

Principles for processing personal data

1. INTRODUCTION

The principles for processing personal data explain how and based on which principles ERGO (i.e. ERGO Insurance SE and ERGO Life Insurance SE's Estonian branch) processes the personal data of its clients.

When processing personal data, ERGO adheres to the European Union General Data Protection Regulation, Insurance Activities Act, and other relevant legislation.

ERGO protects personal data with its security and confidentiality rules and has adopted organisational, physical, and information technology measures necessary for protecting personal data. When processing client data, ERGO shall set a limit as to the minimum procedures that are necessary for achieving the established objectives. The employees of ERGO are obliged to keep personal data confidential without a term.

2. TERMS

The Data Protection Regulation is Regulation No. 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons.

The Data Controller is ERGO Insurance SE (registered in the commercial register of the Republic of Estonia, registry code 10017013, Veskiposti 2/1, Tallinn, Republic of Estonia) and/or ERGO Life Insurance SE (registered in the commercial register of the Republic of Lithuania, registry code 110707135, Geležinio Vilko g. 6A, Vilnius, Republic of Lithuania), operating in the Republic of Estonia through the ERGO Life Insurance SE Estonian branch (registered in the commercial register of the Republic of Estonia, registry code 12025488, Veskiposti 2/1, Tallinn).

The Data Subject is an identifiable natural person whose personal data is processed purposefully by ERGO (hereinafter also referred to as: client).

Personal Data is any data belonging to a natural person (data subject) who has been or will be identified.

The Identifiable Natural Person is a person who can either directly or indirectly be identified by an identifier, such as name, personal identification code, location information, or network identifier, or by one or several of their physical, physiological, genetic, mental, economic, cultural, or social features.

Special types of personal data are data related to the health of the data subject that ERGO processes in order to conclude and perform life insurance, accident insurance, and health Insurance contracts.

The processing of personal data is any procedure conducted with personal data, e.g. the collection, storage, preservation, or amending of such data, providing access, making of enquiries, use, and forwarding thereof.

Profiling means making a decision by a data processing system without the participation of a client that assesses the characteristics, abilities or other personality characteristics of the client and the use of the ERGO service if it brings about legal consequences for the client or otherwise significantly affects him or her.

The Data Processor is a person who processes personal data in the name of ERGO and pursuant to a contract concluded with ERGO.

3. LEGAL BASES

ERGO relies on the following legal bases when processing personal data.

3.1 The processing of personal data pursuant to the contract and contract application

This is the main legal basis, based on which ERGO processes personal data: identifies persons, receives and enters personal data into the information system, prepares documents, issues invoices, deals with losses, communicates with partners and their representatives that are natural persons (including insurance agencies and other companies providing services to ERGO), archives documents, processes judicial claims, sells surplus, etc.

If, in preparation of an insurance contract for signing, it is necessary to process the data subject's sensitive personal data, ERGO shall request a separate consent from the client. This applies, for example, to personal data on the state of health needed to obtain information from and make enquiries to medical authorities or other third parties.

3.2 The processing of personal data pursuant to a legal obligation

ERGO also processes personal data in order to perform an obligation under the law. The activity of ERGO as an insurer is regulated by the Insurance Activities Act, Money Laundering and Terrorist Financing Prevention Act, Funded Pensions Act, Motor Insurance Act, Personal Data Protection Act, Accounting Act, and other legislation. This also forms the basis for the identification of the client's insurable interest and requirements before concluding an insurance contract.

To perform the obligations arising from law, ERGO shall forward personal data to third parties: national registers (e.g. motor insurance register, traffic register), the reinsurer, mortgagee, commercial pledge holder, auditor; surveillance institutions, investigators, prosecutor's office, court, and money laundering information office.

3.3 The processing of personal data with the data subject's consent

With the data subject's consent, ERGO shall process personal data to forward clients ERGO marketing information and the best insurance solutions after the termination of the insurance contract.

In addition, ERGO shall process personal data with the data subject's consent to forward the client's contact details to enterprises of the ERGO group in Estonia (data cross-usage) in order to provide the client the best insurance solutions of ERGO group enterprises.

3.4 Legitimate interest

A legitimate interest is ERGO's interest in using personal data in such a way that the tasks required for its business activities are performed. Such tasks include, for example, underwriting, direct marketing and receiving feedback from the client while the contract is valid, determining insurance premium rates, developing insurance service, preventing fraud, managing business and compliance risks, managing IT system network security, and ensuring the safety of ERGO's information.

On the basis of a legitimate interest, ERGO also records telephone conversations with the client (negotiation and execution of contracts, including processing of loss events) without notifying it in advance each time. The purpose of recording calls is to ensure that everything we have agreed with the client is correctly executed. The telephone call recordings are used, inter alia, to resolve any differences between the client and ERGO in order to demonstrate the terms and conditions under which the client and ERGO agreed to provide the service by telephone. The purpose of recording telephone calls is also to ensure that ERGO's customer service representatives ensure that a high-quality and appropriate service is provided to the client.

4. PURPOSES FOR PROCESSING THE PERSONAL DATA

ERGO processes personal data for the following purposes:

- 1) identifying the identity of the client or their representative;
- 2) determining the client's insurable interest and needs;
- 3) assessment of the client's insurance risk and pricing of products and services for making an insurance offer, entry into and amendment of an insurance contract during the term of the contract;
- 4) carrying out the main obligation that arises from the insurance contract (including consultations with experts, lawyers, doctors, and reinsurers);
- 5) analysis and assessment of creditworthiness and payment behaviour and, on the basis thereof, design of the insurance premium rate, which takes into account the risk arising from the customer in contractual relationship, using, if necessary, the services provided by credit registers (e.g. Creditinfo Eesti AS);
- 6) providing additional insurance services to the client, forwarding information on ERGO services and consultations;
- 7) reinsuring an insured risk;
- 8) maintaining the client loyalty programme;
- 9) verifying the accuracy and completeness of client data;

- 10) carrying out the accessory obligations arising from the insurance contract (e.g. payment date notifications to the policyholder, or informing the mortgagee or the holder of a commercial pledge, or contract renewal notifications);
- 11) prevention and investigation of insurance fraud and money laundering and terrorist financing, control and application of financial sanctions;
- 12) responding to inquiries from national authorities and investigative bodies and providing mandatory information under existing law;
- 13) performance of an insurance agency contract entered into with an insurance agent, including an insurance agency (e.g. storage of data of employees of an insurance agency who are natural persons in the ERGO information system and management of corresponding data);
- 14) managing business risks (e.g. verification of the data in the information system, or the regular checking of logs);
- 15) processing of ERGO's claims and claims against ERGO by a court or an extra-judicial conciliation or dispute resolution body;
- 16) archiving the insurance documents;
- 17) ensuring the security of ERGO's offices (use of surveillance cameras).

5. SOURCES OF PERSONAL DATA

ERGO may collect personal data from different sources depending on the purpose and legal relationship and/or insurance contract between the data subject and ERGO. The sources of personal data may include:

- 1) personal data disclosed by the data subject to ERGO (e.g. for obtaining an insurance offer, entering into a contract, obtaining indemnity and communication with ERGO);
- 2) an authorised or legal representative of the data subject;
- 3) insurance agent or broker;
- 4) personal data arising from the use of ERGO services (telephone recording, e-mails);
- 5) public and private databases (e.g. Commercial Register, Population Register, Motor Insurance register, Traffic Register, Land Register, Building Register, E-Krediidiinfo Register);
- 6) public sources (e.g. official publication Ametlikud Teadaanded, Internet search engines);
- 7) a state or local government authority, health care provider, insurance undertaking or other third party who is required to communicate personal data or grant access to personal data at the request of ERGO if access to personal data is necessary for the performance of the insurance contract and ensuring the performance thereof or for the submission of claims for recovery;
- 8) the employer of the data subject;
- 9) third insurance undertakings in the cases provided for in the Insurance Activities Act.

6. THE SHARING OF PERSONAL DATA

Pursuant to the objective of processing personal data, ERGO shares the personal data with the following persons:

- 1) authorities (e.g. Financial Supervision Authority, police, bailiffs, notarial authorities, tax authorities, Financial Intelligence Unit, and the Estonian Data Protection Inspectorate);
- 2) credit and financial institutions (banks, leasing companies);
- 3) persons providing service to ERGO upon concluding insurance contracts (insurance agents, insurance brokers, doctors, and experts);
- 4) companies providing services to ERGO in the administration and performance of insurance contracts (e.g. postal companies, telephone communication companies, call centre and customer support service providers, companies managing information systems);
- 5) persons providing service to ERGO upon handling insured events (repair companies, doctors, lawyers, and experts);
- 6) ERGO Group companies for the centralised execution of certain data processing tasks. If the customer is insured by one or more companies in the ERGO Group, the customer data may also be processed by another company in the ERGO group;
- 7) auditors, legal consultants;
- 8) third parties who keep registers (e.g. credit registers, population registers);
- 9) other insurers (for reinsurance, upon processing insurance fraud and related suspicions);
- 10) debt collectors, upon handling claims, courts, and trustees in bankruptcy.
- 11) advertising networks: service providers that help organize targeted ads or manage advertising campaigns on behalf of ERGO.
- 12) service providers that assist ERGO in marketing insurance products as well as in assessing customer satisfaction;
- 13) service providers that assist ERGO in various IT services such as cloud services and technical solutions based on image recognition (e.g. evaluation of the data of the insurance object).

7. TRANSFER OF PERSONAL DATA TO THIRD COUNTRIES

Generally, ERGO processes personal data within the limits of the European Union or the European Economic Area, but it could occur that ERGO also transfers personal data to countries located outside the European Union or the European Economic Area.

Transferring and processing personal data outside of the European Union or European Economic Area takes place provided that there is a legal basis, e.g. performing a judicial obligation or the client's consent, and that ERGO applies relevant protection measures.

Relevant protection measures are, for instance, the following:

- 1) the data protection level of a country located outside the European Union or the European Economic Area is sufficient based on a resolution of the European Commission;
- 2) a contract needs to be concluded with a partner, which includes standard contract terms established by the European Union or approved guidelines, certifications, and other similar things that comply with the General Data Protection regulation.

8. RETENTION OF PERSONAL DATA

ERGO shall retain personal data based on the purposes for which they are processed or as long as the obligations arising from the legislation are fulfilled, taking into account the expiry date of the claim arising from the insurance contract (usually ten years after the closure of the loss file or termination of the insurance contract).

ERGO shall retain the personal data of the customer for fifteen years if ERGO assesses the customer's risk high on a reasonable basis, including if the client has intentionally caused an insured event to occur or has provided incorrect data to ERGO during pre-contractual negotiations or claims handling.

After expiry of the retention period, ERGO shall delete or anonymise electronic personal data and documents containing personal data and destroy paper documents..

ERGO shall retain only such personal data regarding a client that is objectively required, so the insurer could:

- 1) perform their obligations arising from the law;
- 2) to protect its rights, including submitting recovery claims;
- 3) perform their obligations to the clients;
- 4) check how a client performs an insurance contract.

9. AUTOMATED DECISION MAKING AND PROFILE ANALYSIS

A decision based on automated processing is a decision taken by means of information technology and without the intervention of an ERGO employee.

Profiling is an automated processing of personal data designed to assess client risks and personal characteristics (including creditworthiness) and the use of existing services to analyse or predict the client's risks, insurance needs, preferences and interests and to provide relevant services based on that information.

Profiling and automated decision making are used to advise the customer, apply premium rates, evaluate risks when making offers, for marketing purposes, and make claims handling and other decisions such as managing the customer's risk, assessing insurance risks, and checking transactions in combating fraud.

The automated decision is based on information collected on the data subject (e.g. place of residence, age, past loss events, credit score) and the assets to be insured (e.g. traffic or building register information from official registers, vehicle manufacturer or repair shop data). This information may affect, depending on the type of insurance, the risk associated with the data subject and, accordingly, the amount of the insurance premium.

Automated decision making may be used by ERGO to determine which insurance cover can be provided to the data subject. An automated decision may limit insurance covers provided by ERGO digital channels depending on vehicle or building data and the customer's past insurance and losses.

ERGO may use automated decision making in the claims handling process based on data provided by the customer and/or from other sources. Depending on the type of insurance, ERGO may base its decision on different sources of information.

The data subject shall have the right to contact ERGO to review the decision relating to the data subject based solely on automated processing, including profiling..

10. DATA PROTECTION SPECIALIST

If the data subject has any questions regarding the protection of personal data, ERGO asks them to contact ERGO's data protection specialist via e-mail address: dpo@ergo.ee

11. THE RIGHTS OF A DATA SUBJECT

The data subject shall have the following rights:

- 1) the subject can apply to correct their personal data if these are insufficient, incomplete, or incorrect;
- 2) the subject can object to the processing of their personal data, if the use of personal data is based on a legitimate interest, including profile analysis with the objective of direct marketing (e.g. receiving marketing offers or participating in surveys);
- 3) the subject can apply for the deletion of their personal data, for instance, if personal data are processed with data subject's consent and data subject has taken this consent back. Such a right shall not be applied if personal data that the client wants to be deleted are additionally processed under other legal bases, for instance, under a contract or for performing judicial obligations;
- 4) the data subject can limit the processing of their personal data at a time when ERGO is evaluating if the data subject has the right to demand the deletion of their data;

- 5) the data subject can receive information on whether ERGO is processing their personal data and, if is doing so, to get access to the data in question;
- 6) the subject can obtain the data that data subject has submitted and which is being processed with their consent or for the performance of the contract, either in writing or in a generally used electronic format and, if technically possible, to submit this data to another service provider (the transferability of data);
- 7) the data subject can withdraw the consent granted for the processing of their personal data;
- 8) the data subject can apply for a decision regarding the client to not be made based only on automated decision-making, including profile analysis, if this brings about legal circumstances or has a significant impact on data subject. This right shall not be applied if making the decision is required to conclude a contract with the data subject or for executing the concluded contract if making the decision has been allowed pursuant to an applicable right or if the data subject has given their clear consent;
- 9) the subject can submit claims regarding the usage of their data to the Data Protection Inspectorate (website www.aki.ee), if the subject finds that processing the personal data violates their rights and interests.

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