



<https://www.hdi-specialty.com/>

**EXPLANATORY NOTES TO THE
HEALTH DECLARATION**



General

The producer of a project that you will take part in has taken out 'personal incapacity' production insurance with HDI Global Specialty SE, the Netherlands (HDI), or intends to take out such insurance. The producer has asked HDI to include you as an insured person in the policy. In order to assess whether HDI can accept you as an insured person, HDI requests you to provide information on your health. You can do that by taking a medical examination or submitting a health declaration. These explanatory notes relate to the health declaration.

Why a health declaration?

HDI has requested you to complete a health declaration. Please enter your personal and medical details in this form. Then you will need to send the health declaration to the medical adviser. He or she will assess your medical details at HDI's request. The medical adviser is not an employee of HDI. The medical adviser will give HDI his or her opinion on the risks that HDI would run if it accepts you as an insured person under the producer's policy. The medical adviser's opinion may be that:

- The risk under the producer's policy would not be increased and that HDI can accept you as an insured person under the producer's policy;
- The risk under the producer's policy would be increased. In that case, HDI will determine whether, and if so, subject to which (restrictive) conditions you can be insured under the producer's policy;
- You are too high-risk. In that case, the medical adviser will advise against accepting you as an insured person under the producer's policy.

HDI will eventually decide on whether to accept you as an insured person under the producer's policy.

What if you fail to submit the health declaration?

In that case, HDI will not accept you as an insured person under the producer's policy.

Completing the health declaration

You are required to complete the health declaration yourself. So don't arrange for it to be completed by your insurance broker, your insurance adviser, or anyone else. It is important that you answer all questions correctly and completely. Doing so will prevent the following:

- your application being delayed;
- HDI not making a payment to the producer if you are incapacitated;
- HDI reclaiming a payment made to the producer;
- that you could be registered in the events record and the internal fraud register of HDI and the External Reference register (EVR) of insurers that are members of the Dutch Central Information System (Stichting CIS).

What happens to your medical information?

The medical adviser evaluates your medical information and saves it in a medical file. The medical adviser has no access to your other medical information, for example, held by your health insurer or family doctor. HDI has no access to your medical file.

Who can view your medical information?

The Code of Conduct for Processing Personal Data by the Insurance Industry sets out what is and is not allowed with regard to processing your medical information. You can view this code of conduct at www.verzekeraars.nl/overhetverband/zelfregulering under 'Regulations and codes'.

Information about your health is confidential. Only the medical adviser and the medical adviser's employees are allowed to view your information. You can read what is allowed and not allowed with regard to the medical adviser processing your medical information in the guideline for handling medical information of the Royal Dutch Medical Association (KNMG). This guideline can be accessed on www.knmg.nl under 'Advice & Guidelines'.

Does the medical adviser need additional medical information?

Sometimes the medical adviser needs additional medical information about your health, e.g. from your family doctor. Your doctor is only allowed to supply that information to the medical adviser with your permission. You need to give an authorisation to that effect.

The medical adviser's opinion

What does the opinion comprise?

The medical adviser assesses your health. He will give HDI an opinion based on that assessment. This is done in writing. He will usually advise that the prospective insured person can be accepted under the producer's insurance policy without any restrictive conditions.

The medical adviser's opinion can be:

- To accept the prospective insured person as an insured person;
- To accept the prospective insured person as an insured person under conditions to be specified;
- Not to accept the prospective insured person as an insured person.

What if you disagree with the medical adviser's opinion?

If you disagree with the medical adviser's opinion, you can ask him, via HDI, to review his or her medical opinion. Such request must be made in writing. Set out the reasons for making your request. Do you think that the medical adviser based his or her opinion on incorrect information? For example, this could be because new information has come to light about your health. Or do you think that errors were made in the medical examination? In these cases, you can also ask the medical adviser to change his or her medical opinion. The medical adviser will assess your request and decide on whether to reassess his or her medical opinion. The medical adviser can also ask for an authorisation that will enable him to request additional information from your family doctor or medical specialist.

Medical adviser's opinion and objection

You have the right to be the first person to be informed of the medical adviser's opinion. However, you will need to request this in advance. This can be done by ticking the option in the health declaration that you wish to exercise this right to be informed, while giving the mobile phone number on which you can be reached **privately and directly**. Next, you can ask the medical adviser not to disclose his or her opinion to HDI. This is referred to as the **right to refuse access to your medical data**. When you exercise this right, HDI's acceptance process will be discontinued and it will be impossible to accept you as an insured person under the producer's insurance.

If you send the (completed and signed) health declaration to the medical adviser, you imply that you do *not* object to the information entered in it being processed. However, do not submit the health declaration if you object to this. In that case, it will be impossible to accept you as an insured person under the producer's policy.

If your health changes

Complete the health declaration. The medical adviser will assess it and give HDI a written opinion. Sometimes, a couple of weeks may pass between your application and the decision to accept you as an insured person under the policy. In the meantime, your health may improve or deteriorate. If so, please report it immediately to the medical adviser. If you fail to report the change (in time), it may have consequences for your acceptance under the producer's policy and/or implementation of the insurance.

Definite acceptance

Once you have been informed by HDI that you are accepted as an insured person under the producer's policy, you are definitely insured. Sometimes HDI will accept you on a provisional basis. In that case, you are not yet definitively insured. You must report any changes in your health to the medical adviser until you are definitely accepted under the producer's policy.

Questions about your family doctor?

You are asked to indicate who your family doctor is. You may need to undergo an additional medical examination before you can be covered by the producer's insurance policy. Your family doctor is not allowed to perform this examination. HDI wants to be absolutely sure that this is not the case. That is why HDI already enquires about your family doctor.

Processing personal data

In order to accept you as an insured person under the producer's policy, we ask you to indicate (particular) personal details, including data on your health, by submitting the health declaration to the medical adviser. The latter will process your health information at HDI's request in order to give an independent, expert opinion about your health.

HDI will only process your personal details in order to allow you to be accepted as an insured person under the producer's policy, when this is necessary for the implementation of the insurance agreement, in order to meet the statutory obligations and to combat insurance fraud and other forms of insurance-related crime.

Your health information will be stored under the responsibility of the medical adviser in your medical file and definitely not feature in HDI's insurance files. HDI's insurance files will only include the medical opinions that the medical adviser sends to HDI at some point.

Legal basis for the data processing

The legal basis for processing personal data is obtained before an insurance agreement is entered into and can also be found in Article 6 paragraph 1 subsection b of the General Data Protection Regulation (GDPR). If you provide personal data using a form, such as the application form, the legal basis can also be found in Article 6 paragraph 1 subsection a of the GDPR.

If special categories of personal information are required for the formation of insurance agreements and/or the implementation of these agreements, we always ask you for explicit permission to process the data, in accordance with the provisions in Article 9 paragraph 2 subsection a of the GDPR in conjunction with Article 7 of the GDPR. This consent is not required to process health data insofar they need to be processed to implement the insurance agreement. In that case, processing will occur taking into account the provisions in Article 9 paragraph 2 h of the GDPR in conjunction with Article 30 paragraph 3 b of the Dutch General Data Protection Regulation Implementation Act.

Insofar as we process these special categories of personal data for statistical purposes, processing will be performed pursuant to the provision in Article 9 paragraph 2 subsection j of the GDPR. In the context of implementing the insurance agreement, it will be necessary to process personal information. Such processing will occur taking into account the provisions in Article 9 paragraph 2 subsection h of the GDPR in conjunction with Article 30 paragraph 3 subsection b of the Dutch General Data Protection Regulation Implementation Act.

Your rights and obligations

You are entitled to insight into the personal details relating to you that were processed, the purposes of processing, the categories of personal data that have been processed, the recipients or categories of recipients to whom the personal data is provided and the period during which the personal data is stored. This is called the **right of access**.

HDI will have no access to the health data that you give to the medical adviser. The medical adviser determines which relevant health data he or she provides to HDI.

You are entitled to request a copy of the personal data that HDI processes (or has processed) in relation to you. You can also request a copy of your medical file from the medical adviser, via HDI. This is called the **right to a copy**.

Would you like your medical file to be amended and/or supplemented because it contains errors or because the file is incomplete? You send a request, via HDI, for the medical adviser to do this. This is referred to as the **right to correct and supplement**.

You also have the right of deletion. You can ask HDI to delete your personal data after processing. This is called the **right to be forgotten**. The latter only applies when you have not yet been accepted as an insured person under the producer's policy. Based on the General Data Protection Regulation (GDPR) and the Dutch General Data Protection Regulation Implementation Act, conditions nevertheless apply to the right to correct and supplement and the right to be forgotten.

Does the **right to be forgotten** also apply to my medical file? No, in principle, the right to be forgotten does not apply to medical files. However, you can ask the medical adviser to remove details from your medical file. You can do this by sending a request to him or her via HDI. In the Netherlands, rules for storing medical files are set out in the Medical Treatment Contracts Act (WGBO) and the Medical Examinations Act (WMK). Personal data obtained in the context of a medical assessment are retained as long as reasonably necessary for the purpose of the assessment.

You can ask HDI to restrict processing of your personal data by HDI and/or the medical adviser. For example, you can request this if you dispute the accuracy of the personal data for the period, enabling us to check the accuracy, or if you consider the processing unlawful and object to it being deleted. This is called the **right to restricting the processing**.

You have the right to ask HDI to stop using your personal data. This is called the **right to object**.

In specific cases you are entitled to obtain the personal data that you give to the medical adviser at HDI's request or your personal data given to HDI by the medical adviser in a structured, commonly used and machine-readable format. This is called the **right to data portability**.

Verification of identity

In order to prevent that other persons gain access to your personal data, HDI will ask the person making the request to show proof of identity, before fulfilling any of the above requests.

Controller

The controller of the data processing is HDI Global Specialty Se, The Netherlands, Blaak 34, 3011 TA Rotterdam. If you have questions about processing your personal data, please contact our data protection officer via meldingen-compliance@hdi-specialty.com.

Code of Conduct for Processing Personal Data by the Insurance Industry

The processing of your personal data by insurance companies is governed by the Code of Conduct for Processing Personal Data by the Insurance Industry. A consumer brochure about this code of conduct can be obtained from HDI (PO Box 925, 3000 AX Rotterdam). The complete text of the code of conduct can be accessed on the website of the Dutch Association of Insurers www.verzekeraars.nl. You can also request the code of conduct from the Dutch Association of Insurers (Verbond van Verzekeraars, PO box 93450, 2509 AL The Hague).

Complaints and disputes

Any complaints with regard to the **processing of your personal data** by HDI or the medical adviser can be submitted to:

*HDI Global Specialty SE, the Netherlands
Compliance & Security department
For the attention of the **complaints coordinator** and/or the **data protection officer**
PO Box 925, 3000 AX Rotterdam
meldingen-compliance@hdi-specialty.com*

If you find HDI's opinion unsatisfactory, you can turn to:

the Financial Services Complaints Tribunal [Stichting Klachteninstituut Financiële Dienstverlening (KiFiD)]

*PO Box 93257
2509 AG The Hague
Tel. (+31)70 – 33 38 999
Website: www.kifid.nl*

In the event you do not wish to make use of the dispute resolution options within the sector or if you do not find the way the tribunal handles the dispute satisfactory, you can submit the dispute to the competent court.

The supervisory authority for processing personal data in the Netherlands is:

The Dutch Data Protection Authority

*Bezuidenhoutseweg 30
2594 AV The Hague*

*PO Box 93374
2509 AJ The Hague*