

Website Privacy Notice

Who we are

In this policy, when we refer to “we”, “us” or “our”, it means Berkley Insurance Company (Australia Branch) ABN 53 126 559 706 trading as Berkley Insurance Australia of the W. R. Berkley Corporation member companies. When we refer to “you” and “your” in this policy, we mean a living individual whose personal information we may collect. More information about W. R. Berkley Corporation member companies (“W. R. Berkley companies”) can be found on www.wrberkley.com/our-business/operating-units

We are the controllers in respect of personal information for the products and services we provide to you. Protecting your personal information is extremely important to us. We have set out information below for anyone who uses our services. It will help them understand the way we collect, store and process personal information. Please take a few moments to read the privacy notice below, and share it with anyone else connected to the policy.

From time to time, we may change this privacy notice. Depending on the nature of the change, we will inform you of any such change through our written communications with you or through our website, <https://berkleyinaus.com.au/>

Personal information that we collect

When we refer to personal information, we mean information about a living individual which could be used to identify them. We collect and process limited personal information about you for the purposes highlighted in the “How we use your personal information” section. This may include:

- Basic personal details such as name, address, date of birth, contact details and gender
- Financial information such as account, direct debit or payment transactional information
- Information about your family, lifestyle and social circumstances, such as marital status, dependents, next of kin and employment type
- Information about your financial circumstances, including personal wealth, assets and liabilities and borrowing history
- Education, employment and other qualifications
- Photographs and/or video to help us manage policies and assess claims such as copies of identification documents
- Identification checks and background insurance risk details including previous claims information
- Criminal convictions relevant to your policy or claim

For certain events during the policy lifecycle, we will need to process specific and limited special categories of personal information, such as information relating to your physical or psychological health or detecting financial crime. We will only process special categories of information where we’ve obtained explicit consent from you or are otherwise lawfully permitted to do. This information will only be used for a particular purpose highlighted in “How we use your information” section. In most cases, this will only be required in a claim where an injury has occurred.

The personal information described above is not an exhaustive list as the actual personal information that we collect will depend upon the information that is provided to us in connection with the individual policy.

How we use your personal information

We will use the personal information you provide to us, together with other information for the following purposes:

- **Administration of our policies**
We need to process personal information to enable us to fulfil our contractual obligations to you including quote generation, policy underwriting and claims handling. This may involve sharing personal information with third parties such as loss adjusters, law firms, auditors and reinsurers.
- **Comply with regulatory or other legal requirements**
As a financial services company, we are authorized by financial regulatory authorities who impose law on us which we must comply with. In some cases, we will process and share personal information with these regulatory and enforcement agencies.
- **Prevention and detection of fraud**
We will process personal information to carry out checks to help detect and prevent fraud and financial crime using agencies such as credit reference agencies or using publicly available information.
- **Provision of customer service**
We will process personal information to enhance our customer service experience and relationship with you. It will also enable us to deal with queries and complaints that you may have. These queries are monitored and stored for future reference and can also be used for internal purposes such as quality assurance and training.

- **Share personal information with other W. R. Berkley companies**
We will process and store your information on record in order to carry out internal business administration and reporting.
- **Actuarial**
We may process personal information to define our actuarial, pricing and underwriting strategies.

You are not obliged to provide us with personal information, but we cannot provide our products and services without it. Please see the “Your rights” section below.

Lawful basis for processing personal information

As part of data protection laws we can only process personal information where we have the legal grounds to do so. To use your information we rely on the following lawful basis for processing conditions:

- **Perform our contractual obligations to you**
We process your personal information to carry out our responsibilities to you resulting from any agreements you have entered to with us.
- **Legitimate interests**
We may process your personal information where it is in our legitimate interest to do so for example using and sharing your personal information for the purposes described in the “How we use your personal information” section.
- **Compliance with a legal obligation**
We may process your personal information where we are obliged to comply with applicable laws and regulation such as the prevention, detection and reporting of fraud and other financial crime.

We will only process sensitive personal data where you have given your explicit consent or for reasons of substantial public interest, for example, to prevent or detect unlawful acts or fraud or for an insurance purpose. Insurance purpose is defined to include advising, arranging, underwriting, administering, administering a claim under, exercising a right or complying with an obligation in connection with an insurance contract.

Where personal information is collected from

We collect information from you or your representative. Examples can include; when you apply for insurance cover, where you raise a claim and when you communicate with us through written, verbal and electronic communication. We may also collect information from publically available sources such as social media, the Electoral Register and Companies House. In some cases, we may also collect information from other person or organisations, for example credit reference and/or fraud prevention agencies, government and law enforcement agencies, insurance industry registers and databases and other involved parties (claimants or witnesses).

How long personal information is kept for

We will keep personal information only for as long as we need to, so as to administer your policy or until it is no longer required for legal, contract, litigation, regulatory purposes or as is otherwise necessary.

How information is shared

We may share your personal information with:

- Other W. R. Berkley companies
- Processors such as approved third parties, suppliers, contractors and surveyors who help with us with the purpose highlighted in the “How we use your personal information” section
- Other insurers for the purpose of reinsurance
- Financial crime prevention agencies, legal, regulatory or government bodies where we are required to comply with legal and regulatory obligations

Credit Reference and fraud prevention agencies

Specific personal information we have collected may be shared with approved credit reference agencies and financial crime prevention agencies to prevent fraud, money laundering and compliance with sanctions. This may include checks on your identity and addresses. Where we suspect financial crime or fraud, we may cancel any policies you have with us, we will not be able to pay any claim or offer you any other products or services. We may also share information about you with other organisations and public bodies, including law enforcement agencies.

Marketing

We do not carry out targeted marketing campaigns, however, we process personal information to develop, improve, and personalise our product, pricing and services.

Automated decision making

We may use automated decision (including profiling) on the personal information we have to:

- Determine price, premiums and underwriting decision when you ask for a quote
- Prevent and detect fraud
- Facilitate sanctions checking

Where applicable, if you disagree with the outcome of an automated decision please contact us using the contact details in the “Your rights” section.

Your rights

With regards to your personal information, you have the right to:

- **Access**
You can request a copy of the personal information we hold about you, subject to certain exemptions. We may charge for this if the request is deemed to be manifestly unfounded or excessive.
- **Rectification**
You can request to update, correct and complete your personal information to ensure it is accurate and up to date.
- **Erasure**
You can request us to delete where we hold your personal information if it is no longer needed or has no other lawful basis for processing.
- **Objection**
You may object to us processing your personal information. We will either agree to stop using it or explain why we are unable to complete the request. If we do so, we may be unable to continue providing services related to the policy.
- **Restriction**
You can ask us to restrict the use of your personal information in certain circumstances, such as where you consider personal information we hold is inaccurate or being used for unlawful purposes.
- **Portability**
You can ask for a copy of the personal information you provided to us, so you can use it for your own purposes in a portable format such as to use for another organisation.
- **Opt-out**
You can ask us to limit or stop using your personal information, if processing is based solely on your consent.

If you wish to exercise your rights, please contact us at GDPRinfo@wrberkley.com.

Please ensure that your request contain sufficient information to enable us to validate your identity and take appropriate action.

Complaints

If you have any other question about how your information is processed or would like to make a complaint, please contact us in the first instance using the details provided in the “Your rights” section and we will be happy to investigate.

You also have the right to complain to the regulator, and to lodge an appeal if you are not happy with the outcome of a complaint.

If you would like to complain to the regulator, their details can be found on the website below.

http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=612080

Sending data outside of the EEA

W. R. Berkley operates on a global scale. As a result, we may transfer and store your personal information in countries that have different data protection laws to those in the European Economic Area (“EEA”). We will take all reasonably necessary steps to make sure that your data is treated securely and in accordance with this privacy policy. These transfers will only be to a territory that is deemed adequate by the European Commission, or to other countries, where appropriate technical measures and safeguards have been put in place. In the case of sharing data with third parties, we will include clauses in contracts that require them to protect your personal information to the same standards as the EEA.