalpa stores all personal information in controlled access, centralised databases (including computerised and manual files) in its Head Office. Catalpa will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. Catalpa acknowledges that high standards of security are essential for processing all personal information and endeavours to comply with the Protecting the Confidentiality of Personal Data Guidelines which contains comprehensive guidelines regarding best practice in the area of data security. Some of the security measures taken include:

- Access to files containing personal data (computerised and manual) is restricted to the staff who work in that particular area e.g. only HR staff and management have access to personnel files
- Computer systems are password protected and are backed up daily to a secure server

- Staff laptops that contain personal data must be encrypted. Personal data should only be kept on laptops in exceptional circumstances.
- The Administration Centre is secured and alarmed (monitored) when not occupied.
- Waste paper which may include personal information is confidentially shredded.

5.5 Keep it accurate and up-to-date

Catalpa has procedures in place that are adequate to ensure high levels of data accuracy and completeness and to ensure that personal data is kept up to date.

These procedures include:

- Cross-checking of data entry e.g. entering pay details onto payroll system requires one person to enter the data while another person checks for accuracy
- Files (electronic and manual) are audited periodically

5.6 Ensure that it is adequate, relevant and not excessive

Personal data held by Catalpa will be adequate, relevant and not excessive in relation to the purpose/s for which it is kept. Periodic checking of files (electronic and manual) will be made to ensure that personal data held is not excessive and remains adequate and relevant for the purpose for which it is kept.

5.7 Retain it no longer than is necessary for the specified purpose or purposes

Catalpa will have a defined policy on retention periods for personal data and appropriate procedures in place to implement such a policy. In setting retention periods for different sets of data, regard will be taken of the relevant legislative and taxation requirements, the possibility of litigation.

5.8 Give a copy of his/her personal data to any individual, on request

Data subjects have the right to periodically review, update and/or correct the information held about them. On making an access request any individual (subject to the restrictions in Notes A and B below) about whom Catalpa keeps Personal Data, is entitled to:

- a copy of the data which is kept about him/her
- Know the purpose(s) for processing his/her data
- Know the identity of those to whom the data is disclosed
- Know the source of the data, unless it is contrary to public interest
- Know the logic involved in automated decisions
- A copy of any data held in the form of opinions, except where such opinions were given in confidence.

To make an access request, an individual must:

- Apply in writing to the Chief Executive Officer
 - Give any details which might be needed to help identify him/her and locate all the information Catalpa may keep about him/her
 - Pay an access fee if Catalpa wishes to charge one. Catalpa need not do so, but if it does it cannot exceed the prescribed amount of €6.35.

There are a number of exceptions to the general rule of Right of Access, including those specified in Notes A and B below.

Handling access requests

- A member of the Corporate Services staff will be nominated as the Coordinator responsible for handling access requests.
 - The Co-ordinator will check the validity of the access request, check that sufficient information has been provided to definitively identify the individual and that sufficient information to locate the data has been supplied.
 - The Co-ordinator will log the date of receipt of the valid request and keep a note of all steps taken to locate and collate the data.
 - The Co-ordinator will ensure that all relevant manual files and computers are checked for the data in respect of which the access request is made.
 - The Co-ordinator will ensure that the information is supplied promptly and within 40 days of receiving the request or, in respect of examinations data, within 60 days of receiving the request or 60 days of first publication of the results (whichever is the later).
 - Before supplying the information to the individual the Co-ordinator will check each item of data to establish if any of the modifications in respect of health or social work data (section 4(8)) or any of the restrictions on access provided by section 5 apply.
 - If data relating to a third party is involved, it will not be disclosed without the consent of the third party or the data will be anonymised in order to conceal the identity of the third party.
 - The Co-ordinator will ensure that the information is provided in a form which is clear to the ordinary person.
 - The individual will be informed within 40 days of the request if no information is held on them.

Note A

Access requests by clients

Clients aged 18 and over are entitled to access their personal information in accordance with the Data Protection Acts. Clients under 18 years of age can be given access to their personal information, depending on the age of the Client and the nature of the record i.e. it is suggested that:

- if the information is ordinary, routine or non-controversial, the client could readily be given access

- if the record is of a sensitive nature, it would be prudent to seek parental/guardian consent
- if a Client has some disability or medical condition that would impair his or her ability to understand the information, or if disclosure would be likely to be harmful to the individual concerned, parental/guardian consent should be sought.

Note B

Exceptions to note

Data protection regulations prohibit the supply of:

- Health data to a patient in response to a request for access if that would cause serious harm to his or her physical or mental health. The regulations also provide that such data is to be communicated only by, or after consultation with an appropriate "health professional".

Appendix 1 - Glossary

In order to properly understand Catalpa's obligations, there are some key terms which should be understood by all relevant staff:

Data means information in a form that can be processed. It includes both automated data and manual data. Automated data means any information on computer, or information recorded with the intention that it be processed by computer. Manual data means information that is recorded as part of a relevant filing system or with the intention that it form part of a system.

Relevant filing system means any set of information that, while not computerised, is structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily accessible. Examples might include

Client files stored in alphabetic order in a filing cabinet or personnel files stored in the office.

Personal Data means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of Catalpa.

Sensitive Personal Data refers to Personal Data regarding a person's:

- Racial or ethnic origin, political opinions or religious or philosophical beliefs;
- Membership of a trade union;
- Physical or mental health or condition or sexual life;
- Commission or alleged commission of any offence; or
- Criminal convictions or the alleged commission of an offence.

Appendix 2 - Sample Letter

Sample Letter

Please see below, sample wording for letter to access data held under the Data Protection Acts 1988 and 2003.

When requesting information, it is important to give any details that will help the person to identify you and find your data – for example a staff number, any previous address or your date of birth; and be clear about which details you are looking for if you only want certain information. This will help IDA Ireland to respond more quickly.

A fee of €6.35 applies to any application for information under the Data Protection Acts.



Manager
Data Protection Officer
Catalpa Underwriting Ltd.,
3 Howley Square,
Oranmore,
Galway,
Ireland

Dear Manager,

Under the Data Protection Acts 1988 and 2003, I wish to make an access request for a copy of any information you keep about me, on computer or in manual form.

[Insert relevant information to assist Catalpa to identify you and find your data]

Yours faithfully,

[Name]

Appendix 3 – Policy Wording Data Protection

Data Protection

We will hold your details in accordance with Our Data Protection and Privacy Policy together with all applicable data protection laws and principles.

Information you supply may be used by Us and Our partners (both inside and outside the European Economic Area) for the purposes of administering Your Policy (including underwriting, processing, claims handling and fraud prevention).

We may share with our agents and service providers, other insurers and their agents, and with any intermediary acting for You, and with recognised trade, governing and regulatory bodies (of which We are a member or by which We are governed) information We hold about You and Your claims history. This includes the Insurance-Link database and the Irish Insurance Federation's anti-fraud claims matching database. We may also in certain circumstances use private investigators to investigate a claim.

We may also need to collect sensitive personal data (for example, information relating to Your physical or mental health or the commission or alleged commission of an offence) to assess the terms of insurance We issue/arrange or to administer claims which arise.

Unless You have advised Us otherwise, We may share information that You provide to companies that We establish commercial links with so We and they may contact You (by email, SMS, telephone or other appropriate means) in order to tell You about carefully selected products, services or offers that We believe will be of interest to You.

You have a right of access to and a right to rectify data concerning You under the Data Protection Acts 1988 and 2003. Should You wish to exercise this right, please write to the Data Protection Officer, Catalpa Underwriting Ltd., 3 Howley Square, Oranmore, Galway, Ireland.

By providing Us with Your information and proceeding with this contract, You consent to all of Your information being used, processed, disclosed, transferred and retained for the purposes of insurance administration (including underwriting, processing, claims handling and fraud prevention).

Please note that a copy of Our full Data Protection and Privacy Policy is available upon request.