

# EVO PRIVACY NOTICE

This privacy notice was last updated 1 July 2022.

The purpose of this privacy notice is to explain how and why Personal Data is collected and used by Evolution Holdings (Guernsey) Limited (EHGL) and its wholly owned regulated subsidiaries: Evolution Insurance Company Limited (“EICL”) and Evolution Insurance Solutions Limited (“EISL”). Collectively this group of companies will be referred to as “Evo” and “we/us”. If you have any questions or would like more information, please contact us using the details provided in section 12 below.

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## 1. Introduction

EICL and EISL are the joint controllers of your Personal Data.

EICL does not sell insurance products directly to customers and does not directly handle customers’ claims. All EICL’s insurance products are underwritten and administered on our behalf by trading partners, managing general agents (MGAs), or other companies owned by Evolution Insurance Holdings (Guernsey) Limited. In this privacy notice, we refer to these businesses as our trading partners.

EISL sells Surety bonds directly to customers under its trading name EvoSurety. The website for this is [www.bonds-direct.co.uk](http://www.bonds-direct.co.uk) and there is a separate privacy notice relating to the Surety bonds business which can be accessed at [www.bonds-direct.co.uk/privacy](http://www.bonds-direct.co.uk/privacy). EISL does directly handle certain customers claims for products sold by EICL.

Trading partners are also data controllers and responsible for their own handling of your Personal Data. Our trading partners each have their own privacy notices, which explain how they use your Personal Data. If you need to identify which of our trading partners is managing your policy and/or processing your Personal Data, you can ask us by using the contact details in section 12 below.

EHGL is a non-trading holding company and does not process any personal data.

Evo is responsible for the proper management of any Personal Data held by us, both where we collect it directly and where it is provided to us by our trading partners. We have procedures designed to keep your Personal Data secure and to only use it in accordance with applicable privacy and data protection laws and this privacy notice.

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## Third-party links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy notices. When you leave our website, we encourage you to read the privacy notice of every website you visit.

## 2. Personal Data we collect and where we collect it from

### The data we collect and process about you

Personal data, or Personal Data ("Personal Data"), means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). So that we can operate our business, provide insurance quotes, issue insurance policies and deal with claims or complaints, we collect and process Personal Data.

The types of Personal Data that we may collect and process include:

- contact details such as name, email address, postal address and telephone number;
- details of any other persons included on the policy where they are named on your policy and the relationship to you as policyholder;
- identification information such as your date of birth, national insurance number, passport and driving licence;
- financial information such as bank details, credit card details
- credit and anti-fraud information such as credit history, credit score, criminal offences, information from various relevant anti-fraud databases and information from sanctions lists and information obtained as a result of our credit checks;
- information relevant to your insurance policy such as details about your property, vehicle, business, commercial assets, employment, previous policies or claims;
- information relevant to your claim or your involvement in the matter giving rise to a claim; and
- information obtained through our use of cookies.

Sensitive Personal Data (such as information relating to health or criminal convictions), may be required by us for the specific purposes of underwriting and fraud detection, or as part of the claims handling process. The provision of such data may be conditional for us to be able to provide insurance or manage a claim and, whilst you can withdraw your consent for us to process such data, this may result in us not being able to continue cover, or to process any claims.

The types of Sensitive Personal Data that we may collect and process include:

- details of your current or former physical or mental health;
- details concerning sexual life or sexual orientation, for example marital status;
- details regarding criminal offences, including alleged offences, criminal proceedings, outcomes and sentences (previous criminal convictions, bankruptcies and other financial sanctions such as County Court Judgements).

Where Personal Data is provided to us, it will only be used for the specific purposes set out above and will be treated securely and in line with this notice.

We may obtain Personal Data from our website and trading partners who, in turn, obtain Personal Data from insurance brokers or other business partners, when you purchase a policy through them. We may also obtain Personal Data directly from you, including communications between us.

If you are a joint policyholder or otherwise a beneficiary or claimant under a policy, we and our trading partners and their business partners may also obtain your Personal Data from the policyholder.

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We and our trading partners may also obtain Personal Data from other third parties, including the following:

- comparison websites or other similar companies where you have used these companies to obtain quotes for insurance;
- third parties who provide services relating to your policy;
- third parties who provide insurance related services, for example loss adjusters, claims handlers, legal advisers, assistance providers, experts and, in limited circumstances, private investigators or fraud investigators;
- third parties also involved in your product or claim, for example other insurers, brokers, claimants, defendants, and witnesses to an incident;
- credit reference agencies;
- financial crime, fraud or uninsured detection agencies, databases and sanctions lists;
- government agencies and regulatory bodies including the police, and the courts;
- Regulators who regulate how we operate including the Gibraltar Financial Services Commission (GFSC), Gibraltar Regulatory Authority (GRA), Guernsey Financial Services Commission (GYFSC), The Data Protection Agency (Guernsey) (DPA), UK Financial Conduct Authority (FCA), UK Prudential Regulatory Authority (PRA), UK Information Commissioner's Office (ICO), the UK Financial Ombudsman Service (FOS), and the Financial Services Compensation Scheme (FSCS);
- third party business related service providers including actuaries, auditors, legal advisers and other professional advisers and sanctions checking service providers;
- publicly available third-party sources including internet searches, news articles and social media sites; and
- third parties in connection with any acquisition of a business by us.

### 3. How we use your Personal Data and our legal basis for doing so

We use your Personal Data in the following circumstances:

Basis	Description
Performance of a contract	Evo processes Personal Data for the purposes of underwriting, evaluating risk, and servicing claims pursuant to contracts with our trading partners where it is necessary to provide you with insurance coverage in accordance with our contract and to take steps at your request prior to entering into a contract. This includes using your Personal Data for: <ul style="list-style-type: none"><li>• quotation and inception;</li><li>• policy issuance and administration;</li><li>• claims processing and risk modelling and analytics; and</li><li>• renewals; and</li><li>• enforcing our agreements and policies.</li></ul>
Compliance with legal and regulatory obligations	Evo processes Personal Data where it is necessary to comply with our legal and regulatory obligations (for example, complying with reporting obligations to the GFSC, the GRA, the FCA, or other applicable regulatory authorities for anti-money laundering and other compliance purposes).

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Basis	Description
Legitimate Interests	<p><b>Interest in Managing Our Business.</b> Evo processes Personal Data to improve its products and services, to carry out market research, to perform data analytics, for general risk modelling purposes and for statistical analyses. The processing is necessary to support our legitimate interests in managing our business (or those of a third party) provided such interests are not overridden by your interests and rights.</p> <p><b>Disclosing Personal Data with Affiliated Organisations.</b> Evo processes Personal Data for the purposes of reinsurance and disclosing business, reporting, financial and audit information with its parent and other affiliated organisations. This processing is necessary to support our legitimate interests in managing our business (or those of our family of affiliated organisations) provided such interests are not overridden by your interests and rights.</p> <p><b>Direct Marketing and Advertisement.</b> Evo processes Personal Data for the purposes of responding to inquiries, conventional direct marketing and other forms of marketing or advertisement to market to and contact customers. It is in our legitimate interest to process your Personal Data to provide you with relevant information or advice, respond to your inquiries and conduct sales and marketing information.</p> <p><b>Physical Security, IT and Network Security.</b> Evo processes Personal Data for the purposes of physical security, IT and network security. It is in our legitimate interest to process your Personal Data for appropriate administration, maintenance and security of our systems and information.</p> <p>Where we rely on legitimate interests as our lawful basis, we are required to carry out a balancing test to ensure that our interests, or those of a third party, do not override the rights and freedoms that you have as an individual. We have considered the purposes for which we use your Personal Data and the necessity of doing so, as well as the nature of the Personal Data we use, your reasonable expectations of us and the likely impact that our use, and non-use, of that information could have.</p> <p>We may generate de-identified and/or aggregated information based on your Personal Data.</p>
Consent	Where you have consented to us processing your information. You may withdraw your consent to such processing at any time. There may be consequences if you withdraw your consent, as described in section 9 below.
Otherwise Permitted by Law	Where we are otherwise permitted by applicable law.

We receive and use Personal Data relating to **criminal convictions and offences** where it is necessary to comply with our legal and regulatory obligations, or where necessary to support our legitimate interests. We will only carry out such processing where it is authorised by applicable law.

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We process special categories of Personal Data (for example your health information) where:

- it is necessary for reasons of substantial public interest on the basis of law;
- for insurance purposes where it is permitted under UK law, including advising on, arranging, underwriting or administering an insurance contract, administering a claim under an insurance contract, or exercising a right, or complying with an obligation, arising in connection with an insurance contract, including a right or obligation arising under an enactment or rule of law;
- you have given us or our trading partners your explicit consent (you may withdraw your consent to such processing at any time but there may be consequences if you withdraw your consent, as described in section 9 below);
- the processing is necessary to protect your, or another's, vital interest;
- the processing is necessary for the establishment, exercise or defence of legal claims;
- you have manifestly made your Personal Data publicly available; or
- it is otherwise permitted by applicable law.

### 4. Who we share Personal Data with

So that we can effectively operate our business and comply with legal obligations imposed on us, we may from time to time disclose your Personal Data to third parties, including without limitation to the following:

- with our trading partners to help us administer our products and services;
- within Evo to assist us in the administration of our products and services and for related reinsurance, risk management and reporting purposes;
- with our agents and third parties who provide services to us, including legal, financial, medical and other professional advisors, to help us administer our products and services; and with our technology services providers;
- with your insurance broker or other advisers;
- with regulatory bodies and law enforcement bodies (where we are required to do so to comply with a relevant legal and regulatory obligation), for example the regulators, government agencies and regulatory bodies listed in section 2 above;
- with the insurance ombudsman (where we are required to do so to respond to any complaint made in connection with your insurance);
- with industry databases for the purposes of preventing fraud and other financial crime, for example the agencies, databases and sanctions lists listed in section 2 above;
- with external third parties if we, in good faith, believe doing so is required or appropriate to: (i) comply with legal process such as a court order or subpoena, (ii) protect your, our, or others' rights, property, or safety, (iii) enforce our policies or contracts, (iv) collect amounts owed to us, or (v) assist with an investigation or prosecution of suspected or actual illegal activity;
- with our reinsurers, who may require your Personal Data to decide whether to provide us with reinsurance cover, to assess and deal with reinsurance claims and to meet legal obligations. Our reinsurers will keep your Personal Data for the period necessary for these purposes and may need to disclose it to other companies within their group, their agents and third party service providers, law enforcement and regulatory bodies; and
- with third parties to the extent it is required in connection with a reorganisation, sale, transfer or disposal of our business, or other similar event.

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### 5. Transfers of Personal Data outside Gibraltar, Guernsey, the UK and/or the EEA

The Personal Data we collect from or about you may be transferred to, and stored at a destination outside of Gibraltar, Guernsey, the United Kingdom and/or the European Economic Area (EEA) for purposes described in this privacy notice. The law of those countries may not provide an adequate level of protection in relation to processing your Personal Data, as determined by the relevant authority in your territory. Your Personal Data may be disclosed, for example, to trading partners outside of the EEA.

We endeavour to ensure that your Personal Data is safeguarded in accordance with applicable laws. Where necessary, we have put in place the appropriate legal measures which are designed to ensure that an adequate level of data protection is afforded to such Personal Data.

### 6. How long we hold Personal Data

We are required to ensure that your Personal Data is accurate and maintained for a period of time no longer than necessary for the purposes for which we are using it.

Information submitted for a quotation where you did not purchase our product may be retained for a period of up to 10 years from the date of the quotation although we generally do not collect this information as a matter of course. Where you purchase our insurance product or services, information will be held for the duration of your insurance coverage and a period of at least 10 years after the end of our agreement. We keep information for a period of time after our relationship ends in order to comply with applicable laws and regulations and for use in connection with any legal claims or complaints you or another beneficiary might make.

### 7. Your rights

You have the right to:

- a) Request access to your Personal Data (commonly known as a “subject access request”). This enables you to receive a copy of the Personal Data we hold about you and to check that we are lawfully processing it.
- b) Request correction of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- c) Request erasure of your Personal Data. This enables you to ask us to delete or remove Personal Data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- d) Object to processing of your Personal Data where we are relying on a legitimate interest (or those of a third party) and there is something about your situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms. You also have the absolute right to object to direct marketing.

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- e) Request restriction of processing of your Personal Data. This enables you to ask us to suspend the processing of your Personal Data in the following scenarios: (i) if you want us to establish the data's accuracy; (ii) where our use of the data is unlawful but you do not want us to erase it; (iii) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (iv) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- f) Request the transfer of your Personal Data to you or to a third party. We will provide to you, or a third party you have chosen, your Personal Data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- g) Withdraw consent at any time where we are relying on consent to process your Personal Data. However, this will not affect the lawfulness of any processing conducted before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

### **No fee usually required**

You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive, or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

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

We may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal Data (or to exercise any of your other rights). This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

You may have the right to make a formal complaint about how we handle your Personal Data at any time. Please see the details on how to make complaint in section 11 below.

If you wish to exercise any of your rights in this regard, please contact us using the details in section 12 below.

## **8. Automated decision making**

Evo through its trading partners may use automated decision-making tools. If we do, you have a right not to be subjected to decisions based on automated processing, including profiling, which produce legal effects concerning you or similarly significantly affects you. In certain circumstances we would be entitled to make decisions based on solely automated decision-making and profiling. These cases are restricted to situations where the decision is necessary for entering into a contract, or for performing that contract (i.e. your policy of insurance or quote), where it is authorised by law or where you have provided your explicit consent. If we were to base a decision on solely automated decision-making you would be entitled to have a person review the decision so that you can contest it and put your point of view and circumstances forward in accordance with the requirements of applicable law. For information on the automated decision-making practices of our trading partners, please see their privacy notices.

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### 9. Consequences of failure to provide Personal Data or withdrawing your consent

If we or our trading partners cannot collect certain information, it may make it difficult, impossible, or unlawful for us to provide you with and/or administer our insurance products.

If we or our trading partners or other third parties ask for information and you do not wish to give it to us, or if you wish to withdraw consent to the use of your Personal Data, we or our trading partners will explain the consequences based on the specific information concerned including whether it is a legal or contractual requirement that we obtain such information.

If you have any queries in respect of the consequences of not providing information or withdrawing your consent, please contact us using the details in section 12 below.

### 10. Updates to this Privacy Notice

We may revise this privacy notice from time to time and will publish the latest version on the EICL website and provide it to our trading partners to make available as well. The date this privacy notice was last updated is shown at the top of the notice and, unless stated otherwise, the updated privacy notice has effect from that date. You understand and agree that you will be deemed to have accepted the updated privacy notice if you continue to use our services after an updated privacy notice has been published and takes effect.

### 11. Your right to complain to the data protection authority

If you are located/resident in Gibraltar, Guernsey, the UK or the EEA and are not satisfied with our use of your Personal Data or our response to any request by you to exercise any of your rights in section 7 above, you have the right to lodge a complaint with your local data protection authority.

#### **Gibraltar Regulatory Authority (GRA)**

2nd floor, Eurotowers 4,  
1 Europort Road, Gibraltar.  
Telephone: (+350) 20074636 or email: [info@gra.gi](mailto:info@gra.gi)

#### **Data Regulatory Authority (DRA)**

St Martin's House,  
Le Bordage,  
St. Peter Port,  
Guernsey GY1 1BR  
01481 742074 or email: [enquiries@odpa.gg](mailto:enquiries@odpa.gg)

#### **UK Information Commissioner's Office (UK ICO)**

Wycliffe House, Water Lane,  
Wilmslow,  
Cheshire SK9 5AF  
Telephone: 0303 123 1113



## EVO PRIVACY NOTICE

### 12. Our Contact Details

If you require any further information about how we use your Personal Data or if you want to exercise any of your rights under this privacy notice, you can contact us using any of the following details:

Compliance Officer  
Evolution Insurance Company Limited  
5/5 Crutchett's Ramp  
Gibraltar  
Email: [datarequest@evo-insurance.com](mailto:datarequest@evo-insurance.com)  
Telephone: (+350) 200 77065

Compliance Office  
Evolution Insurance Solutions Limited  
53A High Street  
Saffron Walden  
CB10 1AA