

# Convex Europe S.A. Privacy Notice

Convex Europe S.A. (CES) is committed to protecting your privacy and ensuring that your personal information is collected and used appropriately, lawfully, and transparently. This notice sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

## **This Privacy Notice explains:**

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## 1. Who we are?

CES is part of the Convex Group and is a speciality insurer based in Luxembourg. We offer specialist insurance cover to individuals, companies, and other insurers.

CES is authorised by the Commissariat aux Assurances (CAA) as a non-life insurance company carrying out regulated insurance activities under insurance classes 1-9 and 11-16. Under the freedom to provide services Convex Europe S.A. is authorised to pursue insurance activities in all Member States of the European Union and the European Economic Area. Convex Europe S.A. is authorised and supervised by:

Commissariat aux Assurances  
7, boulevard Joseph II  
L-1840 Luxembourg  
(+352) 22 69 11 - 1  
[caa@caa.lu](mailto:caa@caa.lu)

Further details can be found at [www.caa.lu](http://www.caa.lu)

Convex Europe S.A. (UK Branch) is Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority (Financial Services Register Number 949597 and UK establishment number BR023692). UK Establishment office address at 52 Lime Street, London, EC3M 7AF UK.

## 2. Our Data Protection Standards

As an international insurer based in Luxembourg, Convex will apply the standards as set by The General Data Protection Regulation (EU) (2016/679) (“GDPR”).

Our regulator for data protection and privacy is the National Commission for Data Protection (*Commission Nationale pour la Protection des Données* – CNPD) of the Grand Duchy of Luxembourg.

Where data is processed through our UK branch, we are regulated by the UK Information Commissioners Office who apply standards set by the Data Protection Act 2018 and UK GDPR.

Currently UK and EU GDPR hold reciprocal adequacy status, allowing for the free flow of data between the two states.

### 3. About the insurance market

Insurance is the pooling and sharing of risk in order to provide protection against a possible eventuality. The process includes the requirement for us to process and share your personal data with various insurance market participants such as intermediaries, insurers, and reinsurers.

### 4. What personal information we collect

CES collects and processes data, in order for us to deliver insurance services such as providing you with a quote, processing claims and administration purposes. We also process data for recruitment purposes, relationship management and dealing with complaints.

The data that we collect from you and how we process that data will depend on our relationship with you. Consequently, we will collect relevant data dependent on whether you are an applicant (policyholder), a beneficiary, a claimant, a witness, a broker, a potential employee or a third party. This also applies if you are listed as an applicant or beneficiary under a policy that someone else has with us (such as a named director under a Directors & Officers policy).

If you make a claim against a third party who has an insurance policy with us, this section will be relevant to you and sets out our uses of your personal data.

The type of personal information we may collect will depend on the purpose for which it is collected but may include:

- Information to verify your identity such as passport details, driving licence and national insurance number.
- Previous occupation and employment history, job title and professional accreditations.
- Family, lifestyle, health, and financial information.
- Information relating to criminal and/or civil offences.
- General information such as your name, address, contact phone numbers and email addresses, date of birth and gender.
- Information about your relationship to the policyholder where you are the beneficiary.
- Your bank and payment details.
- Any financial information about you which we have obtained as a result of conducting credit checks such as bankruptcy orders, individual voluntary arrangements or county court judgments.
- Information which we obtain as part of checking sanctions lists, such as those published by United Nations, European Union, UK Treasury, the U.S. Office of Foreign Assets Control (OFAC), the U.S. Department of Commerce and the U.S. Bureau of Industry and Security.
- Any information which is relevant to your insurance application such as previous insurance policies you have held and claims you have made. This will also include any information specific to the type of policy you are applying for, for example, if you are applying for a fine art policy we may collect and use information which relates to your art collection.

- Information which we have gathered from publicly available sources such as the electoral roll, newspapers, referrals from current or past colleagues and social media sites.
- Any other information passed on from you, your insurance broker or someone else applying on your behalf.

## 5. Special Category / Sensitive Data

Sometimes we will need to collect and process, sensitive personal data, sometimes referred to as 'Special Category Data' (which is information relating to your marital status, physical or mental health, genetic or biometric data, criminal convictions, sex life, sexual orientation, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership). As an example, we may need access to information about your health in order to provide you with a quote, provide your insurance policy, or process any claims you make. We may also need details of any unspent criminal convictions you have for fraud prevention purposes. When we require the collection of Special Category Data, we will explain why it is required and ask for your consent to process this information.

## 6. How will we collect your personal data?

We will collect information directly from you when:

- you apply for or renew a policy;
- we are providing you with a quotation;
- you contact us by email, telephone and through other written and verbal communications;
- you visit us in person, we will retain your details and summaries of our discussions;
- we engage in telephone or video conferencing;
- you apply for a role within our organisation; and
- you contact our third-party administrators by telephone (please note that call recording may be used).

As well as obtaining information directly from you, we will collect information from:

- the applicant where you are a beneficiary or named under an insurance policy;
- third parties involved in the insurance application process (such as our business partners and representatives, brokers or other insurers);
- recruitment agencies, who you have engaged;
- publicly available sources such as the electoral roll, court judgments, insolvency registers, internet search engines, news articles and social media sites;
- credit reference agencies in relevant jurisdictions e.g., HireRight used for pre-employment checks who will in turn check your data against various credit referencing data bases; and

- financial crime detection agencies and insurance industry databases (such as for fraud prevention and checking against international sanctions) including the Claims Underwriting Exchange (known as “CUE “) operated by IDS.

## **7. On what basis do we collect data?**

We will process your data for a number of purposes, and these will be conducted under a ‘lawful basis for processing’ which means that we have a legitimate interest in processing your data. We will process your personal data:

- In the pursuit of entering into or the administration of an insurance contract with you e.g., to provide you with a quote.
- Where we are obliged to use personal data as defined by law or regulation e.g., where regulation requires us to hold certain records on our dealings with you.
- Where we use your data as part of our wider business records and analysis e.g., for future planning and improving our network, products, and services.
- Where the information that we process is classified as ‘sensitive’ or Special Category Data, we will always explain the requirement for processing this information with you and will ask for your specific consent to process data for example, such as health and / or ethnicity.

## **8. Who will we share your personal data with?**

We will keep your personal data confidential, and we will only share it where necessary for the purposes set out above with the following parties:

- Other members of the Convex Group, when there is a legitimate reason for doing so such as shared services such as claims administration.
- Third parties involved in the administration of the relevant insurance policy or claim. These include loss adjusters, claims handlers, private investigators, accountants, auditors, banks, lawyers, and other experts including medical experts.
- Third party providers who support our IT infrastructure.
- Other insurers (e.g., where another insurer has previously provided you with a policy or handled a claim).
- Insurance brokers and other intermediaries.
- Other insurers who provide our own insurance (reinsurers) and companies who arrange such reinsurance.
- Credit reference agencies in relevant jurisdictions for claims and pre-employment checks
- Third parties who provide sanctions checking services.
- Insurance industry bodies (including the Employers’ Liability Tracing Office).
- Financial crime detection agencies and insurance industry databases (such as for fraud prevention and checking against international sanctions) including the Claims Underwriting Exchange (known as “CUE“) operated by IDS.

- Our regulators including the Commissariat aux Assurances (CAA) and – for the UK Branch – the Financial Conduct Authority (FCA), the Prudential Regulation Authority (PRA), the National Commission for Data Protection (*Commission Nationale pour la Protection des Données* – CNPD), the UK Information Commissioners Office (ICO).
- The police, Luxembourg Inland Revenue (*Administration des contributions directes* – ACD) and other relevant government agencies, crime prevention and detection agencies.
- Third party suppliers, agents and contractors appointed by CES to help us carry out our everyday business activities including recruitment service providers, IT suppliers, actuaries, auditors, lawyers, document management providers, outsourced business process management providers, our subcontractors and tax advisers.
- Selected third parties in connection with any sale, transfer, or disposal of our business.
- Any agent or representative empowered by you to act on your behalf.
- Any other person where necessary to perform any insurance contract with you, in order to protect ourselves from risk or to ensure regulatory compliance or good governance.

## 9. Witnesses to an incident

If you are a witness to an incident which is the subject of a claim, this section will be relevant to you and sets out our uses of your personal data.

We will collect personal data such as:

- General information such as your name, address, contact phone numbers and email addresses, date of birth and gender.
- Information relevant to the incident that you have witnessed.
- It is not standard practice to collect Special Category Data of witnesses to an accident. However, if you are involved in the accident and your details are supplied to us (for example, within a medical report) we might process your sensitive personal data.

As well as obtaining information directly from you, we will collect information from:

- Third parties involved in the incident you witnessed (such as brokers or other insurers, claimants, defendants, or other witnesses).
- Other third parties who provide a service in relation to the claim which relates to the incident you witnessed (such as loss adjusters, claims handlers, and experts).
- Publicly available sources such as the electoral roll, court judgments, insolvency registers, insurance industry databases, internet search engines, news articles, and social media sites.
- Other companies within the Convex Group.

Your personal data may be used for a number of purposes where we have legal grounds to do so. When processing your personal data, we rely on the following legal grounds:

- We have a legal or regulatory obligation to do so.

- We have a legitimate reason for processing your data, such as the investigation of an incident which is the subject of a claim or for the purpose of keeping a business record. In each circumstance we will always consider your rights and interests.

## **10. Brokers, appointed representatives, suppliers, and other business partners**

If you are a broker doing business with us, an appointed representative or other business partner such as an introducer or supplier, this section will be relevant to you and sets out our uses of your personal data.

We will collect and process personal data including:

- General information such as your name, address, contact phone numbers and email addresses, date of birth and gender.
- Identification information such as passport details, driving licence and national insurance number.
- Information about your job such as job title and previous roles.
- Information which we obtain as part of checking sanctions lists, such as those published by United Nations, European Union, UK Treasury, the U.S. Office of Foreign Assets Control (OFAC) and the U.S. Department of Commerce, Bureau of Industry and Security.
- Other information (including publicly available information) obtained as part of our due diligence checks.
- If you attend an event with us, we may collect relevant details such as your event preferences and dietary requirements.

We may also collect sensitive data such as detailed information relating to any criminal convictions (including offences and alleged offences and any court sentence or unspent criminal convictions). Where we collect sensitive data, we will treat this enhanced security

We will collect data from you directly as part of our onboarding processes for business partners and intermediaries. In addition to this we will collect data from:

- Invoices, contracts, policies, correspondence, and business cards.
- Publicly available sources such as internet search engines.
- From service providers who carry out sanctions checks.

We may use your personal data for a number of different purposes. In each case, we must have a “legal ground” to do so. We will rely on the following “legal grounds”, when we process your “personal data”:

- We need to use your personal data to enter into or perform the contract that we hold with you. For example, we may need certain information in order to operate our business partnership arrangement.
- We have a legal or regulatory obligation to use such personal data. For example, we may be required to carry out certain background checks.



- We need to use your personal data for a legitimate interest (e.g., to keep business records, to carry out strategic business analysis, review our business planning and to develop and improve our products and services). When using your personal data for these purposes, we will always consider your rights and interests.

When the information that we process is classed as “Special Category Data”, we must have an additional “legal ground”. We will rely on the following legal grounds when we process your “Special Category Data”:

- We need to use your Special Category Data for purposes relating to an insurance policy or claim and there is a substantial public interest in such use. Such purposes include assessing an insurance application, managing claims, and preventing and detecting fraud.
- We need to use your sensitive personal data to establish, exercise or defend legal rights. This might happen when we are faced with legal proceedings or want to bring legal proceedings ourselves.
- We need to use such Special Category Data for a justifiable public interest purpose based on a legal requirement (e.g., security scanning of email contents to detect cyber threats)
- As part of our onboarding process, you have provided your consent to our use of your sensitive personal data.

We may use your personal data for a number of different purposes. In each case, we must have a “legal ground” to do so. We will rely on the following “legal grounds”, when we process your “personal data”:

- We need to use your personal data to enter into or perform the contract that we hold with you. For example, we may need certain information in order to operate our business partnership arrangement.
- We have a legal or regulatory obligation to use such personal data. For example, we may be required to carry out certain background checks.
- We need to use your personal data for a legitimate interest (e.g., to keep business records, to carry out strategic business analysis, review our business planning and to develop and improve our products and services). When using your personal data for these purposes, we will always consider your rights and interests.

## 11. Prospective job applicants

If you are applying for a job with us, this section will be relevant to you and sets out our uses of your personal data.

The personal data that we will collect from you will include:

- General information such as your name, address, contact phone numbers and email addresses, date of birth and gender.
- Information about your job such as job title and previous roles.
- Information about your right to work



- Other information (including publicly available information) obtained as part of our due diligence checks.
- In the event you attend events with us, we may collect relevant details e.g., your event preferences, dietary requirements etc.

We will also collect sensitive data including, information relating to your criminal convictions (including offences and alleged offences and any court sentence or unspent criminal convictions). In the event you attend events with us, we may collect dietary requirements. If your CV contains any trade union memberships these will be collected.

As well as obtaining information directly from you, we will collect information from service providers e.g., recruitment companies you have instructed and social media e.g., LinkedIn. Note, where we receive your CV or and do not offer you a role but consider that you have relevant skills and experience applicable to future roles, we will store it on our files for 2 years, where we will undertake periodic reviews for suitability against current vacancies unless you object, in which case we will delete it from our files.

We may use your personal data for a number of different purposes. In each case, we must have a “legal ground” to do so. We will rely on the following “legal grounds”, when we process your “personal data”:

- We need to use your personal data to enter into or perform the employment contract that we hold with you. For example, we may need certain information draft an offer of employment.
- We have a legal or regulatory obligation to use such personal data. For example, we may be required to carry out certain background checks.
- We need to use your personal data for a legitimate interest (e.g., to keep your CV on file in case future opportunities arise). When using your personal data for these purposes, we will always consider your rights and interests.

When the information that we process is classed as sensitive, we must have an additional “legal ground”. We will rely on the following legal grounds when we process this category of data:

- We need to use such sensitive data as an example to assess your application including but not restricted to; right to work in Luxembourg or the UK for the CES UK Branch, whether you have had judgements against unpaid debts, and to provide you with company benefits such as PMI and Pension
- By agreeing to the application process, you have provided your consent to our use of your sensitive data.

We will keep your personal data confidential, and we will only share it where necessary for the purposes set out above with the following parties:

- Other entities within the Convex Group, where your skills, knowledge and experience may be suitable for vacancies
- Third parties involved in the hosting, analysis, and supply of recruitment services

- Credit reference agencies in relevant jurisdictions e.g., HireRight used for pre-employment checks who will in turn check your data against various credit referencing data bases.
- Our regulators including the Commissariat aux Assurances (CAA) and – for the planned UK Branch – the Financial Conduct Authority (FCA), the Prudential Regulation Authority (PRA) and the National Commission for Data Protection (*Commission Nationale pour la protection des Données* – CNPD).
- The police, Luxembourg Inland Revenue (*Administration des contributions directes* – ACD) and other relevant government agencies, crime prevention and detection agencies.
- Third party suppliers, agents and contractors appointed by CES to help us carry out our everyday business activities including recruitment service providers, IT suppliers, auditors, lawyers, document management providers, outsourced business process management providers, our subcontractors, marketing partners, and tax advisers.
- Selected third parties in connection with any sale, transfer, or disposal of our business.
- Any agent or representative acting for you.

## 12. Profiling activities

Profiling is integral to the offering of insurance. We assess the risk that you would like to insure (e.g., the risk of your home being damaged by a flood) against the likelihood of that event occurring (e.g., based on the geographical location of your property and history of floods in the area). We use this profiling to help us decide whether or not to offer you insurance, and the terms and the price of your policy.

## 13. How long do we keep your personal data for?

We will keep your personal data for as long as reasonably necessary to fulfil the purposes set out in section (3) above and to comply with our legal and regulatory obligations.

We have a detailed data retention policy in place which governs how long we will hold different types of information for. The exact time period will depend on your relationship with us and the type of personal data we hold, for example:

- If we provide a quote for a policy but this is not taken up by you (or on your behalf) then we hold the associated information for 36 months.
- If you make a claim under a policy we provide, we will keep your personal data for 6 years from the date on which the claim is closed.

If you would like further information regarding the periods for which your personal data will be stored, please contact us at [data.europe@convexin.com](mailto:data.europe@convexin.com)

#### **14. What is our approach to sending personal data overseas?**

Sometimes we (or third parties acting on our behalf) will transfer personal data that we collect about you to countries outside of Luxembourg.

Where a transfer occurs, we will take steps to ensure that your personal data is protected. We will do this using a number of different methods including:

- Putting in place appropriate confidentiality clauses in our contracts;
- Ensuring that data is only shared where completely necessary;
- Transfers will be completed via secure encrypted systems; and
- Our partners will operate under the appropriate data protection and privacy requirements applicable to their jurisdiction and where appropriate that the country/regulatory regime they operate in have a Data Adequacy agreement with the EU. Where the country/regulatory regime does not hold a Data Adequacy agreement with the EU, CES will use EU Standard Contractual Clauses to ensure that the data is treated on an equivalent basis to EU GDPR data protection requirements.

Depending on our relationship and your particular circumstances, we might transfer personal data anywhere in the world. For example, if you have a personal accident policy with us and are injured, we may need to instruct medical experts or other service providers in the country you are injured in.

#### **15. How do we protect your personal data?**

CES takes security of your information very seriously. We maintain appropriate technical, organisational, and physical safeguards designed to protect the personal data we process in accordance with client instructions and in line with our legal and regulatory obligations. The security measures in place on our website and computer systems are in place to protect the loss, misuse, or alteration of the information you provide to us. We keep your personal data only for as long as reasonably necessary for the purpose for which it was collected or to comply with any applicable legal or ethical reporting or document retention requirements.

Convex Group has a number of Information Security Standards that apply these standards, including cover access controls, encryption, network and host security, physical security, data recovery and business continuity. Our standards change from time to time as we react to market challenges and changing regulatory requirements.

Because e-mails submitted via web-based applications are not protected by the same security measures we use in other areas where we actively collect information, we will only ask you to provide us with basic personal data, such as your contact details, a high-level description of your enquiry e.g., aviation, shipping, etc will be sufficient for us to instigate contact. In the event that you become aware of any actual or potential misuse of any such information or for more information on IT Security please contact us at [data.europe@convexin.com](mailto:data.europe@convexin.com)

## 16. Your rights

Under data protection law you have a number of rights in relation to the personal data that we hold about you which we set out below. You can exercise your rights by contacting us at any time using the details set out in section 10. We will not usually charge you in relation to a request.

Please note that although we take your rights seriously, there may be some circumstances where we cannot comply with your request such as, complying with it would mean that we couldn't comply with our own legal or regulatory requirements. In these instances, we will let you know why we cannot comply with your request.

In some circumstances, complying with your request may result in your insurance policy being cancelled or your claim being discontinued. For example, if you request erasure of your personal data, we will not have the information required to pay your claim. We will inform you of this at the time you make a request.

You are entitled to a copy of the personal data we hold about you and certain details of how we use it. We will usually provide your personal data to you in writing unless you request otherwise. Where your request has been made electronically (e.g., by email), a copy of your personal data will be provided to you by electronic means where possible.

We take reasonable steps to ensure that the information we hold about you is accurate and where necessary up to date and complete. If you believe that there are any inaccuracies, discrepancies, or gaps in the information we hold about you, you can contact us and ask us to update or amend it.

In certain circumstances, you are entitled to ask us to stop using your personal data, for example where you think that the personal data, we hold about you may be inaccurate or where you think that we no longer need to use your personal data.

Where we rely on your consent in order to process your personal data, you have the right to withdraw such consent to further use of your personal data. Please note that, if for some purposes, we need your consent in order to provide your policy. If you withdraw your consent, we may need to cancel your policy, or we may be unable to pay your claim. We will advise you of this at the point you seek to withdraw your consent.

This is sometimes known as the 'right to be forgotten'. It entitles you, in certain circumstances, to request deletion of your personal data. For example, where we no longer need your personal data for the original purpose, we collected it for or where you have exercised your right to withdrawn consent.

Whilst we will assess every request, there are other factors that will need to be taken into consideration. For example, we may be unable to erase your information as you have requested because we have a regulatory obligation to keep it.

In certain circumstances, you have the right to object to our processing.

## 17. Marketing

You have control over the extent to which we market to you, and you have the right to request that we stop sending you marketing messages at any time. You can do this either by clicking on the “unsubscribe” button in any email that we send to you or by contacting us at [data.europe@convexin.com](mailto:data.europe@convexin.com). Please note that even if you exercise this right because you do not want to receive marketing messages, we may still need to send you service-related communications where necessary.

## 18. Processing based on our legitimate interests

Where we process your personal data based on our legitimate interests, you can object to our processing. We will consider your objection and determine whether or not our legitimate interests prejudice your privacy rights.

In certain circumstances, you can request that we transfer personal data that you have provided to us to a third party.

We do not carry out any automated decision making. If this changes in the future, we will provide you with an updated notice setting out our decision-making process.

You have a right to complain to the:

Supervisory Authority	Jurisdiction	Website	Address
The National Commission for data protection / Commission nationale pour la protection des données (CNPD)	Grand Duchy of Luxembourg	<a href="https://cnpd.public.lu/fr.html">https://cnpd.public.lu/fr.html</a>	1, avenue du Rock 'n' Roll, L-4361 Esch-sur-Alzette

You also have a right to lodge a complaint with the relevant data protection authority or supervisory authority in an EU Member state of your usual residence or place of work or of the place of the alleged breach if you consider the processing of your personal data has breached data protection laws.

Please note that lodging a complaint will not affect any other legal rights or remedies that you have.

## 19. Cookies

By accessing and using the Convex Group website you can choose to accept Convex's use of cookies. The website uses cookies which are small files of letters and numbers that Convex puts on your computer if you allow it. The Convex website uses Trackers to:

- Enable basic interaction and functionalities, allowing users to access selected features of the service and facilitating the user's communication with the owner.
- Enhancement the user experience by providing a personalised user experience through improving the quality of preference management options, and by enabling interaction with external networks and platforms.
- Measure the traffic and analyse user behaviour with the goal of improving services.

You can configure your web browser to refuse cookies, to delete cookies, or to be informed if a cookie is set. The "Help" section on the menu bar of most internet browsers will tell you how to do so. You may delete and block all cookies but, if you do so, our website may not function correctly, and you may not be able to access certain areas. For more information about cookies and how to delete them, visit <http://www.allaboutcookies.org>

## 20. Contacting us

If you would like further information about any of the matters in this notice or if have any other questions about how we collect, store or use your personal data, you may contact our Data Protection Officer at [data.europe@convexin.com](mailto:data.europe@convexin.com) or by writing to,

Data Protection Officer  
Convex Europe S.A.  
Office 410, 4th Floor,  
53 Boulevard Royal,  
L-2449 Luxembourg,  
Grand-Duchy of Luxembourg

### Updates to this privacy & cookies notice

From time to time we may need to make changes to this notice, for example, as the result of changes to law, technologies, or other developments. We will update our site with the most up-to-date notice, and we recommend that you check our website periodically to view it.

### **Version**

This Privacy Notice was last updated on 14 December 2021.