

**Guide for online  
Claim History  
for business,  
agriculture, vehicle,  
private, pleasure craft  
and accident**

**Appendix 3  
Rules and principles  
for information  
exchange**

## Document Information

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<b>By:</b>	Mette E. Jespersen, F&P EDI Office
<b>Document contributors:</b>	Morten Lassen, F&P IT Department
<b>Approved by:</b>	Mette E. Jespersen, F&P EDI Office
<b>Person responsible for document:</b>	Mette E. Jespersen, F&P EDI Office
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## **1. Rules for information exchange in F&Ps claim history solution**

Insurance company activity is regulated via the Financial Business Act (FBA).

Pursuant to Section 117 of the FBA, there is a confidentiality obligation related to customer information and claimant information. The confidentiality obligation includes information about both individuals and businesses.

The confidentiality obligation can be lifted by the person to whom the information relates giving their consent to disclosure. The consent must clearly indicate which types of information may be disclosed by the previous company, cf. Appendix 4.

### **1.1 Claim history information is based on policyholder consent**

The confidentiality obligation pursuant to FBA means that Online claim history is based on the policyholder's (and for private accident the insured's) consent that the company receiving the request may disclose the claim history to the requesting company.

For private insurance, the consent is given by the person who took out the insurance. For business and agriculture insurance, the consent is given by the company owner or representative/proxy. For vehicle insurance, the consent is given by the policyholder, regardless of whether this is a private individual or a company. The detailed consent requirements are described in Appendix 4.

In all cases, consent can only comprise information about the policyholder (and, in case of private accident, the insured) or the company, respectively.

Disclosure of information about co-insured's or third-party claimants' claims which are covered by the insurance in question therefore requires the consent of the party in question, or that the policyholder has received power-of-attorney to give the consent on behalf of the parties in question.

### **1.2 Exchanging information about co-insured and third-party claimants**

A range of claims covered by a company's insurance and the liability insurance for vehicles, respectively, including any driver cover and private liability insurance claims, relate to third parties. This applies to:

- Liability claims
- Driver claims where the driver is not the same person as the policyholder
- Workplace claims
- Employee health insurance claims
- Other co-insured's claims

The consent from the company/policyholder (for vehicle and private insurance) does not cover information about claims which affect the parties or companies mentioned (the latter only relevant for liability claims).

The exchange of information about claimants and information about liability claims related to legal persons therefore generally requires consent from the parties in question, cf. the disclosure regulations in the Financial Business Act.

In the development of the online claim history solutions, it has been assessed that obtaining consent from the claimant groups mentioned, co-insured, and other claimants is not a navigable route.

### **1.3 Anonymization of information about co-insured claimants and third-party claimants**

Both the disclosure regulations of FBA and the generally applicable data protection regulations of the General Data Protection Regulation and the Data Protection Act only cover information attributable to specific individuals, business customers and legal person claimants. Where the disclosed information from the ceding company cannot be attributed to a specific claimant, regardless of whether this is a person or a company, the disclosure is not covered by either the data protection regulations or the disclosure regulations in FBA.

### **1.4 Online claim history solutions ensure the anonymity for co-insured claimants and third-party claimants**

In developing the claim history solutions, it has been essential to minimize the risk that the co-insured claimants and third-party claimants involved in the claims about which information is being exchanged can be identified by employees of the company receiving the history information. Anonymity is particularly ensured by the following measures:

1. The company receiving the history information does not receive information such as name, address and CPR number of the individual claimants/SE number of company claimants
2. In connection with the development of the solutions there has been a strong limitation of the amount and character of information developed about claims relative to the individual insurance products, see para. 1.3 above.

Companies should, however, generally be aware of the following:

- That only the predetermined information about claims in the ceding company is disclosed to the receiving company. If more information is disclosed than generally agreed, the risk increases that the claim information can be attributed to specific claimants, co-insured or third parties. The data protection regulations are also generally subject to a principle regarding datamining. This means that the companies must not receive or process personal information which they do not need and that such information must be deleted within rather short deadlines.
- That especially free text fields do not contain information that can contribute to the identification of individual and company claimants
- That the risk of identification of individual claimants is particularly present in very small companies with, for example, one employee who has suffered a personal injury.