About Berkley

Berkley is the name we use to describe Berkley Insurance Company (limited company incorporated in Delaware, USA) ABN 53 126 559 706 and its business units Berkley Insurance Australia and Berkley Re Australia ("**Berkley**, "**we**", "**us**" and "**our**").

Berkley offers a range of financial products and services in general insurance and reinsurance.

We are committed to ensuring that your personal information is protected.

Our Privacy Policy

This Privacy Policy provides you with general information about how Berkley manages your personal information as required by relevant privacy laws. When you interact with or purchase or acquire a product or service from us, you may receive further information about our privacy practices in a privacy statement or other form of privacy disclosure ("**Privacy Statement**"). The Privacy Statement will give you specific information about how we will manage the personal information for the particular interaction, product or service.

We also have website terms and conditions which detail your use of our websites and other online interactions. Please refer to those terms at the bottom of each Berkley website before using the services our websites offer, or when you are directed to do so such as during the acquisition of a product or service.

The types of personal information we collect and hold

Personal information is information or an opinion about an identified individual or an individual who is reasonably identifiable. It includes sensitive information.

We will ask for a range of personal information which is necessary for our functions or activities. The type of personal information we ask for will depend on which business unit in Berkley you interact or do business with and the type of product or service you choose.

We will generally ask for the following types of personal information:

- name, address and contact details;
- gender and date of birth;
- qualifications and experience;
- insurance / financial / credit / bankruptcy history;
- bank account details for payment by direct deposit;
- marital status / family details or circumstances;
- Australian Business Number;
- employment information and references;
- information about your use of our product or service and details about the risk you want to insure;
- information obtained as part of the management and processing of a claim; and / or
- any other information which is either required to acquire a product or service or needed during the lifecycle of that product or service.

We may also collect sensitive information such as information or opinion about your health, racial or ethnic origin, membership of a political / professional / trade association, religious beliefs or affiliations, and/or criminal history.

How we collect your personal information

We collect your personal information:

- directly from you or your agent / representative (e.g. your broker or lawyer):
  - by using written forms;
  - through contact over the telephone, mobile or other messaging technology;
  - via the internet, including websites, social media and platforms; and / or
  - in person to person contact (e.g. meetings or providing products and services through our / your offices and at brand marketing and awareness events);
- from our agents, for example, someone who offers you one of our products or services on our behalf;
- from our service providers, for example, investigators, lawyers, assessors, suppliers, experts and IT providers and agents or subcontractors of any of those providers;
- from publicly available sources of information; and / or
- from other persons or organisations including, but not limited to:
  - your employer;
  - insurance reference bureaus;
  - other insurers, reinsurers and insurance or reinsurance brokers;
  - law enforcement, dispute resolution, statutory and regulatory bodies;
  - related and third parties who you have asked to provide personal information to us; and/or
  - those involved in a claim or who we have requested to assist us to assess, investigate, process or settle a claim, third parties claiming under your policy, witnesses and medical providers.

We will collect your personal information during the information lifecycle, on an ad hoc or a recurrent basis using the above methods. For example, we will collect personal information when you acquire a product or service from us, when you make changes to that product, when you make a claim or exercise a right under the product or service or when you need to make a complaint. We will combine or link personal information we already know about you to other personal information we collect about you.

Collecting personal information from you about someone else

We, our agents and service providers may seek to collect from you or you may provide us with personal information about another person. This may happen if you apply for a product or service involving another person, grant third party authority to another person, or you have personal information about another person which is relevant to a claim. For example, you may have the details of a witness to an event for which you are claiming under an insurance policy.

If you provide us with information about another person, then you must:

- have their consent to do so;
- tell them:
  - that you are disclosing their personal information to us; and
  - provide them with a copy or refer them to this Privacy Policy.

Why we collect your personal information

We, our agents and service providers collect your personal information so we can:

- identify you and conduct appropriate checks;
- understand your requirements and provide you with a product or service;
- set up, administer, and manage our products and services, including the management and administration of underwriting and claims;

- use, hold and disclose your information to service, maintain and administer customer accounts, insurance policies and claims;
- assess and investigate a claim made by you under one or more of our products;
- manage, train and develop our employees and representatives;
- manage complaints and disputes, and report to dispute resolution bodies;
- facilitate our business operations, for example, manage our IT infrastructures, databases and websites;
- assess applications for employment with or engagement by us; and
- get a better understanding of you, your needs, your behaviours and how you interact with us, so we can engage in product and service research, development and business strategy including managing the delivery of our services and products via the ways we communicate with you.

Sometimes we are required to collect your personal information to satisfy specifical legal obligations. The Privacy Statement you receive will give you further details as to which laws (if any) may apply to your personal information. Your Privacy Statement may also contain different primary purposes of collection depending on your interaction with or product or service you acquire from us and the business unit in Berkley that you interact or do business with.

How we use and disclose your personal information

We, our agents and service providers use and disclose your personal information for the purposes we collected it. Please refer to the "*Why we collect your personal information*" section immediately above to understand what these purposes may be.

We will use and disclose your personal information for a secondary purpose related to a purpose for which we collected it where you would reasonably expect us to use or disclose your personal information for that secondary purpose. In the case of sensitive information, any secondary use or disclosure will be directly related to the purpose of collection. For example, we will disclose your personal information to service providers so that they can provide contracted services to us.

There will be other instances when we may use and disclose your personal information including where:

- you have expressly or impliedly consented to the use or disclosure;
- we reasonably believe that the use or disclosure is reasonably necessary for an enforcement activity conducted by or on behalf of an enforcement body; or
- we are required or authorised by law to disclose your personal information, for example, to a court in response to a subpoena.

Sharing personal information within the Berkley Group

We may share your personal information with other companies, members, trading divisions and operating units within the Berkley Group ("**Berkley Company**"). If one Berkley Company collected your personal information, other Berkley Companies may use and disclose your personal information for the purposes described in the "*Why we collect your personal information*" section in relation to any products and services they may provide to you.

Marketing

Marketing is an important part of our business. We want to collect, use and disclose your personal information to keep you up to date with the range of products and services available from Berkley and which we think may be of interest to you. We use a variety of marketing strategies including e-mail and other internet-based marketing. Any third-party marketing service providers may combine the personal information we disclose to them with information they already hold about you, in order to provide you with more relevant advertising about our product and services.

We will engage in marketing unless you tell us otherwise. We want you to be able to exercise your marketing preferences. Accordingly, you can contact us to update your marketing preferences to opt out of receiving these communications at any time by using the contact details in this Privacy Policy or the Privacy Statement given to you. Alternatively, you can follow the unsubscribe instructions in the relevant communication.

Other ways we may collect and use your personal information

We may also collect your personal information when you:

- register for events that we run or are associated with;
- manage accounts, access various content and features or directly visit our websites;
- subscribe to our newsletters or email updates.

Your personal information will be used to administer your attendance at or participation in the event, and to make you aware of other events, content or features we believe you may be interested in. If you do not want to receive our newsletters or be contacted about other events, content or features, then you can exercise your marketing preferences to opt out of receiving these communications in the ways described in the "*Marketing*" section above.

Sharing personal information to overseas locations

We may disclose your personal information to recipients located overseas. Instances when we will do this include:

- when you have asked us to do so, or we have your consent;
- when we are authorised or required by law or a court / tribunal to do so;
- when we have outsourced a business activity or function to an overseas service provider;
- to administer our reinsurance arrangements; and
- certain electronic transactions.

Your personal information may be transferred to other countries, which may not have similar privacy or data protection laws, and may in certain circumstances compel the disclosure of personal information to a third party such as an overseas authority for the purpose of complying with a foreign law or regulatory requirements.

We will disclose personal information overseas but only to the extent it is necessary to perform our functions or activities. In order to engage in our business activities and functions we will disclose your personal information to and collect your personal information from people and organisations ("**Parties**") in a number of countries. Please refer to the Countries Disclosure Document to see a list of countries in which those Parties are likely to be located. From time to time, we may need to disclose your personal information to and collect your personal information from other countries not on this list. This will be on an ad hoc or case by case basis and for the purposes for which we collected your personal information.

Who do we share your personal information with?

As detailed in the "*Why we collect your personal information*" section there are a range of parties who we disclose your personal information to and collect personal information from – that are not you. These may be parties related to Berkley or third parties. The particular party will depend on which business unit within Berkley you interact or do business with and what product or service you receive.

Some examples of the parties to whom we may disclose your personal information to and collect personal information from include:

- other Berkley Companies;
- other insurers, reinsurers and insurance or reinsurance brokers;
- customer, product, business or strategic research and development organisations;
- a third party with whom we have a contract to provide financial services / product, administrative or other business services – for example:
  - information technology providers;
  - underwriting agencies;
  - claims management service providers;
  - marketing agencies and other marketing service providers; and
  - administration or business management services, consultancy firms, auditors and business management consultants;
- social media and other virtual communities and networks where people create, share and exchange information;
- any intermediaries, including your agent, adviser, a broker or representative acting on your behalf, other Australian Financial Services Licensees, our representatives, advisers and agents;
- policy or product holders or others who are authorised or noted on the policy as having a legal interest, including where you are an insured person but not the policy or product holder;
- government, statutory, regulatory, enforcement and external dispute resolution bodies;
- a third party claimant, witnesses in a claim or loss assessor / adjustors involved in a claim;
- clubs, associations and other industry relevant organisations including insurance reference bureaus;
- accounting, financial, legal and any other professional advisers or consultants;
- hospitals, medical / health, or wellbeing professionals
- any other organisation or person where you have asked them to provide your personal information to us or asked us to obtain personal information from them.

How we secure and protect your personal information

We hold your personal information in:

- computer systems;
- electronic databases;
- digital records; and
- in hard copy or paper files

These storage mechanisms may be managed in a number of ways. They may be managed or administered internally by a Berkley Company, or they could be managed by a third party provider with whom Berkley has a contractual relationship and either be managed locally and / or overseas.

We will take all reasonable steps to protect your personal information from misuse, interference and loss, as well as unauthorised access, modification or disclosure. The ways we do this include:

- limiting physical access to our premises;
- restricting electronic and physical access to personal information we hold;
- having in place stand-by systems and information backups to deal with major business interruptions;
- maintaining technology security product and systems including firewalls and monitoring technologies;
- requiring any third party providers to have acceptable security measures to keep your personal information secure; and
- destroying or de-identifying personal information pursuant to the law and our record retention policies.

What if you're not a Berkley customer?

You may not be a customer of ours but you may interact with us. You could be a claimant under our insured's policy, a witness to an event or a spouse of a family member of a customer. You may also interact with us by using our websites, entering a competition or commenting via social media. We will collect, use and disclose your personal information in accordance with this Privacy Policy and any Privacy Statement you may receive when you interact with us. Please see our website terms and conditions found on all our websites for more information about interacting with us via the internet.

What if you don't provide us with your personal information?

You do not have to provide us with personal information when seeking our products or services or interacting with us. However, if we are not able to collect certain personal information about you, we may not be able to provide you with the products, services or assistance you require.

Privacy laws in Australia give you the option of not identifying yourself, or of using a pseudonym unless we are required or authorised by law or a court / tribunal to identify you, or it is impracticable to deal with you anonymously or by a pseudonym. There are some limited cases where you can deal with us anonymously, such as if you are only looking for general information about one of our products or services. Please tell us if you wish to deal with us without identifying yourself and we will indicate whether, given the nature of the transaction, it is practicable.

Accessing or correcting your personal information

We rely on the accuracy of personal information we hold about you to provide our products and services to you. You have the right to request access to or correction of the personal information we hold about you, including any inaccurate, out-of-date, incomplete, irrelevant, or misleading personal information.

If you would like to request access to or correct the personal information we hold about you, please use the contact details in the "*Further information*" section at the end of this Privacy Policy or in the Privacy Statement given to you. The privacy access request process may require you to complete a privacy access request form. There is no charge for requesting access to or correction of your personal information but we may charge you a reasonable amount to cover matters such as retrieving, copying and sending out information.

We will respond to your requests to access or correct your personal information in a reasonable time. Our response to your request will usually be completed within 30 days of receipt of the request. If we require further time, we will contact you in writing to advise you of this and to provide our reasons for the further time that is required.

Privacy laws provide for some circumstances in which we are not required to give you access to your personal information and sometimes we may not agree that the personal information that we hold about you needs correcting. In these situations, we will write to let you know why. You can ask that we include a statement with your personal information that says that you believe it is inaccurate, out of date or incomplete.

What if you have a privacy complaint?

If you have a complaint about how we have handled your personal information, an alleged breach of privacy or another privacy related issue such as refusal to provide access or correction, please use our complaint process so that we can help.

The simplest way to raise an issue related to your privacy is by contacting us using the contact details in the "*Further information*" section at the end of this Privacy Policy or in the Privacy Statement given

to you. We will acknowledge your complaint and explain how we will work with you to resolve it. While we aim to resolve complaints within 5 business days, we will let you know if we need more time. We will keep you informed of the progress and provide you with an outcome within 30 calendar days from when we first received your complaint.

While we aim to deal fairly and promptly with your complaint, if you are still dissatisfied you can request a review by the Australian Financial Complaints Authority or refer your complaint to the Office of the Australian Information Commissioner.

Office of the Australian Information Commissioner

Complaints must be made in writing to the OAIC.

www.oaic.gov.au

1300 363 992

enquiries@oaic.gov.au

Office of the Australian Information Commissioner GPO Box 5288, Sydney NSW 2001

Australian Financial Complaints Authority

AFCA has authorty to hear certain disputes. Contact AFCA to confirm if they can assist you. Time limits may apply.

www.afca.org.au

1800 931 678 (free call)

info@afca.org.au

Australian Financial Complaints Authority GPO Box 3, Melbourne VIC 3001

Cookies

Our websites rely on cookies to provide a number of services to you and obtain information about your general usage of our websites. A cookie is a small text file placed on your computer by our website servers. A cookie can later be retrieved by our website servers. Cookies are frequently used on websites, and you can choose if and how a cookie will be accepted by configuring your preferences and options in your browser. Cookies do not alter the operation of your computer or mobile device in any way.

Cookies generally allow our websites you are browsing to interact more efficiently with your device. When you use our websites, we may collect information about your visit to our website to assist us to maintain and improve the operation of our websites and track user preferences. From time to time we may use a range of analytical tools to collect website visitor information.

Please refer to our Cookie Notice on our websites for more information.

Revision of our Privacy Policy

We may change this Privacy Policy from time to time. If we do so, we will publish the updated version on our websites. We encourage you to review and check our websites regularly for any updates to this Privacy Policy.

Your continued use of our websites, products or services, requesting our assistance, applying for or renewal of any of our products or services, making a claim or the provision of further personal information to us after this Privacy Policy has been revised, constitutes your acceptance of the revised Privacy Policy.

Further information

If you would like further information about this Privacy Policy, or about how we manage your personal information, please contact us using the details below.

02 9275 8566

privacy@berkleyapac.com

Berkley Privacy Officer, PO Box Q296, QVB NSW 1230