

PERSONAL INFORMATION NOTICE

INTRODUCTION

This Personal Information Notice (the “**Privacy Notice**”) is a local notice which describes how we, Marsh PB Co., Ltd. (the “**Marsh-TH**”), part of Marsh & McLennan Companies, Inc. (**MMC**) group, strives to protect the privacy and the confidentiality of Personal Data that Marsh-TH processes in connection with the services it provides to clients. Marsh-TH’s services consist primarily of risk consulting and insurance intermediation/broker, which facilitate the acquiring of insurance/reinsurance quotations, binding of insurance/reinsurance policies, consideration of, access to, administration of insurance/reinsurance policies, and managing of claims in respect of, insurance/reinsurance services.

Insurance is the pooling and sharing of risk against a possible eventuality. In order to do this, information, including the Personal Data of different categories of individuals, needs to be shared between different Insurance Market Participants through the insurance lifecycle.

To clarify the terms used in this Privacy Notice we have set out the roles of the key **Insurance Market Participants** below:

Policyholders: request insurance to protect themselves against risks that could affect them. They may approach an **Intermediary** e.g. insurance broker (such as Marsh-TH) to purchase insurance or they may approach an **Insurer** directly or via a price comparison website.

Intermediaries: help Policyholders and Insurers arrange insurance cover. They may offer advice and handle claims. Many insurance and reinsurance policies are obtained through Intermediaries.

Insurers: (sometimes also called underwriters) provide insurance cover to Policyholders in return for payment (premium).

Reinsurers: provide insurance cover to another Insurer or Reinsurer. That insurance is known as reinsurance.

During the insurance lifecycle Marsh-TH may receive Personal Data relating to potential or actual Policyholders, Beneficiaries under a policy, their family members, claimants and other parties involved in a claim. Therefore references to “individuals” in this Privacy Notice include any living person from the preceding list, whose Personal Data Marsh-TH receives in connection with the services it provides under its engagements with its clients. This Privacy Notice sets out Marsh-TH’s uses of this Personal Data and the disclosures it makes to other Insurance Market Participants and other third parties.

A glossary of key terms used in this Privacy Notice can be found in the last section.

IDENTITY OF CONTROLLER AND CONTACT DETAILS

Marsh PB Co., Ltd. located at No. 88, The PARQ, 6th Floor, West Wing, Ratchadaphisek Road, Klongtoey Sub-district, Klongtoey District, Bangkok 10110 (**Marsh-TH** or **We**) is the Data Controller in respect of the Personal Data it processes in connection with the services provided under the relevant engagement with its client.

In certain cases, and for the purposes of performing some services, Marsh-TH and its client may have agreed that Marsh-TH is a Data Processor. When Marsh-TH acts as a Data Processor, it complies with the obligations set out in the agreement concluded with its client.

PERSONAL INFORMATION THAT MAY BE PROCESSED

We may collect and process the following Personal Data:

Individual details ► name, address (and proof of address), other contact details (e.g., email and telephone details), gender, marital status, family details, date and place of birth, employer, job title and employment history, relationship to the policyholder, insured, beneficiary or claimant;

Individuals associated with our corporate clients details ► name, age/date of birth, gender, email address, contact number, postal address, role, grade.

Identification details ► identification numbers issued by government bodies or agencies (e.g., social security or national insurance number, passport number, ID number, tax identification number, driver's license number).

Financial information ► payment card number, bank account number and account details, income, salary and other financial information.

Insured risk ► Information about the insured risk, which contains Personal Data and may include, only to the extent relevant to the risk being insured.

Health data ► current or former physical or mental medical conditions, health status, injury or disability information, medical procedures performed, relevant personal habits (e.g., smoking or consumption of alcohol), prescription information, medical history.

Criminal records data ► criminal convictions, including driving offences.

Policy information ► Information about the quotes individuals receive and the policies they obtain.

Credit and anti-fraud data ► credit history and credit score, information about fraud convictions, allegations of crimes and sanctions details received from various anti-fraud and sanctions databases, or regulators or law enforcement agencies.

Previous claims ► Information about previous claims, which may include health data, criminal records data, and other Sensitive of Personal Data (as described in the Insured Risk definition above).

Current claims ► Information about current claims, which may include health data, criminal records data and other Sensitive of Personal Data (as described in the Insured Risk definition above).

Marsh-TH will process Sensitive Personal Data, such as health data, criminal records data, upon the instruction of or on behalf of the client in accordance with the arrangement under the agreement between Marsh-TH and the client only, in which Marsh-TH is considered a Data Processor.

Where we collect such information directly from individuals, we will inform them of whether the information is required and the consequences of not providing it on the relevant form.

SOURCES OF PERSONAL DATA

We collect Personal Data from various sources, including:

- Individuals and their family members, online or by telephone, or in written correspondence
- Individuals' employers

- In the event of a claim, third parties including the other party to the claim (claimant/ defendant), witnesses, experts (including medical experts), loss adjustors, lawyers and claims handlers
- Other insurance market participants, such as Insurers, Reinsurers and other Intermediaries
- Credit reference agencies (to the extent Marsh-TH is taking any credit risk)
- Anti-fraud databases and other third party databases, including sanctions lists
- Government agencies, such as vehicle registration authorities and tax authorities
- Claim forms

HOW WE USE AND DISCLOSE YOUR PERSONAL DATA

In this section, we set out the purposes for which we use Personal Data, explain how we share the information, and identify the “legal grounds” on which we rely to process the information.

These “legal grounds” are set out in the Personal Data Protection Act B.E. 2562 (2019) (**PDPA**), which allows companies to process Personal Data only when the processing is permitted by the specific “legal grounds” set out in the PDPA [(the full description of each of the grounds can be found [here] – link to ground appendix) – this text is only included in online version].

Please note that in addition to the disclosures we have identified in the table below, we may disclose Personal Data for the purposes we explain in this Privacy Notice to service providers, contractors, agents and MMC group companies that perform activities on our behalf.

Purpose of Processing	Legal grounds	Disclosures
Quotation/ Inception		
Establishing a client relationship, including fraud, anti-money laundering and sanctions checks	<ul style="list-style-type: none"> • Performance of our contract with the client • Legitimate interests of Marsh-TH (to ensure that the client is within our acceptable risk profile and to assist with the prevention of crime and fraud) (as the case may be) 	<ul style="list-style-type: none"> • Anti-fraud databases

Purpose of Processing	Legal grounds	Disclosures
Checking credit where we are taking any credit risk	Legitimate interests of Marsh-TH (to ensure that the client is within our acceptable risk profile and to assist with the prevention of crime and fraud)	<ul style="list-style-type: none"> Credit reference agencies
Evaluating the risks to be covered and matching to appropriate insurer, policy and premium or client's employees benefit program	<ul style="list-style-type: none"> Performance of our contract with the client Legitimate interests of Marsh-TH (to determine the likely risk profile and appropriate insurer and insurance product) (as the case may be) <p>For processing Sensitive Personal Data (e.g. health information, and criminal records data):</p> <p>Marsh-TH will normally process these type of Personal Data by following client's instruction or on behalf of the client. Therefore, Marsh-TH will not be obliged to seek for explicit consent from an individual e.g. Insured, Beneficiary, their family members, Claimants.</p> <ul style="list-style-type: none"> If Marsh-TH processes the Sensitive Personal Data as a Data Controller, the legal ground would be consent. 	<ul style="list-style-type: none"> Insurers/Reinsurers Third Party Administrator (if instructed by client)
Policy Administration		
General client care, including communicating with clients	<p>Performance of our contract with the client</p> <p>Legitimate interests of Marsh (to correspond with clients, beneficiaries and claimants in order to facilitate the placing of and claims under insurance policies)</p>	<ul style="list-style-type: none"> Insurers/Reinsurers Third Party Administrator (if instructed by client)
Collection or refunding of premiums, paying on claims, and processing and facilitating other payments	<ul style="list-style-type: none"> Performance of our contract with the client Legitimate interests of Marsh (to recover debts due to us) 	<ul style="list-style-type: none"> Insurers/Reinsurers Third Party Administrator (if instructed by client) Banks Debt recovery providers

Purpose of Processing	Legal grounds	Disclosures
Claims processing		
Managing insurance claims or client's employees benefit claim	<ul style="list-style-type: none"> • Performance of our contract with the client • Legitimate interests of Marsh (to assist our clients in assessing and making claims) <p>For processing Sensitive Personal Data (e.g. health information and criminal records data):</p> <p>Marsh-TH will normally process these type of Personal Data by following client's instruction or on behalf of the client. Therefore, Marsh-TH will not be obliged to seek for explicit consent from an individual e.g. Insured, Beneficiary, their family members, Claimants.</p> <p>If Marsh-TH processes the Sensitive Personal Data as a Data Controller, the legal ground would be consent .</p>	<ul style="list-style-type: none"> • Insurers/Reinsurers • Claims handlers • Third Party Administrator (if instructed by client) • Lawyers • Loss adjustors • Experts • Third parties involved in handling or otherwise addressing the claim, such as health care professionals
Defending or prosecuting legal claims	<p>Performance of our contract with the client</p> <p>For processing Sensitive Personal Data (e.g. health information and criminal records data):</p> <p>Marsh-TH will normally process these type of Personal Data by following client's instruction or on behalf of the client. Therefore, Marsh-TH will not be obliged to seek for explicit consent from an individual e.g. Insured, Beneficiary, their family members, Claimants.</p> <p>If Marsh-TH processes the Sensitive Personal Data as a Data Controller, the legal ground would be establish, defend or prosecute legal claims.</p>	<ul style="list-style-type: none"> • Insurers • Claims handlers • Lawyers • Loss adjustors • Experts • Third parties involved in handling or otherwise addressing the claim, such as health care professionals
Investigating & prosecuting fraud	<ul style="list-style-type: none"> • Performance of our contract with the client • Legitimate interests of Marsh-TH (to assist with the prevention and detection of fraud) <p>For processing Sensitive Personal Data (e.g. health information and criminal records data):</p> <p>Marsh-TH will normally process these type of Personal Data by following client's instruction or on behalf of the client. Therefore, Marsh-TH will not be obliged to seek for explicit consent from an individual e.g. Insured, Beneficiary, their family members, Claimants.</p> <p>If Marsh-TH processes the Sensitive Personal Data as a Data Controller, the legal ground would be establish, defend or prosecute legal claims.</p>	<ul style="list-style-type: none"> • Insurers • Lawyers • Police • Experts • Other insurers • Anti-fraud databases • Third parties involved in the investigation or prosecution, such as private investigators

Purpose of Processing	Legal grounds	Disclosures
Renewals		
Contacting you in order to arrange the renewal of the insurance policy and/or client's employees benefit program	<ul style="list-style-type: none"> • Performance of our contract with the client • Legitimate interests of Marsh-TH (to correspond with clients to facilitate the continuation of insurance cover) (as the case may be) 	<ul style="list-style-type: none"> • Insurers/Reinsurers • Third Party Administrator (if instructed by client)
Throughout the insurance lifecycle		
Marketing analytics and direct marketing, including data anonymization	<ul style="list-style-type: none"> • Legitimate interests of Marsh-TH (to bring clients relevant offers) • Where we do not have an existing relationship with the individual, consent 	<ul style="list-style-type: none"> • Insurers/Reinsurers • Group companies
Transferring books of business, company sales and reorganisations	<p>Legitimate interest of Marsh-TH (to structure our business appropriately)</p> <p>For processing Sensitive Personal Data:</p> <p>Consent</p>	<ul style="list-style-type: none"> • Group companies • Courts • Purchaser (potential and actual)
General risk modelling	<p>Legitimate interests of Marsh-TH (to build risk models that allow placing of risk with appropriate insurers)</p> <p>For processing Sensitive Personal Data (e.g. health information and criminal records data):</p> <p>Consent</p>	
Complying with our legal or regulatory obligations	Compliance with a legal obligation	<ul style="list-style-type: none"> • Insurance, data protection and other regulators • Police • Insurers/Reinsurers

We may not be able to carry out the purposes as described above, if you choose not to provide us with your Personal Data.

NOTE

In order to facilitate the provision of insurance cover and administer insurance claims in certain services, we rely on agreement concluded with client to process Sensitive Personal Data, e.g. health information, fraud/ anti-money laundering/ sanctions/ criminal records data, medical or litigation records of the Insured and Beneficiaries under a policy, their family members, Claimants and other parties involved in a claim or lawsuit, as set out in the table above and for profiling as set out in the next section. This will enable us to share the information with other Insurers, Intermediaries and Reinsurers that may need to process the information in order to undertake their role in the insurance market (which in turn allows for the pooling and pricing of risk in a sustainable manner) without the individual's consent.

These Personal Data and Sensitive Personal Data are a necessary condition for Marsh to be able to offer or provide the services to client.

Where you are providing us with information about a person other than yourself, you agree to notify them of our use of their Personal Data and to obtain such consent for us (if needed – e.g. Sensitive Personal Data).

Individuals may withdraw their consent to such processing at any time. However, doing so may prevent Marsh-TH from continuing to provide the services. In addition, if an individual withdraws consent to an Insurer's or Reinsurer's processing of their Personal Data and Sensitive Personal Data, it may not be possible for the insurance cover to continue.

PROFILING AND AUTOMATED DECISION MAKING

Insurance premiums may be calculated by Insurance Market Participants benchmarking clients' and Beneficiaries' attributes as against other clients' and Beneficiaries' attributes and propensities for insured events to occur. This benchmarking may require Marsh-TH and other Insurance Market Participants to analyse and compile information received from all insureds, Beneficiaries or Claimants to model such propensities. Accordingly, we may use Personal Data to both match against the information in the models and to create the models that determine the premium pricing in general and for other insureds. Marsh-TH and other Insurance Market Participants may use Sensitive Personal Data for such modelling to the extent it is relevant, such as medical history for life insurance or past motor vehicle convictions for motor insurance.

Marsh-TH and other Insurance Market Participants may use similar predictive techniques to assess information that clients and individuals provide to understand fraud patterns, the probability of future losses actually occurring in claims scenarios.

- **Automated broking platform**

Where clients use an automated broking platform, insurance quotations are offered entirely by matching whether the attributes that the client has provided meet the criteria set by the insurers, which determines, to the extent permitted by applicable law (a) whether a quotation will be made; (b) on what terms; and (c) at what price. Each insurer will use different algorithms to determine their pricing, and clients must consult each insurer's privacy policy for further details. Our platform merely queries whether clients' attributes satisfy insurers' models and then returns the results. We also apply fraud prediction algorithms to the information clients provide to assist us in detecting and preventing fraud. We regularly review all profiling and associated algorithms against inaccuracies and bias.

These automated processes may result in a client not being offered insurance or affect the price or terms of the insurance.

You may request that we provide information about the decision-making methodology and ask us to verify that the automated decision has been made correctly. We may reject the request, as permitted by applicable law, including when providing the information would result in a disclosure of a trade secret or would interfere with the prevention or detection of fraud or other crime but generally in these circumstances we will verify that the algorithm and source data are functioning as anticipated without error or bias.

SAFEGUARDS

We have in place physical, electronic, and procedural safeguards appropriate to the sensitivity of the information we maintain. These safeguards will vary depending on the sensitivity, format, location, amount, distribution and storage of the Personal Data, and include measures designed to keep Personal Data protected from unauthorized access. If appropriate, the safeguards include the encryption of communications via SSL, encryption of information during storage, firewalls, access controls, separation of duties, and similar security protocols. We restrict access to Personal Data to personnel and third parties that require access to such information for legitimate, relevant business purposes.

LIMITING COLLECTION AND RETENTION OF PERSONAL INFORMATION

We collect, use, disclose and otherwise process Personal Data that is necessary for the purposes identified in this Privacy Notice or as permitted by law. If we require Personal Data for a purpose inconsistent with the purposes we identified in this Privacy Notice, we will notify you of the new purpose and, where required, seek individuals' consent (or ask other parties to do so on Marsh-TH's behalf) to process Personal Data for the new purposes. Our retention periods for Personal Data are based on business needs and legal requirements. We retain Personal Data for as long as is necessary for the processing purpose(s) for which the information was collected, and any other permissible, related purpose or as required by law. For example, we may retain certain transaction details and correspondence until the time limit for claims arising from the transaction has expired, or to comply with regulatory requirements regarding the retention of such data. When Personal Data is no longer needed, we either irreversibly anonymise the data (and we may further retain and use the anonymised information) or securely destroy the data.

As described above, in the event that Marsh-TH processes Personal Data and/or Sensitive Personal Data as a Data Processor, Marsh-TH will process such Personal Data and/or Sensitive Personal Data strictly upon instructions of its client or on clients' behalf only. In this event, Marsh-TH will not oblige to request and obtain the individuals' consent and Marsh-TH obligations are limited to the PDPA's requirements as the Data Processor.

CROSS-BORDER TRANSFER OF PERSONAL Data

Marsh-TH transfers Personal Data to, or permits access to Personal Data from, countries outside Thailand. Those countries' data protection laws may not always offer the same level of protection for Personal Data as offered in Thailand. We will, in all circumstances, safeguard Personal Data as set out in this Privacy Notice and in accordance with the PDPA.

If we transfer Personal Data to other countries outside the Thailand, we will establish legal grounds justifying such transfer, such as model contractual clauses, individuals' consent, or other legal grounds permitted by applicable legal requirements.

The recipient of your Personal Data may include but not limited to our service providers, oversea Insurers/ Reinsurer, contractors, agents and MMC group companies that perform activities on our behalf.

ACCURACY, ACCOUNTABILITY, OPENNESS AND YOUR RIGHTS

Under certain conditions, you have the right to request Marsh-TH to:

- Provide further details on how we use and process your Personal Data and a copy of your Personal Data which is held by us;
- Provide your Personal Data in a commonly used and machine-readable format, and to have your Personal Data in said format transmitted to another Data Controller or Data Processor ;
- Update any inaccuracies in the Personal Data we hold;
- Delete or anonymise Personal Data that we no longer have a legal ground to process. This is a case-by-case determination that depends on things like the nature of the Personal Data, why it is collected and processed, and relevant legal or operational retention needs. If such Personal Data is transferred to other parties, we will inform those parties to stop processing, and to destroy or anonymise the Personal Data as well;

- Where processing is based on consent, to withdraw the consent;
- Object to any processing of Personal Data that Marsh-TH justifies on the “legitimate interests” legal grounds, unless our reasons for undertaking that processing outweigh any prejudice to your privacy rights; and
- Restrict how we process the Personal Data while we consider your inquiry.

These rights are subject to certain exemptions to safeguard the public interest (e.g., the prevention or detection of crime) and our interests (e.g., the maintenance of legal privilege), or otherwise provided in the PDPA.

We strive to maintain Personal Data that is accurate, complete and current. If you wish to make any requests in accordance with your right stated above or if you have any questions regarding Marsh-TH’s privacy practices, it should be first directed to Marsh-TH’s Compliance Officer, which the details of contact can be found in the following section.

If we are unable to resolve an inquiry or a complaint, you have the right to lodge a complaint with the Expert Committee under the PDPA.

QUESTIONS, REQUESTS OR COMPLAINTS

To submit questions or requests regarding this Privacy Notice or Marsh-TH’s privacy practices, please write to the Marsh Privacy Team/ Data Protection Officer at the following address:

Marsh Privacy Team/ Data Protection Officer

Marsh PB Co., Ltd.
88, The PARQ, 6th Floor, West Wing, Ratchadaphisek Road,
Klongtoey Sub-district, Klongtoey District, Bangkok, Post Code 10110
Telephone no. 02-695-7100 and 02-626-5600, Fax no. 02-695-7199
Email: dataprivity.MarshTH@marsh.com

CHANGES TO THIS PRIVACY NOTICE

This Privacy Notice is subject to change at any time. It was last changed on 10 May 2020. If we make changes to this Privacy Notice, we will update the date it was last changed. Any changes we make to this Privacy Notice become effective immediately. In the event that the amendment, change, or update will affect the purposes for which your Personal Data has originally been collected, Marsh-TH will notify you on such changes and obtain your consent (if applicable), prior to such changes becoming effective.

Key insurance terms:

Beneficiary is an individual or a company that an insurance policy states may receive a payment under the insurance policy if an insured event occurs. A beneficiary does not have to be the **Insured/Policyholder** and there may be more than one beneficiary under an **Insurance Policy**

Claimant is either a **Beneficiary** who is making a claim under an **Insurance Policy** or an individual or a company who is making a claim against a **Beneficiary** where that claim is covered by the **Insurance Policy**

Claims Processing is the process of handling a claim that is made under an insurance policy

Quotation is the process of providing a quote to a potential **Insured/Policyholder** for an **Insurance Policy**

Inception is when the **Insurance Policy** starts

Insurance is the pooling and transfer of risk in order to provide financial protection against a possible eventuality. There are many types of insurance. The expression **Insurance** may also mean **Reinsurance**

Insurance Policy is a contract of insurance between the **Insurer** and the **Insured/Policyholder**

Insurance Market Participant(s) or participants is an **Intermediary**, **Insurer** or **Reinsurer**

Insured/Policyholder is the individual or company in whose name the **Insurance Policy** is issued. A potential insured/policyholder may approach an **Intermediary** to purchase an **Insurance Policy** or they may approach an **Insurer** directly or via a price comparison website

Insurers (sometimes also called underwriters) provide insurance cover to **Insured/Policyholders** in return for **Premium**. An **Insurer** may also be a **Reinsurer**

Intermediaries help **Policyholders** and **Insurers** arrange insurance cover. They may offer advice and handle claims. Many insurance and reinsurance policies are obtained through **Intermediaries**

Policy Administration is the process of administering and managing an **insurance policy** following its **inception**

Premium is the amount of money to be paid by the **Insured/Policyholder** to the **Insurer** in the **Insurance Policy**

Reinsurers provide insurance cover to another **Insurer** or **Reinsurer**. That insurance is known as reinsurance

Renewal is the process of the **insurer** under an **insurance Policy** providing a **Quotation** to the **insured/Policyholder** for a new **insurance Policy** to replace the existing one on its expiry

Key data protection terms:

PDPA is the Personal Data Protection Act B.E. 2562 (A.D. 2019) as may be amended and in effect from time to time

Data Controller is a person or an entity which collects and holds personal data. It decides what **Personal Data** it collects about **you** and how that **Personal Data** is used and disclosed. Any of the **Insurance Market Participants** when using **your Personal Data** could be **Data Controllers**

Data Processor is a person or an entity which processes Personal Data on behalf, or under the instructions of the Data Controller

Personal Data is any data from which **you** can be identified and which relates to you, but specifically excluding data of the deceased. It may include data about any claims you make

Processing of Personal Data includes collecting, using, storing, disclosing or erasing your **Personal Data**

Sensitive Personal Data is Personal Data pertaining to ethnicity, race, political opinions, doctrinal, religious or philosophical beliefs, sexual behaviour, criminal records, health records, disability, labour union, genetic data, biometric data or any other data which may affect the Data Subject in the same manner, as prescribed by the Personal Data Protection Commission (PDPC).

Appendix

List of the legal grounds we rely on:

For processing personal data and Sensitive Personal Data	
Legal ground	Details
Performance of our contract with you	Processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract.
Compliance with a legal obligation	Processing is necessary for compliance with a legal obligation to which we are subject.
For our legitimate business interests	Processing is necessary for the purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data, in particular where you are a child. These legitimate interests are set out next to each purpose.
For processing Sensitive Personal Data	
You explicit consent	You have given your explicit consent to the processing of those personal data for one or more specified purposes. You are free to withdraw your consent, by contacting our Data Protection Contact. However withdrawal of this consent may impact our ability to provide the services. For more detail see the Consent section above.
For legal claims	Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
Substantial public interest	Processing is necessary for reasons of substantial public interest, on the basis of Thai law.