

# EUROPEAN UNION DATA PRIVACY POLICY

## WHO WE ARE

This privacy notice (“Privacy Notice”) is provided by BHGSS who offer structured settlement solutions to individuals. In this Privacy Notice we use “we”, “our”, “us” and “BHGSS” to refer to BHG Structured Settlements, Inc., Berkshire Hathaway Life Insurance Company of Nebraska, First Berkshire Hathaway Life Insurance Company, Columbia Insurance Company and National Indemnity Company (collectively, “BHGSS”). References to “you” or “your” refers to the individual whose personal data is being processed by BHGSS (you may be the payee, annuitant, beneficiary, claimant, or other person relevant to the structured settlement).

We are a controller of your personal data under applicable data protection laws including from May 25<sup>th</sup> 2018 the General Data Protection Regulation (“GDPR”). We, as a controller, determine why and how we collect and process your personal data.

The specific company(ies) within BHGSS acting as data controller(s) of your personal data will be listed in the documentation provided to you.

## WHAT IS THE PURPOSE OF THIS PRIVACY NOTICE

In order to provide structured settlement products and services, BHGSS may collect information about you which constitutes personal data under the GDPR. This Privacy Notice explains how we collect, use, share and protect your personal data. Please read this Privacy Notice carefully to understand what we do with your personal data.

We may change this Privacy Notice from time to time, and if we make any material changes, then we will make the updated Privacy Notice available on our website at [www.bhstructures.com](http://www.bhstructures.com) and also by other means if requested.

### 1. PERSONAL DATA WE MAY COLLECT ABOUT YOU.

In order for us to provide structured settlement quotes, annuity contracts, reinsurance agreements, and/or deal with any requests or complaints, we need to collect and process personal data about you. The types of personal data that are processed may include:

Types of Personal Data	Details
Individual Details:	Name, address (including proof of address), other contact details (e.g. email and telephone numbers), gender, marital status, date and place of birth, nationality, employer, job title and employment history, academic and professional information, family details, including their relationship to you.
Identification Details:	Identification numbers issued by government bodies or agencies, passport number, tax identification number, and driving licence number.
Financial Information:	Bank account details or other account information.
Medical and Health Information:	Information about you which we need to collect in order to consider a request for an impaired age quote. This may include data relating to your health, medical records, or other special categories of personal data.
Contract Information:	Contract number and payments owed.
Anti-Fraud Data:	Sanctions and information received from various anti-fraud databases relating to you.
Special Categories of Personal Data:	Certain categories of personal data which have additional protection under the GDPR. The categories we may process are health data and medical records.

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## 2. WHERE WE MIGHT COLLECT YOUR PERSONAL DATA FROM

We might collect your personal data from various sources, including:

- you;
- your family members, representative, or advisors;
- other insurance market or structured settlement market participants;
- anti-fraud databases, sanctions lists, court files, and other databases;
- government agencies; or
- in the event we are unable to collect necessary personal information from you or your representatives or advisors, we may collect such information from the defendant or insurer with whom you are settling.

Which of the above sources apply will depend on your particular circumstances.

## 3. WHO HAS ACCESS TO YOUR PERSONAL DATA?

The lifecycle of your structured settlement may involve the sharing of your personal information between structured settlement market participants (e.g., an attorney, structured settlement consultant, insurer, reinsurer), some of which you will not have direct contact with. In addition, your personal data may not have been collected directly by us.

You can find out the identity of the initial data controller of your personal data within the structured settlement life-cycle by contacting the following persons:

- Your attorney and, if a structured settlement consultant assisted you, the structured settlement consultant will be the initial data controller and their data protection contact can advise you on the identities of other structured settlement market participants that they have passed your personal data to.
- If you are receiving structured settlement payments as a result of the death of the original structured settlement recipient, the initial data controller of your personal data may be the plaintiff attorney, structured settlement consultant, structured settlement recipient, or us, depending on the circumstances. You may contact us to learn if we are the initial data controller of your information.

## 4. THE PURPOSES, CATEGORIES AND LEGAL GROUNDS FOR OUR PROCESSING OF YOUR PERSONAL DATA.

Data protection law says that we are only allowed to use personal information if we have a proper reason for doing so. This includes when we share it outside of BHGSS. Data protection law says we must have one or more of the following reasons:

- **To fulfil a contract we have with you**
- **When it is our legal duty**
- **When it is in our legitimate interest**
- **When you consent to it**

When we have a commercial or other business interest reason of our own to use your personal information this is called a “legitimate interest”. We will tell you what that is if we rely on it as a means to process your data.

We will not collect and use special categories of personal data information without your consent unless the law allows us to do so. If we do collect and use special categories of personal data without your consent, it will only be for the following reasons:

- When it is necessary for reasons of substantial public interest, or
- To establish, exercise or defend legal claims

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We set out below the purposes and legal basis for which we may process your personal data during the lifecycle of providing structured settlement products and services to you.

Purpose	Categories of Data	Our Reasons
<b>Quotation /Contract Inception</b>		
<ul style="list-style-type: none"> <li>▪ Establishing payment issuance</li> <li>▪ Evaluating your final settlement to ensure accurate contract details</li> <li>▪ Providing standard-age quotes and rated-age quotes</li> <li>▪ Setting you up as a client including possible fraud, sanctions, and anti-money laundering checks</li> </ul>	<ul style="list-style-type: none"> <li>▪ Anti-Fraud Data</li> <li>▪ Contract Information</li> <li>▪ Financial Information</li> <li>▪ Health Information</li> <li>▪ Identification Details</li> <li>▪ Individual Details</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consent</li> <li>▪ Compliance with a Legal Obligation</li> <li>▪ Legitimate Interests               <ul style="list-style-type: none"> <li>- Fulfil potential client's request</li> <li>- Ensure client information is accurate</li> <li>- Ensure appropriate product and premium</li> </ul> </li> <li>▪ Performance of our contract with you</li> <li>▪ Public Domain</li> </ul>
<hr/>		
<b>Contract Administration</b>		
<ul style="list-style-type: none"> <li>▪ Client care including communication with you and sending updates</li> <li>▪ Payments to and from individuals</li> </ul>	<ul style="list-style-type: none"> <li>▪ Contract Information</li> <li>▪ Financial Information</li> <li>▪ Individual Details</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consent</li> <li>▪ Legitimate Interests               <ul style="list-style-type: none"> <li>- To correspond with payees, beneficiaries, or claimants in order to facilitate contract or payment changes initiated by an authorized person</li> </ul> </li> <li>▪ Perform Contract</li> </ul>
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<b>Throughout the lifecycle of your structured settlement</b>		
<ul style="list-style-type: none"> <li>▪ Complying with our legal and regulatory obligations</li> <li>▪ Handling complaints</li> <li>▪ Pricing and risk modelling</li> </ul>	<ul style="list-style-type: none"> <li>▪ Contract Information</li> <li>▪ Financial Information</li> <li>▪ Identification Details</li> <li>▪ Individual Details</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consent</li> <li>▪ Legal Obligation</li> <li>▪ Legitimate Interests               <ul style="list-style-type: none"> <li>- To build risk models that allow the acceptance of cases at appropriate premiums</li> <li>- To structure our business appropriately</li> </ul> </li> <li>▪ Substantial Public Interest</li> </ul>

## 5. WHO WE MAY SHARE YOUR PERSONAL DATA WITH

In order to undertake the activities listed above, it may be necessary to share your data with third parties. Who we share this data with may depend on the structured settlement products and services we provide to you but may include:

- Structured Settlement Consultants
- Reinsurance intermediaries
- Reinsurance Companies
- Anti-Fraud agencies and private investigators
- Regulators, government departments and databases
- Outsourced service providers

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We may also share your personal data with certain BHGSS affiliates within the Berkshire Hathaway Group who are located in the United States, Europe, or Canada and who provide administration and consulting services to us in relation to the structured settlement products and services we provide to you.

### 6. CONSENT

In order to provide you a structured settlement quote and administer your contract we may need to process your special categories of personal data, such as medical and health records, as set out against the relevant purpose.

Your consent to this processing may be necessary for BHGSS to achieve this.

You may withdraw your consent to the processing of medical and health data at any time.

### 7. PROFILING

When calculating the premium necessary to provide you a structured settlement, we may compare your personal data against actuarial mortality tables to produce a quote. This may be considered profiling under the GDPR and is used to ensure premiums reflect risk.

### 8. RETENTION OF YOUR PERSONAL DATA

We will keep your personal data only for so long as is necessary and for the purpose for which it was originally collected. In particular, we will keep your personal data for so long as there is any possibility that either you or we may wish to bring a legal claim under the contract, we have a legitimate business reason for the data, or where we are required to keep your personal data due to legal or regulatory reasons.

### 9. YOUR RIGHTS

If you have any questions in relation to our use of your personal data, you may contact the Annuity/Structured Settlement Manager at BHGSS by post or email using the following details:

Ray Driessen, Annuity/Structured Settlement Manager  
BHG Structured Settlements, Inc.  
1314 Douglas Street, Suite 1400  
Omaha, NE, 68102-1944  
United States  
Email: [dataprotection@bhstructures.com](mailto:dataprotection@bhstructures.com)

BHGSS also has a European Representative for Data Protection purposes for enquiries from European Union Citizens and you may also contact our Representative at:

BHGSS Data Protection Enquiries  
Resolute Management Limited  
1 Grant's Row  
Dublin  
Ireland

Under certain conditions, you may have the right to require us to:

- provide you with further details on the use we make of your personal data/special categories of data;
- provide you with a copy of the personal data that you have provided to us;
- update any inaccuracies in the personal data we hold;
- delete any special category of data/personal data that we no longer have a lawful ground to use;
- where processing is based on consent, to withdraw your consent so that we stop that particular processing;

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- object to any processing based on the legitimate interests ground unless our reasons for undertaking that processing outweigh any prejudice to your data protection rights; and
- restrict how we use your personal data whilst a complaint is being investigated.

In certain circumstances, we may need to restrict the above rights in order to safeguard the public interest (e.g. the prevention or detection of crime) and our interests (e.g. the maintenance of legal privilege).

### 10. YOUR RIGHT TO COMPLAIN TO DATA PROTECTION SUPERVISORY AUTHORITIES

If you 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 10, or if you think that we have breached the GDPR, then you have the right to complain to a EU data protection supervisory authority **where you live, where you work or where the infringement occurred.**

Please see below for contact details of the data protection authority where our European Union Representative is located.

#### **Ireland**

Data Protection Commission  
21 Fitzwilliam Square  
Dublin 2  
D02 RD28  
Ireland

Tel: 353 76 110 4800  
Email: [info@dataprotection.ie](mailto:info@dataprotection.ie)