Aviva's response to Call for Evidence on GDPR Derogations – 10th May 2017

GDPR Theme	Comment	Related Article
Theme 7 Sensitive Personal Data and Exceptions	We would seek an allowance to process health data without consent where the purpose is to provide the subject with health related insurance or insurance related products	9 (Special Categories of Data)
Theme 8 Criminal Convictions	We require legislation to allow us to process data relating to Criminal convictions for employment vetting purposes	10 (Criminal Convictions)
Theme 8 Criminal Convictions	We require legislation to allow us to process data relating to Criminal convictions for insurance underwriting and anti-fraud purposes	10 (Criminal Convictions)
Theme 9 Rights and Remedies	Confirmation is required so that Insurance companies can continue to use profiling in cases of insurance risk assessments	22 (Profiling)
Theme 9 Rights and Remedies	Confirmation and/or legislation to allow profiling of individuals to continue for anti-fraud purposes	22 (Profiling)
Theme 9 Rights and Remedies	Data can be passed to 3rd parties to be pooled and compared for anti-fraud purposes	22 (Profiling)
Theme 9 Rights and Remedies	We would request an allowance against deletion of data where PII relating to groups is submitted by such means as to make the deletion of individuals data from the larger whole impossible (e.g. documents outlining many members data) until all members so covered are historic records.	17 (Right to Erasure)
Theme 12 Processing of Data	We would request an allowance not to have to collect consent from members covered under SME/Corporate schemes, whose personal data will be submitted en masse by a representative of the organisation wishing to be insured so as to protect the customer journey for insuring large groups.	6 (Lawfulness of Processing)
Theme 12 Processing of Data	We would request the derogation of the consent requirement for instances where we are using individuals data for the investigation of potentially fraudulent activity that they may be involved in.	6 (Lawfulness of Processing)
Theme 12 Processing of Data (Consent)	The current DP Act has statutory instrument 417 which allows for underwriting of family history without using consent. When the DP Act goes and GDPR comes in this statutory instrument goes with it. Therefore we will need to have this re-enacted or included within the GDPR otherwise the only way that	9 (Special Categories of Data)

	family history can be used in the medical underwriting process will be with the explicit consent of the family member.	
Theme 12 Processing of Data (Consent)	There should be an exemption for Group Risk benefits to allow employers to transfer personal data to external partners (insurers) to provide benefits for employees. There is an exemption for pensions this should be extended to cover any insurance policy taken out by employer or trustees to provide protection benefits for their employees.	6 (Lawfulness of Processing)
Theme 12 Processing of Data (Consent)	For Group protection policies, where employers collect consent from individuals, there is a potential problem passing data to reinsurers or regulatory bodies. We would not get explicit consent from the individual but rely on the general condition that the Employer should make sure they have sufficient consents in place for the administration of the benefits/claims. There should be an exemption for all group protection and insurance policies as there is for Group pensions.	6 (Lawfulness of Processing)