

**ERGO INSURANCE N.V. / S.A.**

**ERGO**

**PRIVACY STATEMENT**

# Convenient translation of the Privacy Statement of ERGO Insurance N.V. / S.A.

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## PRELIMINARY: THE SUBSTANTIVE CHANGES IN THIS VERSION OF THE ERGO PRIVACY STATEMENT

We have mainly clarified certain lawful bases (section 7) and updated the list of recipients, including the third countries (section 9). We have also given more insights into the limited use of social media, and we have increased the legibility of certain sections.

This new version is effective as of **XXX** 2025.

### 1. ERGO AND YOUR PRIVACY

ERGO Insurance N.V./S.A. (“**ERGO**”, “**we**”) attaches significant importance to your privacy. Our aim is to process your personal data in a manner that is lawful, appropriate and transparent in accordance with the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”) and any national legislation adopted pursuant to the GDPR (such as the Belgian Law of 30 July 2018 on the protection of natural persons with regard to the processing of personal data).

With this Privacy Statement we want to emphasise ERGO’s commitment in this respect since privacy is a key value of our customer orientation strategy.

Please take the time to read this Privacy Statement to better understand which categories of your personal data ERGO processes. We also explain on what lawful basis ERGO processes your personal data, for which specific purposes and to whom we transfer those data.

This Privacy Statement also includes a description of your data protection rights, such as your right to object to (some of) the processing activities we carry out and explains how you can exercise them in accordance with the applicable legislation. To exercise any of your rights, you can file a request by contacting us via section 12.10. “*How can you exercise your rights?*”.

### 2. ERGO AND YOUR COOKIES

Please read our [Cookie Policy](#) when using any of our websites. This Policy explains what cookies are, which ones ERGO uses and how you can change your cookie preferences. Our Cookie Policy can always be found on our websites.

### 3. WHAT IS THE SCOPE OF THIS PRIVACY STATEMENT AND FOR WHOM IS IT INTENDED?

ERGO is a company incorporated under the laws of Belgium, whose registered office is located at Loksumstraat 25 Rue de Loxum, 1000 Brussels, Belgium, registered at the Belgian Crossroads Bank for Enterprises with company number 0414.875.829.

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In all the situations described in this Privacy Statement, ERGO will process your personal data as **controller**, meaning that ERGO determines the purposes and means, i.e. the why and the how, of the processing of these personal data.

This Privacy Statement is intended for **all current and former policyholders, insured persons and/or beneficiaries that have an insurance contract with ERGO, including their proxies and legal representatives, and/or third parties with a legal interest** (“belanghebbende derde” / “tiers concerné”) when their personal data are processed by ERGO.

**Personal data** refers to any information about an identified or identifiable natural person. This includes, for example, your name, your picture, your telephone number, your contract number, your email address, your bank account number, etc.

Certain of your personal data, such as your health data, are considered as **sensitive personal data** and receive special protection (see section 4.2. “Sensitive personal data”).

**Processing** means any operation or set of operations performed on (sets of) personal data, whether or not by automated means, such as the collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of data.

### 4. WHICH CATEGORIES OF PERSONAL DATA DOES ERGO PROCESS?

In the context of our insurance relationship with you, we may collect and process both your non-sensitive and sensitive personal data depending on the context (for example when you use one of our digital solutions, when you call us, when you complete(d) a needs analysis or a medical questionnaire, when executing your insurance contract, etc.):

#### 4.1. Non-sensitive personal data

ERGO may process your **non-sensitive personal data**, such as your:

- identification data (e.g. name, surname, National Registry identification number, identity card number, date of birth, age, place of birth, gender, nationality, tax identification number, language, picture, policy number, customer number, IP address that you leave behind when you surf our websites (used for cookies), etc.);
- contact data (e.g. address, e-mail address, telephone number, etc.);
- product data (e.g. type of insurance, risk coverage, etc.);
- financial data (e.g. bank account number, mandate reference in case of SEPA mandate, price (premium), invoice due date, payments (not) made or (not) received, status of the contract, value of your movable and immovable assets, your financial income and savings capacity, investment objectives, etc.);

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- household composition data (e.g. marital status, number of children, name(s) of the child(ren), etc.);
- professional data (e.g. name of the employer, position, etc.);
- data relating to your financial knowledge;
- hobbies and interests (e.g. dangerous sports which may imply a risk of injuries);
- data linked to your insurance contracts, communications thereto and complaints files;
- images and sounds recordings (e.g. images from video security cameras, telephone recordings when you call ERGO, etc.);
- survey data (e.g., customer satisfaction survey data); and/or
- profiling data (e.g., payment profile (bad payer), etc.).

### 4.2. Sensitive personal data

Under the applicable data protection laws, certain data (referred to as “sensitive personal data”) receive special protection. Of this type of data, ERGO only processes health data and, in limited cases, data relating to criminal convictions and offences.

#### 4.2.1. *Health data*

Being a life insurer, ERGO needs to process your health data relating to your past and/or present health condition for (pre)contractual purposes, including the suitability of your insurance coverages and combatting fraud.

ERGO may process your **health data**, such as or embedded in your:

- physical data (e.g. weight, height, etc.);
- life habits including your consumption habits, such as alcohol and smoking habits, etc.;
- insurance risk profile built in accordance with applicable regulations;
- past and/or present health condition (including any medical treatment);
- RIZIV/INAMI codes (i.e. the official health care delivery codes, the medical treatments and medicines which you take);
- claims (i.e. your claims declarations such as from a long-term care dependency or a disability to work, etc.);
- statements of expenses that may be relevant to insurance proof cases;
- completed ERGO forms/questionnaires (e.g. in case of an accident);
- medical declarations and reports by the advising doctor of ERGO or under his/her supervision.

Your health data can only be processed by advising doctors of ERGO or under their supervision, and by the employees of ERGO who are charged with one or more tasks related thereto and by a limited amount of third parties whose intervention is necessary for the performance of some of these tasks, such as for example the printing and sending of your claims statements (see section 9 “*To whom does ERGO disclose personal data?*”).

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In all cases, ERGO takes the necessary measures to protect your (non-)sensitive personal data at all times (see section 11 “*How are your personal data protected?*”).

### 4.2.2. *Genetic data*

In accordance with article 58 of the Act on Insurances of 4 April 2014, as amended, genetic data **cannot** be shared with ERGO. Therefore, **we ask you and your doctors to not share this data with ERGO**. In case ERGO would nonetheless receive any genetic data from you or your doctor, ERGO shall store this data, but will not use it in any way, including for the management or the execution of your insurance contract(s) (article 61 of the Act on Insurances of 4 April 2014).

### 4.2.3. *Personal data relating to criminal convictions and offences*

ERGO processes personal data relating to criminal convictions and offences for the establishment, exercise or defence of legal claims and/or in case of fraud. Such data is processed in limited cases and only to the extent permitted by law and taking into account appropriate protection measures.

## 5. HOW DOES ERGO OBTAIN YOUR PERSONAL DATA?

We may collect your personal data directly or indirectly from you:

### 5.1. Collected directly from you

Most of the personal data we process concerns information that you have knowledgeably provided to us. This is the case, for example, when you:

- became our customer (e.g. by completing forms such as medical questionnaires, claims declarations, etc.);
- contact(ed) us or use(d) our products and services through the various channels made available to you (to the extent applicable: email address, ERGO Contact Center, ergo.be, ergolife.be, by post, etc.);
- report information about potential compliance violations that have occurred or that are very likely to occur, such as fraud, corruption (e.g. via the secure and confidential whistleblowing system);
- exceptionally visit our on-site premises (e.g. via the security cameras, at the reception when completing the visitors' register, etc.).

### 5.2. Collected indirectly from you

In some situations, ERGO may process personal data that we infer from other information you provide us or that we obtain from a third party about you.

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For example, this is the case when:

- you have specifically authorised third parties or persons to share your personal data with ERGO in the context of the management and/or execution of your insurance contract(s) (e.g. via your proxies and/or legal representatives, your broker, other insurers, lawyers, experts amongst which doctors, external administrators, your mutual health insurance fund or, with regard to non-sensitive personal data, via your employer who concluded a collective insurance policy for the benefit of its employees, etc.);
- we obtain or verify/confirm your personal data via supervisory and governmental bodies/authorities (e.g. via the Financial Services and Markets Authority (FSMA)) and/or sector and consumer associations (e.g. Ombudsman for Insurances), via judicial and police authorities, via the non-profit organisation Identifin, via Checkdoc, via Dow Jones, etc.);
- we obtain your personal data via a whistleblower;
- your personal data is publicly available, such as for example (on a case-by-case basis):
  - a publication of your appointment as a company director (Belgian Official Gazette, Crossroad Bank for Enterprises) or the solvency of your business (via Graydon);
  - your personal data which are common knowledge or have been published in the press; and/or
  - your own publications/comments on websites, on blogs and/or on social media profile(s) for the strict purposes of managing our social media, combatting fraud and/or AML purposes when executing your insurance contract(s) and/or in the context of disputes and litigations.

Please do not share sensitive personal data about you or other persons on our social media pages or in private messages. If you mention (sensitive) personal data, you give to ERGO the (explicit) authorisation to process them for the purposes mentioned in our « [Terms of Use of the Social Media](#) ». You can withdraw that consent at all times via section 12.10 (“*How can you exercise your rights?*”). ERGO is not responsible for the personal data that you share/publish on its social media pages.

Please note that ERGO only processes the personal data which are relevant and necessary for the purposes for which they were collected.

### 6. DOES ERGO PROCESS YOUR PERSONAL DATA BY AUTOMATED MEANS?

In order to help serving you better, easier and faster, ERGO might automate some of the processing of your non-sensitive personal data, possibly by means of artificial intelligence, for the management and/or execution of your insurance contract(s).

If you consent to the processing of your health data, this consent also applies to the processing of this data in the context of potential automated decisions making.

However, please note you have the right to obtain human intervention in relation to automated decision making and profiling, to express your point of view and to contest the decision.

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You can withdraw your consent at any time. However, if you withdraw your consent, this could hinder the management and/or proper execution of the insurance contract(s).

You can exercise these rights by contacting ERGO via section 12.10. *“How can you exercise your rights?”*.

### 7. ON WHICH LAWFUL BASIS AND FOR WHICH PURPOSES DOES ERGO PROCESS YOUR PERSONAL DATA?

ERGO collects and processes your personal data only if one of the following lawful grounds applies and for the following specified, explicit and legitimate purposes:

#### **7.1. ERGO needs to process your non-sensitive personal data for the management and/or execution of your insurance contract(s)**

In the context of the management and/or execution of the insurance contract(s) under which you are a policyholder, insured person or a beneficiary, ERGO and, to a certain extent, brokers process your **non-sensitive** personal data for the following purposes:

- execution of the insurance contract(s), including risk assessment and assessment of eligibility;
- fulfilment of (pre)contractual (including your needs analysis in line with the Insurance Distribution Directive (IDD) and AssurMiFID) obligations and obligations deriving from the insurance relationship with you, including:
  - management of the contractual relationship;
  - provision of customer service (e.g. responding to your calls and emails);
  - processing calls, including recording, in the context of the management and/or execution of the insurance contract(s);
  - issue, collection, verification of invoices, premiums and advances on policies;
  - management and settlement of claims and disbursements;
  - outpayment of insureds and/or beneficiaries;
  - management of the complaints;
  - training of our staff in the day-to-day performance of our (pre)contractual obligations towards you (e.g. how to use the applications in order to fulfil (pre)contractual obligations, etc.); and/or
  - communication with ERGO staff relating to the management and/or execution of the insurance contract(s), including by contacting us via our Contact Center and/or on our social media pages;
- re-distribution of risk through co-insurance and reinsurance;
- issuance and execution of a SEPA mandate upon your request;
- proactive and reactive incident management with potential access to your (sensitive) data;

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- it is possible that, in the process of acquiring or disposing of some parts of our business (e.g. portfolios) or another, ERGO might transfer personal data to Munich RE and ERGO Group and/or third parties; and/or
- handling of specific requests you may have (e.g. the provision of a coverage related or ancillary to the insurance contract, the handling of your potential data subject rights' requests, etc.).

To the extent that you communicate your health data in the (pre)contractual relationship with us, we need to obtain your explicit consent as per below section 7.2.

### **7.2. You have given your explicit consent to the processing of your health data**

As a life insurer, ERGO needs your explicit consent in order to process your health data relating to your past and/or present health condition for (pre)contractual purposes including the suitability of your insurance coverages and combatting fraud.

More specifically:

- **prior** to the conclusion of the insurance contract(s), ERGO processed, depending on the product, certain of your health data for purposes of:
  - establishing appropriate pricing and cost management; and
  - assessing risks and eligibility for the conclusion of the insurance contract by evaluating you as a (prospective) customer, based on your past and existing health data (including medical questionnaires and medical reports);
- **during** the execution of the insurance contract(s), ERGO needs to process your health data for the majority of the purposes provided in section 7.1. above, as well as for purposes of the management, processing and execution of your claims; and
- **after** the termination of your insurance contract(s), for regulatory (e.g. obligation to store every insurance distribution activity performed for a certain period for FSMA audit purposes in accordance with article 291 of the Insurance Act of 14 April 2014, as amended) and post-contractual obligations.

If you do not give your explicit consent or you wish to withdraw your explicit consent, the management and/or proper execution of the insurance contract(s) could be hindered.

### **7.3. ERGO needs to process your personal data in order to comply with a legal obligation to which ERGO is subject**

ERGO may also process your personal data (and to the extent necessary your health data) for reasons of compliance with numerous legal obligations to which ERGO, as an insurer or insurance product distributor, is subject, such as for example legislation or obligations governing:

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- insurance companies, solvency II and market stability, as covered by the Act of 13 March 2016 on the Statute and the Supervision of insurance and reinsurance companies, Circulars of the National Bank of Belgium, etc.;
- insurance policies and the distribution thereof, such as the Insurance Act of 4 April 2014, Insurance Distribution Directive (IDD), AssurMiFID, etc.;
- taxes or accounting (Income Tax Code, Code of Economic Law, VAT Code, etc.);
- market abuse;
- the fight against money laundering and the financing of terrorism (such as CRS FATCA, the Act of 8 July 2018 on the organisation of a central contact point for financial accounts and contracts (...), and the Act of 18 September 2017 on the Prevention of Money Laundering and Terrorist Financing and Limiting the Use of Cash);
- investor and consumer protection;
- data protection (GDPR, Belgian Law of 30 July 2018 on the protection of natural persons with regard to the processing of personal data, etc.);
- whistleblowing such as the Belgian Act of 28 November 2022 on the protection of persons who report breaches of national or Union law within legal entities in the private sector. If ERGO needs to process your sensitive data (such as health data), this processing is then *“necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity”* (see article 9 §2 (f) of the GDPR);
- the security of our visitors via security cameras at the entrance of our offices (identified with a sticker), in accordance with the law of 21 March 2007 regulating the installation and use of surveillance cameras.

In addition, ERGO may also be required to respond to:

- questions from Government or Supervisory Authorities such as the Data Protection Authority, the Financial Services and Markets Authority (FSMA) or the National Bank of Belgium (NBB), SPF Finances, the Financial Information Processing Unit (CTIF) Sector or Consumer Organisations such as the Ombudsman for Insurances, etc.;
- its external auditor; and/or
- judicial enquiries, court orders and court proceedings in general (whether civil or criminal).

### 7.4. ERGO needs to process your personal data to pursue ERGO's legitimate interests to be able to function as a business

ERGO processes your non-sensitive personal data to conduct **administrative tasks** which are indirectly linked to the management and/or execution of insurance contract(s) with you. When doing so, ERGO uses your non-sensitive personal data which is, whenever possible, anonymised or pseudonymised and in all cases minimised to what is necessary for the processing purposes they serve. ERGO also ensures that this processing is necessary to achieve the purpose(s) for which they are processed. We also always weigh up your interests

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and your right to privacy, to our interests.

You can ask more information on these legitimate interests assessments by contacting us (see section 14 “*How to contact ERGO?*”). You may also exercise your right to object to this processing of personal data (see section 12.5. “*Right to object to processing*”).

More precisely, ERGO processes your non-sensitive personal data on the basis of its legitimate interests in the following situations:

### 7.4.1. *Performance of duties and controls for conducting business, ensuring security and preventing fraud at ERGO*

ERGO may process your non-sensitive personal data to perform tasks and controls for its business operations, to ensure security and to prevent fraud. This includes:

- compliance with applicable regulations, guidelines, standards and codes of conduct;
- administration, management and oversight of our organisation, including conducting (internal) investigations (e.g. conducted by the legal department for governance tasks, legal risks, dispute resolution and litigations, by the risk management department, the complaints management department, the compliance department, the internal audit department, etc.);
- re-distribution of risk through (co-)insurance and/or reinsurance;
- monitoring our activities and the administrative knowledge of the various (legal) persons with whom ERGO maintains contacts, making it possible to identify the files, intermediaries and other persons involved, if necessary;
- the protection of ERGO's customers, employees, business, assets and shareholders;
- communications (for example e-mails exchanges) and call recordings for purposes of proof such as for complaints management, litigations and/or fraud;
- general security operations and control of ERGO's computer networks and systems, including our application landscape (e.g. when investigating or solving incidents or access issues at customer level on systems or applications);
- preventing, detecting and investigating late payments, crimes, abuse and fraud. As such we may detect that you are in arrears with the payment of your premium, that you are part of a collective debt repayment scheme, that you are involved in a fraud case, that you are providing your cooperation to terrorism, weapons or human trafficking, that the identification documents provided are invalid (e.g. via a Checkdoc verification), etc. Such signals may lead to not granting an insurance coverage to you, to not accept premiums or even that ERGO decides to refuse to carry out a transaction or a service requested by you (customer).

These processing activities are pursued in our legitimate interest, which consists of safeguarding the operations of ERGO in the light of **the governance of the company and the prudential supervision to which an insurance company is subject**. We may hereby receive your non-sensitive personal data through internal, external or public sources.

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Please note that if ERGO needs to process your sensitive data (such as health data) for the detection and management of fraud cases, then this processing is *“necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity”* (see article 9 §2 (f) of the GDPR) or is based on your explicit consent (article 9 §2 (a) of the GDPR). If ERGO needs to process your personal data relating to criminal convictions and offences, this processing is then authorised by the Belgian Law of 30 July 2018 on the protection of natural persons with regard to the processing of personal data (see article 10).

### 7.4.2. *Monitoring and reporting*

ERGO may process your non-sensitive personal data in order to conduct studies, create models and generate statistics for regulatory reporting, risk analysis or for profitability monitoring. We do this for both:

- external reporting purposes in accordance with various general financial and insurance law regulations to which we are subject (e.g. NBB, BE GAAP, IFRS 17, SPF Finance) or to share statistical data (not including personal data) on insurance with the sector organisation Assuralia, etc.; and
- internal reporting purposes to comply with policies and guidelines set out by Munich Re and ERGO Group to which ERGO belongs, to allow them to assess the overall and financial risks in order to guarantee the viability and continuity of the Group.

These processing activities are carried out on the basis of our legitimate interest in light of the prudential supervision (to have a healthy and financially viable business on the long term), the business operations within ERGO and the Munich Re and ERGO Group, and the collection and processing of information necessary to comply with policies and guidelines.

### 7.4.3. *Commercial modelling and profiling*

ERGO may process your non-sensitive personal data for purposes of commercial modelling and profiling, consisting of:

- conducting studies, creating models and generating statistics for strategy and commercial purposes; and
- building customer profiles and predictive models via insights gained from analytical models in order to respond effectively to customer and prospect needs.

These processing activities are pursued in our legitimate interest, which consists of **improving our products and services and planning our strategy**.

### 7.4.4. *Establishment, exercise or defence of legal claims*

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ERGO may need to process your personal data, including your health data and/or personal data relating to criminal convictions and offences, for the establishment, exercise or defence of possible legal claims or for the management of its own litigations respectively.

These processing activities are performed with respect to your non-sensitive personal data on the basis of the legitimate interest of ERGO, which consists in **defending ERGO in disputes**.

Please note that if ERGO needs to process your sensitive data (such as health data), then this processing is “*necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity*” (see article 9 §2 (f) of the GDPR). If ERGO specifically needs to process your personal data relating to criminal convictions and offences, such processing is then authorised by the Belgian law of 30 July 2018 on the protection of natural persons with regard to the processing of personal data (see article 10).

### 7.4.5. *Communication with ERGO if you have no insurance contract(s)*

ERGO may process your non-sensitive personal data if you contact ERGO staff not related to the management and/or execution of an insurance contract(s), including by contacting us via our Contact Center and/or on our social media pages.

This processing activity is pursued in ERGO’s legitimate interest, which consists of ERGO’s ability to respond to your messages or inquiries.

### 7.4.6. *Maintaining, improving and developing (the quality of) ERGO products and services and enhancing customer experience*

ERGO may process your non-sensitive personal data for purposes of maintaining, improving and developing (the quality of) ERGO products and services and enhancing customer experience, consisting of:

- monitoring, reviewing, evaluating, simplifying, optimising, testing and/or automating our:
  - internal processes and systems to make back-office operations more efficient;
  - Websites for improving your user experience (e.g. fixing bugs on our websites, etc.);
  - distribution channels (in particular the broker network); and/or
  - products, services, systems and processes in order to ensure their continuous improvement;
- monitoring the quality of our services (e.g. through conducting customer satisfaction surveys or by means of telephone communication records of the ERGO Contact Centre, etc.); please note that if you mention sensitive data during a satisfaction survey or during a call with the Contact Centre, you give ERGO the explicit authorisation to process such data in their respective contexts; and/or

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- managing third party relationships (e.g. vendors, suppliers, business partners).

These regular processing activities are pursued in our legitimate interest, which consists of **acting and providing services in the interest of our customers**, as imposed by regulations such as e.g. the Insurance Distribution Directive (IDD) and AssurMiFID, **and, more generally, for maintaining and improving our services to you**.

### 8. WHICH RULES APPLY TO MINORS AND THOSE WHO ARE LEGALLY INCAPACITATED?

We, in principle, only process personal data of anyone under the age of 18 or of those who are legally incapacitated after we receive the consent of the holder of parental or legal responsibility over the minor and/or the legally incapacitated person. The latter will be the legal representative of the minor or legally incapacitated person for all aspects related to the management and/or execution of the insurance contract(s), as well as all privacy-related aspects in that regard.

As such, consent for the processing of personal data, including health data, on behalf of the child or the legally incapacitated person, can only be given by the holder of parental or legal responsibility.

### 9. TO WHOM DOES ERGO DISCLOSE PERSONAL DATA?

Within the framework of our activities as an insurer, ERGO may, depending on the situation, disclose your personal data to recipients

- if necessary for the management and/or execution of your insurance contract(s) (see section 7.1.);
- if you have given your explicit consent (see section 7.2.);
- if necessary for compliance with a legal obligation (see section 7.3.); or
- if necessary for ERGO's legitimate interests (see section 7.4.).

Insofar strictly necessary for the purposes listed under section 7 “*On which lawful basis and for which purposes does ERGO process your personal data?*”, ERGO discloses data to recipients, such as:

- your broker if your contract was concluded through this channel;
- insurance and reinsurance companies, for purposes of co-insurance and/or reinsurance, transfer of a contract/portfolio to another insurer, and/or recovery of expenses;
- services and healthcare providers, for purposes of allowing ERGO to provide, develop, monitor and improve its services to you (including for the management, processing and execution of your claims), such as for example:
  - Group Company DKV Belgium NV/SA for back-office support activities to ERGO as Human Resources, Legal Department, etc.;

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- medical experts or doctors or technical advisors intervening in the context of contract or claims management;
- private investigators for possible crimes or fraud investigations;
- IT service providers;
- in exceptional cases, translators and translation offices;
- external consultants to provide support to ERGO for certain activities;
- in exceptional cases, the administrator of the building housing ERGO's offices to inform about your visit (reception);
- debt-collection agencies (late premium payment); and/or
- companies responsible for document management (i.e. postal services, data entry, scanning, paper and electronic archiving, digitization, printing, mailing, etc.);
- companies of the Group to which ERGO belongs i.e. the Munich Re and ERGO Group, for the purposes of monitoring, reporting, centralization and reinsurance;
- the Ombudsman for Insurances, consumers' organisations and legal assistance insurers, for the purpose of complaints handling;
- any potential acquirers of all or part of the company on a strict need-to-know basis and least privilege basis;
- government agencies (e.g. tax authorities, the NBB, police, courts, or government appointed bodies or associations), such as for the purpose of compliance with legal obligations applicable to ERGO and/or for the establishment, exercise or defence of legal claims; and/or
- certain practitioners of regulated professions, such as lawyers, notaries or auditors, etc.

Your personal data is mainly processed in the European Economic Area. However, in the context of providing certain services, ERGO may cooperate with service providers (or their subcontractors) located in countries outside the European Economic Area. This means that some of your personal data may be processed in countries outside the European Economic Area, such as India or the United States of America.

If ERGO transfers personal data outside the European Economic Area, ERGO will take the appropriate and necessary measures to protect your personal data, for example by entering into [Standard Contractual Clauses](#) or by verifying that recipients in the U.S. participate in the so-called EU-US Data Privacy Framework, and by taking additional measures (of a technical, organisational and/or contractual nature), if required, to ensure a level of protection substantially equivalent to that existing in the European Economic Area.

In any event, ERGO implements the necessary technical, organisational and/or contractual measures when it transmits your personal data to a third party, in accordance with the applicable data protection legislation.

### 10. HOW LONG DOES ERGO KEEP YOUR PERSONAL DATA?

ERGO does not retain your personal data longer than is necessary for the purposes for which

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it was collected and is processed.

However, ERGO must respect certain legal retention or prescription periods.

For example, the following retention periods could be applicable to the retention of your personal data:

- the Insurance Act of 4 April 2014, as amended, specifies that (pre-)contractual documents relating to insurance contracts should be retained for a certain period of time, also after termination of the insurance contract;
- the Prevention of Money Laundering and Terrorist Financing and Limiting the Use of Cash Act of 18 September 2017 provides for your identification data (such as a copy of your ID card) to be kept for a certain period of time for anti-money laundering and anti-terrorism purposes;
- for tax and accounting records, the law provides that they must be kept for (i) a period of seven years from 1 January of the year following the close of the fiscal year (up to and including assessment year 2022); and (ii) a period of ten years from 1 January of the year following the close of the fiscal year (from assessment year 2023);
- telephone recordings for purposes of monitoring the quality of the services of ERGO are used for a period of one (1) month as from the day of their recording. However, ERGO retains the recordings longer for evidential purposes (for example in the context of proof such as for complaints management, litigations and/or fraud) and to fulfil statutory compliance requirements. You can always request a copy of this recording by contacting ERGO (see section 14 “*How to contact ERGO?*”);
- ERGO generally keeps images recorded by security cameras at the entrance of our offices (identified with a sticker) for one month as of the date of the recording, as defined by law.

The retention periods can become longer in case of a suspension or interruption of those periods due to for example an Ombudsman complaint, an official notice of default by a lawyer, a writ of summons, etc. In such cases, the personal data will be retained as long as necessary for reasons of the establishment, exercise or defence of possible legal claims notably taking into account the applicable legislation.

### 11. HOW ARE YOUR PERSONAL DATA PROTECTED?

ERGO has appointed a **Data Protection Officer**, who is in charge of overseeing all actions in the field of personal data protection and an **Information Security Officer**, who is in charge of overseeing all actions in the field of information security.

We implement appropriate **technical and organisational measures** in order to ensure an appropriate level of security of your personal data, including but not limited to physical and IT systems access controls (limited on a *need-to-know* basis), confidentiality commitments of all ERGO employees and contractors, encrypted e-mails, etc.

Any transfer of personal data is also subject to the necessary technical, organisational and

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contractual guarantees in accordance with the data protection laws. For example, with its processors, the contractual safeguards include amongst others that they have to keep the personal data secure and confidential and may only process them for the purposes and means defined by ERGO. ERGO also reserves the right to carry out audits on its processors to verify their compliance with the contractual and regulatory rules in force. The processors must ensure that ERGO agrees to any potential sub-processing and that the same contractual obligations are applied by their own sub-processors.

For sensitive personal data, additional measures are taken:

- for **health data**, additional access controls are performed and the access to medical declarations and reports is limited to the advisory doctors and certain employees (limited on a need-to-know basis), which act under the supervision of the advisory doctors. Persons authorised to access your health data are bound by a strict obligation of confidentiality. They must comply with all technical instructions to ensure the confidentiality of your health data and the security of the systems in which the data are kept.
- for **personal data relating to criminal convictions and offences**, access is limited to the Legal and Compliance Departments and/or to lawyers representing ERGO.

In the event your personal data is compromised as a result of a personal data breach, ERGO will take all the necessary actions to contain and reduce the risk to your personal data, including making the notifications required under the GDPR.

**How can you help us protecting your data?** By updating your personal data as much as possible via the forms on our websites, via your broker or by contacting us directly (e-mail or telephone).

### 12. WHAT ARE YOUR RIGHTS AND HOW TO EXERCISE THEM?

In accordance with data protection laws, you benefit from a set of rights when ERGO processes your personal data. In principle, you can exercise these rights free of charge, subject to statutory exceptions. These rights may be limited, for example if fulfilling your request would reveal personal data about another person, if you ask us to delete information which we are required by law to keep or have compelling legitimate interests in keeping them or if they are subject to some statutory exceptions.

#### 12.1. Right to access your data

You are entitled to find out at any time whether or not ERGO processes your personal data, and if ERGO does process it, to have access to this data. You may also receive additional information about:

- the purposes of the data processing by ERGO;
- the categories of personal data involved;

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- the (categories of) recipients they are disclosed to (among which, recipients in third countries);
- if possible, the retention period or, if that is not possible, the criteria to determine this period;
- if appropriate, the rights you can exercise: rectification, erasure, restriction, objection, to lodge a complaint with a supervisory authority (see below);
- the information that we have at our disposal about the source of the data if we do not collect the data from you;
- the existence of automated decision-making, including profiling, and, at least in these cases, information about the underlying logic involved, as well as the significance and the consequences of such processing for you. In case such automated decision-making (including profiling) is carried out by ERGO, see also section 12.8. *"Rights related to automated individual decision-making (including profiling)"*.

You are entitled to receive a free copy of the data being processed. ERGO can request a reasonable payment for covering its administrative costs for any additional copy that you request. Please note that this right to obtain a copy cannot adversely affect the rights and freedoms of others (e.g. if fulfilling your request would reveal personal data about others).

### 12.2. Right to rectify your data

You are entitled to have incomplete, incorrect, inappropriate or out-of-date personal data corrected.

To keep your data up-to-date, we request that you notify us of any change whatever the circumstances, such as a change in your marital status or family situation, address change, change of e-mail address or bank account number. Please note that most of these data can also directly be updated by you via your broker(s) or via the contact forms available on our websites.

### 12.3. Right to erasure (or "right to be forgotten")

You have the right to have your personal data processed by ERGO erased in certain specific cases. This is the case if:

- they were no longer needed for the purposes for which the personal data were initially collected or were otherwise processed by ERGO;
- you withdraw your (explicit) consent and ERGO does not have any other lawful basis for the processing of your data;
- you object to the processing of your data and ERGO does not have any compelling legitimate grounds that outweigh yours;
- you consider that the processing is unlawful and insofar this is indeed the case;
- your personal data have to be erased due to a legal obligation to which ERGO is subject; or

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- your consent was given by a person holding the parental or legal responsibility when you were still a minor or legally incapacitated and you now want to withdraw it.

We must remind you that we are not always able or entitled to erase all your personal data as requested by you, since data protection laws provide for certain exceptions. We will inform you in more detail whether or not we are able to erase your data in our response to your request.

### 12.4. Right to restriction of processing

Under certain circumstances, you may obtain from us the restriction of the processing of your personal data. This is the case when:

- you contest the accuracy of your personal data: its use is restricted for the time that ERGO can verify the accuracy of the data;
- the processing of your personal data is unlawful: rather than erasing your data, you request its use to be restricted;
- ERGO no longer requires your personal data for its processing purposes, but you still need it for establishing, exercising or defending a legal claim: rather than erasing your data, its use is restricted to the establishment, exercise or defence of a legal claim; or
- you object to the processing of your personal data: the use of your personal data is restricted pending that ERGO verifies if our legitimate interests outweigh your interests, rights and freedoms.

Please note that when ERGO restricts the processing of your personal data, this restriction will not apply to the storage of your data.

Once restricted, we will only be able to process your personal data:

- if you provide your consent;
- for the establishment, exercise or defence of legal claims;
- for the protection of the rights of another natural or legal person; or
- for reasons of important public interest.

### 12.5. Right to object to processing

You also have the right to object against the processing of your personal data which is based on **our legitimate interests** (see section 7.4. *"ERGO needs to process your non-sensitive personal data to pursue ERGO's legitimate interests to be able to function as a business"*) or on the public interest, at any time and for reasons related to your specific situation. In that case, ERGO will discontinue the processing of your personal data unless we can demonstrate compelling legitimate grounds for processing it, which override your interests, rights and freedoms (e.g. we process your personal data in the view to combating fraud) or if the processing of your personal data is associated with the establishment, exercise or defence of

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a legal claim (e.g. submitting an appeal to a court of justice). To object to ERGO's processing of your personal data, please contact ERGO via section 12.10. *"How can you exercise your rights?"* below.

Finally, when ERGO processes your personal data for **statistical purposes**, you also have the right to object to this processing for reasons relating to your specific situation. Unless the processing would be necessary for the performance of a task carried out for reasons of public interest, ERGO will no longer process your personal data for statistical purposes.

### 12.6. Right to withdraw consent

Whenever ERGO relies on your consent, you have the right to withdraw that consent at any time. However, please note that the withdrawal of your consent does not affect the lawfulness of the collection and processing based on your consent prior to its withdrawal. This means that your consent remains valid to justify the processing of your data by ERGO before your withdrawal.

When you reach the age of 18 years old or if you are no longer legally incapacitated, you also have the right to withdraw the consent which was eventually given by the holder of your parental or legal responsibility when you were still a child or legally incapacitated.

You can withdraw your consent via section 12.10. *"How can you exercise your rights?"* below.

ERGO may have other lawful grounds for processing your data for other purposes, such as those set out in this Privacy Statement.

In addition, please consider that if you withdraw your consent for the processing of your health data necessary for the management and/or execution of the insurance contract(s), such management and/or execution could be hindered.

### 12.7. Right to data portability

You have the right to receive the personal data you have provided to us in a structured, commonly used and machine-readable format, and to transmit those data (or have it transmitted directly by ERGO, if technically feasible) to another controller if:

- the processing by ERGO is based on your consent or on the execution of a contract to which you are party; and
- to the extent that the respective data processing is done in an automated way.

In all other cases, you may not enjoy this right (for example, if the processing of your data is based upon a legal obligation).

This right cannot adversely affect the rights and freedoms of others.

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### 12.8. Rights related to automated individual decision-making (including profiling)

As indicated in section 6 “*Does ERGO process your personal data by automated means?*” of this Privacy Statement on automated decision-making, certain personal data processing operations, including through our digital channels, may be automated to facilitate individual decision-making or to respond to certain insurance queries more quickly. Such processing activities may produce legal effects concerning you.

In any event, such automated individual decision is:

- necessary for the management or execution of a contract between you and ERGO;
- based on your explicit consent; and/or
- legally permitted.

You always have at least the right to obtain the intervention of one of our employees, the right to communicate your point of view and the right to contest the decision taken in this way – except where the automated individual decision is legally permitted.

### 12.9. Right to lodge a complaint with a Supervisory Authority

Although we encourage you to contact ERGO in first instance, in case you consider that ERGO’s processing of your personal data infringes the data protection laws, you have the right to lodge a complaint with the Supervisory Authority in the Member State of your habitual residence, of your place of work or of the place of the alleged infringement. For the Belgian Data Protection Authority, you can lodge your complaint via [www.dataprotectionauthority.be](http://www.dataprotectionauthority.be) or via post at Rue de la Presse 35, 1000 Brussels.

### 12.10. How can you exercise your rights?

To exercise any of your rights, you can file a dated and signed request, with a proof of your identity to enable ERGO to verify your identity and to avoid anyone else exercising the rights on your personal data:

- by email to [privacy@ERGO.be](mailto:privacy@ERGO.be); or
- by post to ERGO Insurance NV/SA, to the attention of the Data Protection Officer, Loksumstraat 25, Rue de Loxum, 1000 Brussels, Belgium.

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ERGO will provide you with information on actions taken as soon as possible and in any event within one month of receipt of your request. We advise you to always be as specific as possible in your request to exercise your rights, so that ERGO can handle your request appropriately. The contact methods mentioned above are also your first resort for all enquiries regarding data protection.

### 13. WHAT HAPPENS WHEN ERGO MODIFIES THIS PRIVACY STATEMENT?

ERGO reserves the right to modify and update this Privacy Statement whenever needed. The latest version of this Privacy Statement can always be found at [https://www.ergo.be/fr\\_be/information-juridique/privacy-statement](https://www.ergo.be/fr_be/information-juridique/privacy-statement).

You will be informed when the ERGO Privacy Statement is updated via a banner on our website.

### 14. HOW TO CONTACT ERGO?

If you have any questions, comments, remarks, requests or complaints regarding this Privacy Statement or the processing of your personal data by ERGO, please contact the Data Protection Officer of ERGO, either:

- by post at the following address: ERGO Insurance NV/SA, to the attention of the Data Protection Officer, Loksumstraat 25, Rue de Loxum, 1000 Brussels, Belgium; or
- by e-mail at the following address: [privacy@ERGO.be](mailto:privacy@ERGO.be).