

## Medisec Privacy Policy

Medisec Ireland CLG is an insurance intermediary, regulated by the central Bank of Ireland. Medisec is a private company, limited by guarantee and is registered in Ireland (company number 216570.)

Medisec previously arranged professional indemnity cover for medical practitioners practising in Ireland and practice malpractice cover for General Practice Entities with Allianz plc. Allianz plc is regulated by the Central Bank of Ireland having its registered office at Allianz House, Elmpark, Merrion Road, Dublin 4. Company Registration No. 143108.

Since 01 July 2020, Medisec arrange professional indemnity cover (including tail cover) for medical practitioners underwritten by Berkshire Hathaway European Insurance DAC trading as MedPro. Berkshire Hathaway European Insurance DAC is a Private Company Limited by shares, non-life insurance company, with registered office 2<sup>nd</sup> Floor, 7 Grand Canal Street Lower, Dublin D02 KW81, Ireland and regulated by the Central Bank of Ireland, Company Registration No. 636883; VAT No. 3583603.

Medisec assists its members and policy holders with claims, complaints and disciplinary matters. Medisec gives its members and policy holders round-the-clock advice and support and best practice guidance.

Medisec also arranges Entity Medical Malpractice Insurance Cover underwritten by MedPro, a division of Berkshire Hathaway European Insurance DAC ("BHEI") trading as MedPro. Berkshire Hathaway European Insurance DAC is a Private Company Limited by shares, non-life insurance company, with registered office 2<sup>nd</sup> Floor, 7 Grand Canal Street Lower, Dublin D02 KW81, Ireland and regulated by the Central Bank of Ireland, Company Registration No. 636883; VAT No. 3583603.

You can find more information about Medisec on [www.medisec.ie](http://www.medisec.ie).

### Our Data Protection Statement

This data protection statement takes effect from 20 May 2022. It explains how we process your personal information as a Data Controller, so please read it carefully. In this data protection statement, the terms "we", "our" and "us" refer to Medisec.

### What information do we collect from you?

When new members applied for Medisec membership and professional indemnity insurance underwritten by Allianz plc prior to 01 July 2020, we collected the personal details requested in the Proposal Form for General Medical Practitioners Medisec Master Policy Arrangement document.

When new members/policy holders apply for Medisec membership, professional indemnity insurance or Entity Medical Malpractice insurance underwritten by Berkshire Hathaway European Insurances DAC trading as MedPro, we will collect the personal details requested in the relevant Medisec MedPro Proposal Form.

When you contact us as an existing member/policy holder to administer your membership or for medico legal advices, we collect the information and personal data required to complete the task at hand. This may include collecting account / personal banking / direct debit details and any other relevant information related to your query.

We may, in some circumstances, need to collect special category personal information from you (such as medical or health information or records).

### **Keep us up to date!**

It is important that the personal information we hold about our Members/policy holders is accurate and current. Please keep us informed if your personal information changes during your Medisec membership, to ensure we can keep the information on our systems up to date and accurate.

### **How do we collect this information?**

Your personal information is usually collected directly from you for example, when you submit a membership/policy application form, or contact us by telephone or email with a query.

In some circumstances, your personal information may be collected from a third party. By way of examples:

1. With a member's/policy holder's prior permission and approval, his/her practice manager may contact us in relation to that member's indemnity policy/Entity Medical Malpractice policy.
2. We may check publicly available information including the electoral roll and court judgments. For example, we use a medical practitioner's Medical Council Registration Number as confirmed to us to cross-check their registration with the Irish Medical Council and we access the publicly available information about that medical practitioner on the Irish Medical Council's website.

### **Types of Information we collect, how we use it and our legal basis for processing**

We may collect, use, store and transfer different kinds of personal information and use it for a variety of purposes. Details of how we use your specific information and the legal bases on which we rely are set out in the table below. Additional information in respect of our legal bases for processing your personal information is set out in the following section of this data protection statement.

<b>Information type</b>	<b>Example of how we use it</b>	<b>Legal basis</b>
Personal contact information including address, email address, telephone numbers	<ul style="list-style-type: none"> <li>• To process membership/policy applications</li> <li>• To help administer products and services</li> <li>• To respond to queries and complaints and to ensure that we provide the best service possible</li> <li>• To send important updates and information as part of our risk and education guidance on best practice</li> <li>• To keep a record of membership/policy applications</li> </ul>	<ul style="list-style-type: none"> <li>• Performance of a contract with you</li> <li>• Compliance with our legal obligations</li> <li>• Establishment, exercise or defence of legal claims</li> <li>• Legitimate interests in administering the services we provide to members</li> </ul>
Name, date of birth	<ul style="list-style-type: none"> <li>• To process membership applications, to verify identity</li> </ul>	<ul style="list-style-type: none"> <li>• Performance of a contract with you</li> <li>• Compliance with our legal obligations</li> <li>• Establishment, exercise or defence of legal claims</li> </ul>

		<ul style="list-style-type: none"> <li>Legitimate interests in administering the services we provide to members</li> </ul>
Training and qualification details	<ul style="list-style-type: none"> <li>To process membership/policy applications</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in administering the services we provide to members/policy holders, ensuring that members/policy holders/practice staff have any necessary qualifications and ensuring ongoing viability of insurance cover</li> </ul>
Bank account details, including IBAN, BIC, sort code and account name	<ul style="list-style-type: none"> <li>To process SEPA direct debit mandates and to receive payments</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you</li> </ul>
Special category personal data regarding Members	<ul style="list-style-type: none"> <li>To administer membership</li> <li>To process requests for lifestyle breaks</li> <li>To process requests to incept ill health status</li> <li>To assist Members facing allegations of a relevant medical disability before the Medical Council</li> <li>To assist Members who are engaged with the Health Committee of the Medical Council</li> <li>To assist Members in the context of a Medical Council complaint / Inquiry when their personal health is a relevant issue e.g. to ground a privacy application, mitigating factor etc</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you</li> <li>Compliance with our legal obligations</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in administering the services we provide to members, and ensuring ongoing viability of insurance cover (including arranging tail cover)</li> <li>Consent</li> </ul>
Special category personal data regarding staff of the policy holder for Entity Medical Malpractice Insurance	<ul style="list-style-type: none"> <li>To assist practice staff facing allegations of a relevant medical disability before a regulatory body</li> <li>To assist practice staff in the context of a regulatory complaint / Inquiry when their personal health is a relevant issue e.g. to ground a privacy application, mitigating factor etc</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you</li> <li>Compliance with our legal obligations</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in administering the services we provide to members, and ensuring ongoing viability of insurance cover (including arranging tail cover)</li> <li>Consent</li> </ul>

<p>Interactions with our staff by telephone / email / incoming fax / in person</p>	<ul style="list-style-type: none"> <li>Such interactions are logged so that Medisec can deal with queries and satisfy requests. These records may also be used to monitor and train our staff and / or to provide services.</li> <li>Please note that telephone calls to and from Medisec are <i>not</i> recorded.</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in administering the services we provide to members, and ensuring ongoing viability of insurance cover (including arranging tail cover)</li> <li>Consent</li> </ul>
<p>Details of general advisory queries, litigation claims, Medical Council/regulatory complaints and Inquiries and HSE investigations and complaints involving Medisec members/practice staff as well as any information you provide to us regarding your practice and past claims history (including information submitted on the Proposal Form for General Medical Practitioners Medisec Master Policy Arrangement document, the Medisec MedPro Proposal Form or on any other related insurance form together with any confirmation or update on status/claims provided to us from year to year).</p>	<ul style="list-style-type: none"> <li>To provide members with a 24 hour helpline (by phone / email) for medico-legal queries</li> <li>To log queries received</li> <li>To monitor the response time of our service</li> <li>To investigate and provide legal advice in the context of anticipated, intimated or actual litigation brought by such third parties against Medisec members/policy holders</li> <li>To provide legal advice in the context of regulatory or supervisory authority complaints and / or Inquests involving our members/policy holders</li> <li>To compile anonymised statistics</li> <li>To identify trends for risk / education purposes</li> <li>To comply with professional requirements imposed on solicitors</li> <li>To facilitate the arrangement of insurance cover (including tail cover) for our members/policy holders</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you</li> <li>Compliance with our legal obligations</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in administering the services we provide to members/policy holders, and ensuring ongoing viability of insurance cover (including arranging tail cover)</li> <li>Consent</li> </ul>
<p>Your comments, suggestions and past complaints</p>	<ul style="list-style-type: none"> <li>To analyse, assess and improve our services and for training and quality control purposes</li> </ul>	<ul style="list-style-type: none"> <li>Legitimate interests in administering the services we provide to members, and to improve and develop the services which we provide.</li> </ul>
<p>“Cookie” technology on the Medisec website.</p>	<ul style="list-style-type: none"> <li>Cookies are small pieces of information, held in simple text files, stored on your computer, tablet, laptop or smartphone whenever you visit a website or mobile app.</li> </ul>	<ul style="list-style-type: none"> <li>Legitimate interests in administering the services we provide to members/policy holders, and to improve and</li> </ul>

	<ul style="list-style-type: none"> <li>The Medisec website uses cookies – please see below under Medisec Website</li> </ul>	<p>develop the services which we provide.</p> <ul style="list-style-type: none"> <li>Consent</li> </ul>
Personal data regarding Third Party litigants, complainants, patients and / or their legal representatives	<ul style="list-style-type: none"> <li>Dealing with claims, Inquests, Medical Council/regulatory complaints and HSE complaints and / or investigations involving Medisec members/policy holders</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you</li> <li>Compliance with our legal obligations</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in administering the services we provide to members/policy holders, and ensuring ongoing viability of insurance cover (including arranging tail cover)</li> <li>Consent</li> </ul>
Special category personal data regarding Third Party litigants, complainants, patients	<ul style="list-style-type: none"> <li>To investigate and provide legal advice in the context of anticipated, intimated or actual litigation brought by such third parties against Medisec members/policy holders</li> <li>To provide legal advice in the context of regulatory or supervisory authority complaints and / or Inquests involving our members/policy holders.</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you</li> <li>Compliance with our legal obligations</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in administering the services we provide to members/policy holders, and ensuring ongoing viability of insurance cover (including arranging tail cover)</li> <li>Consent</li> </ul>
Personal data regarding Third party service providers e.g. panel law firms	<ul style="list-style-type: none"> <li>Dealing with and corresponding in relation to advisories that are sent for external advice, claims, Inquests, Medical Council/regulatory complaints and HSE complaints and / or investigations</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract</li> <li>Compliance with our legal obligations</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in administering the services we provide to members/policy holders</li> </ul>
Personal data regarding underwriters, claims handlers, management in Allianz and/or Berkshire Hathaway European Insurance DAC t/a MedPro	<ul style="list-style-type: none"> <li>Dealing with and corresponding in relation to claims</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract</li> <li>Compliance with our legal obligations</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in administering the services we provide to members/policy holders, and ensuring ongoing viability of insurance cover (including arranging tail cover)</li> </ul>
Personal data regarding unsuccessful applicants for membership/cover	<ul style="list-style-type: none"> <li>To keep a record of declined applications for membership/cover in Medisec's legitimate business interests</li> </ul>	<ul style="list-style-type: none"> <li>Compliance with our legal obligations</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in operating and developing our business</li> </ul>

Personal data regarding unsuccessful job applicants	<ul style="list-style-type: none"> <li>To deal with any subsequent challenge on equality / fair procedures grounds</li> <li>To have a panel in the event that the preferred candidate declines the role or in the event that similar future vacancy arises within 12 months</li> </ul>	<ul style="list-style-type: none"> <li>Compliance with our legal obligations</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in administering the services we provide to members/policy holders</li> </ul>
Images from CCTV cameras in and around the Medisec office	<ul style="list-style-type: none"> <li>For security purposes</li> </ul>	<ul style="list-style-type: none"> <li>Compliance with our legal obligations</li> <li>Establishment, exercise or defence of legal claims</li> <li>Legitimate interests in ensuring safety of those persons working in (or visiting) our offices and security of records and equipment located in our offices</li> </ul>

## Legal bases for processing your information

As outlined above we rely on a number of different legal bases to use your personal information for different purposes

### a) To enter into and perform a contract with you

It is necessary to collect personal information when we are asked to process an initial application for membership/ Entity Medical Malpractice Insurance cover and when we are providing professional indemnity/ Entity Medical Malpractice Insurance Cover and membership services to existing members/policy holders.

Medisec acts as an insurance intermediary, which means we are required to provide your personal information to our former and present underwriters (Allianz plc and Berkshire Hathaway European Insurance DAC trading as MedPro) as appropriate depending on the professional indemnity policy applicable to each doctor in connection with the provision and administration of professional indemnity and related services.

If applicable we are required to provide your personal information to our underwriters Berkshire Hathaway European Insurance DAC trading as MedPro in connection with the provision and administration of Entity Medical Malpractice insurance cover and related services.

If we need to collect personal data by law, or under the terms of a contract with you and you do not provide that data on request, we may not be able to perform the contract we have or are trying to enter with you.

For example, we may need certain information from you to meet our obligations under anti-money laundering legislation before providing certain professional indemnity and membership services to you. We may not be able to provide those services without that personal data. We will notify you of this at the time, if this issue arises.

### b) To comply with our legal obligations

We are required to process your personal information to comply with certain legal obligations that we have. These include verifying your personal information to meet our legal and compliance obligations, including detecting and preventing money laundering, tax avoidance and financing of terrorism.

### c) For our legitimate business interests

Where we process your information for our legitimate interests, we ensure that the impact on your privacy is minimised and that there is a fair balance between our legitimate interest and your fundamental rights and freedoms.

Medisec has a legitimate interest in the effective management of its business. We may use your personal information to manage our everyday business needs including accounting and internal reporting needs. We may also use it to carry out market research, to administer the provision of our products and services, to ensure appropriate IT security and to prevent fraud. We may also use your personal information in order to review what insurance cover is available in the market to ensure that the most suitable and robust insurance cover at the most cost effective rates is available to our members.

Medisec has a legitimate interest in connecting with its members and updating members/policy holders on our products and services, on important risk and educational matters, on company developments and to invite you to events which we feel may interest you.

If you disagree with your information being processed in this manner, you can exercise your right to object – see below.

#### **d) For the establishment, exercise or defence of legal claims**

We sometimes process your personal information, including special category personal information, where it is necessary for the establishment, exercise or defence of legal claims.

#### **e) Consent**

We will, in certain circumstances, rely on your explicit consent to process your personal data, including special category personal data. This consent can be withdrawn at any time by using the contact details of the DPO set out below. If you choose to withdraw your consent, it will not affect the lawfulness of any data processing that Medisec carried out, based on your consent before you withdrew it.

### **Sharing your information with third parties**

We sometimes need to share your personal information with third parties in order to provide professional indemnity and membership services to you.

**Third Party Service Providers:** We will share your information with our former and present underwriters (Allianz plc and Berkshire Hathaway European Insurance DAC trading as MedPro) as appropriate depending on the policy applicable to each policy holder who may use your information for the purposes of insurance administration (including underwriting, processing, claims handling, reinsurance and fraud prevention). Specifically, the personal details specified in your completed proposal form will be shared with the relevant underwriter, in addition to whatever information is required for the purposes of administering your membership and providing services to you.

We might also share your information with third party service providers who are bound by confidentiality agreements, including for example, our external panel solicitors who may be instructed to assist you in relation to a claim, Medical Council/regulatory complaint, Inquest, investigation or general advisory matter.

We may also share your personal information with third party service providers who perform services and functions at our direction and on our behalf such as accountants, auditors, IT service providers, printers, business advisors and providers of security and administrative services.

**An Garda Síochána, government bodies, or other government officials:** We may share your personal information with an Garda Síochána, or other government bodies or agencies including but not limited to the Revenue Commissioners, if required to do so by law.

### **Third party direct marketing**

Medisec will never share its members' personal information with third parties for the purposes of direct marketing.

## Transfers outside the European Economic Area

We may need to transfer your data to MedPro Group affiliates which are located outside of the European Economic Area (EEA) where data privacy laws may not be the same as they are in the EEA. Those transfers are undertaken with the required GDPR safeguards in place.

## Storage Periods

We will retain your personal information for the purpose of satisfying any legal, accounting or reporting requirements. How long certain information is stored depends on the nature of the information we hold and the purpose for which it is processed.

For example we may hold some personal information for a period of seven years from the date of completion of any contract with you. We may hold personal information relating to litigation in which you were involved for a period of ten years following the conclusion of such litigation. In other instances, such as in relation to declined membership/policy applications, Medisec has a legitimate interest in holding some minimal personal information indefinitely.

## Security and confidentiality

Medisec staff members are authorised to access your personal information when that information is relevant to the performance of their duties. This may be in connection with the delivery of services to you or in accordance with legal or regulatory obligations.

All Medisec staff members have signed and are required to abide by strict confidentiality agreements.

## Medisec website

The Medisec website uses session cookies to enhance the user experience. These cookies expire at the end of the browsing session or shortly afterwards.

## Security of information transmitted to our website

Medisec cannot guarantee the security of your personal information transmitted to our website. Transmission of your personal information is at your own risk. Once we receive your personal information, we will use appropriate security measures to seek to prevent unauthorised access or disclosure.

## External websites

Our website may contain links to and from other websites. Those websites have their own privacy policies and Medisec does not accept any responsibility or liability for those policies. You are advised to check those policies before you submit any personal information to those websites.

## Your Rights

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information. This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to

process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact our Data Protection Officer in writing.

#### **No fee usually required**

Generally, you will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

#### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

#### **Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Your rights can be limited by data protection legislation in some situations. For example, Medisec is not obliged to rectify or delete your personal information where doing so would prevent us from meeting our contractual obligations to you, or where Medisec is required or permitted to process your personal information for legal purposes or otherwise in accordance with our legal obligations.

If you want to exercise any of your rights, please contact our Data Protection Officer in writing using the postal or email contact details set out below.

We will endeavour to respond to any request you make as soon as possible. With regard to an access request, we will respond as soon as we can and within a month i.e. 30 calendar days of receipt of the request. If we cannot deal with your request within a month, we may extend this period by a further period of two months. We will tell you if we need to do this and we will explain why.

#### **Right to complain to Data Protection Commission**

You are entitled to make a complaint to the Data Protection Commission if you think that we have acted in breach of any provision of data protection law. Please see the relevant contact details below:-

You can visit the website of the Data Protection Commission at [www.dataprotection.ie](http://www.dataprotection.ie) for more details or you can write to:

Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2  
D02 RD28  
Phone: + 353 1 7650100 / 1800 437 737  
Email: [info@dataprotection.ie](mailto:info@dataprotection.ie)

### **Updates to this Data Protection Statement**

We will update this data protection statement from time to time. Medisec reserves the right to amend this policy at any time, at its discretion. You are encouraged to review this policy from time to time. We will notify you of changes to this data protection statement where we are required to do so. The most up to date version of this data protection statement will always be available on the Medisec website.

### **Data Protection Officer**

If you have any questions about this data protection statement, if you would like to exercise your legal rights or if you would prefer not to receive updates from us, please contact our Data Protection Officer:

Data Protection Officer  
Medisec Ireland CLG  
7 Hatch Street Lower  
Dublin 2  
Email: [dpo@medisec.ie](mailto:dpo@medisec.ie)