

# MERCER (IRELAND) LIMITED – INDIVIDUAL PRIVACY NOTICE

June 2021

## Who are we?

Mercer (Ireland) Limited (trading as Mercer) is referred to as “we”, “our” or “us” in this notice. We take the security of your data very seriously and are committed to protecting and respecting your privacy.

This privacy notice sets out the basis on which we protect your personal information, the uses to which that information is put, and the ways in which we protect it in accordance with the Data Protection Acts 1988 and 2003 up to the 24th May 2018 and with effect from 25th May 2018 the General Data Protection Regulation (EU 2016/679) (“Data Protection Law”).

“Personal data” broadly means information that relates to an identified or identifiable individual (“identifiable” refers to being able to identify the living individual when the information held is combined with other information whether held by Mercer or by a third party).

This includes information we collect from you, information we collect from other channels such as your employer and information we learn from your access to and use of our services. This notice also tells you about your privacy rights.

## 1. WHAT INFORMATION DO WE COLLECT?

Some of the information we collect is ‘**Personal Information**’, which is information that identifies you as an individual or relates to an identifiable individual.

Some of the categories of information that we collect are special categories of personal information, ‘**Sensitive Personal Information**’. These include health information (history & reports on medical diagnoses, injuries and treatment). We will obtain your explicit consent before collecting and/or using special categories of personal information.

### Information provided by you, your representatives or third parties

We collect information directly from you and from third parties that have roles in delivering services to you. These third parties may include insurance companies, plan administrators and vendors, brokers or agents, credit agencies, financial institutions your representative(s) and your employer or benefit programme sponsor. These sources may also include public registers and other online sources, credit reference agencies and other reputable organisations.

### This information may include personal data or sensitive personal data such as:

- contact information such as your name, address, email address, and phone number;
- demographic information such as your date of birth, nationality, marital status, dependents, gender and employment details;

- personal identification information such as details of your passport (including passport numbers), employee identification number and recent utility bills / bank statement;
- financial information such as your PPS Number, bank account numbers, credit/debit card numbers, benefits information, employment details, salary and compensation, tax liabilities, personal income, assets and liabilities, credit history, expenditure, insurance policies, pension benefits;
- health information such as regarding your general health status and any existing medical conditions; and,
- information regarding your investment needs, priorities and risk profile and decisions you may make with respect to your financial and investment portfolio.

If you supply us with personal information about other people, you agree that you have the authority to provide this information on their behalf. In these instances, you further agree that the individuals to whom this information relates have been informed of and understand the reason(s) for obtaining the information, the manner in which this information will be used and disclosed, and have consented to such use and disclosure. You should provide them with a copy of this Notice.

## 2. HOW DO WE USE THE INFORMATION WE COLLECT?

The data we collect enables us to provide you with the best service we can and helps us keep you informed with information you may be interested in. Your data will always be managed with reference to all applicable laws and regulations.

We use your personal information to:

- verify your identity;
- process a transaction, enrolment, or service requested by you, directly or through a third party;
- provide our services to you;
- contact you when necessary and respond to your requests and enquiries;
- market products and services to you (with your consent) including ours, those of our affiliates, and those of other third parties;
- fulfil legal and regulatory requirements such as to enable us to comply with the rules, guidance or regulations issued by the Central Bank of Ireland, Revenue or Pensions Authority;
- update information with credit bureau;
- detect and prevent fraud, suspicious claims, and other illegal activities;
- analyse and improve products and services, enhance this site, and evaluate the effectiveness of our marketing activities and overall services;
- perform statistical analyses on our clients and better understand their demographics;
- on an aggregated and anonymised basis, share the data with third parties; and,
- enable you to buy/service products and information stored may be forwarded to these providers in their interest.

### Automated Decision Making and Profiling

When we use your personal data, we may employ automated decision-making for the purposes of initially assessing your eligibility off-the shelf insurance products. We assess this by asking certain questions to establish whether you meet basic criteria set by the insurer. If your responses indicate you are not eligible for the standard product, we

provide telephone contact details for you to speak with a Mercer broker about your eligibility for that product or other policy options suitable for you.

### 3. USING YOUR INFORMATION IN ACCORDANCE WITH DATA PROTECTION LAWS

Data protection laws require that we meet certain conditions before we are permitted to use your data in the manner described in this privacy policy. To use your personal data, we will rely on one of the following conditions, depending on the activities we are carrying out:

#### Consent

We only process your sensitive personal information, e.g. information about your health, where you have provided your explicit consent for us to do so. You may withdraw that consent any time. You should be aware that if you withdraw consent, we may be unable to continue to provide services to you or offer you the most appropriate advice. If you choose to withdraw your consent, your consultant will inform you about the possible impacts at the time.

We may provide you with marketing information about our services or products where you have provided your explicit consent for us to do so. To ensure you are kept fully informed Mercer and other group companies of Mercer may contact you by mail, email and other means of communication to provide you with the information on your requested service or product. We may also provide you with information, special offers, research, and promotions of other investments, and similar products and services. Where you have indicated your consent to us doing so, we may also pass your details to our group companies or other third party insurance and financial product providers so that they can provide you with information on the products they provide. If you wish to stop receiving such communications from us, you may opt-out by contacting us.

See below for your [rights on withdrawing consent](#).

#### Necessary for the performance of a contract

We process your data for the purpose of providing our services to you as required in order to perform our obligations under our contract with you.

#### Legitimate interests

To use your personal data for any other purpose described in this privacy policy, we will rely on a condition known as "legitimate interests". It is in our legitimate interests to collect your personal data as it provides us with information that we need to provide our services to you more effectively.

This requires us to carry out a balancing test of our interests in using your personal data (for example, in order to provide you with the information, products and services that you request from us), against the interests you have as a citizen and the rights you have under data protection laws (for example, to not have your data sold to third party marketing companies without your knowledge).

The outcome of this balancing test will determine whether we can use your personal data in the ways described in this privacy policy. We will always act reasonably and give full and proper consideration to your interests in carrying out this balancing test.

#### To provide you with the services

We are permitted to hold and process some of your personal data because it is necessary to do so in order to provide you access to, and to enable you to make use of our services. Without this personal data, we could not provide you with our services.

#### Compliance with a legal obligation

We are permitted to process your personal data where it is necessary for compliance with our legal obligations.

### For legal claims

We are permitted to process your personal data where it is necessary to establish, pursue or defend a legal claim.

### Substantial Public Interest

We are permitted to process your personal data where it is necessary for reasons of substantial public interest, on the basis of EU or Irish law.

If we look to use your personal information for any other purpose not covered in this privacy notice, we will let you know first by sharing an updated version of this privacy policy.

## 4. HOW LONG WE KEEP YOUR INFORMATION FOR

We will keep your information for the longer of the period required in order to meet our legal or regulatory responsibilities, and the period envisaged within our records retention policy. We determine our retention periods having regard to our operational and legal requirements, such as:

- To respond to any questions or complaints
- To show that we treated you fairly
- To maintain records according to rules that apply to us

We may keep your information for a longer period if we cannot delete it for legal, regulatory or technical reasons. We may also keep it for research or statistical purposes. If we do, we will make sure that your privacy is protected and only use it for those purposes.

## 5. DISCLOSURE OF YOUR INFORMATION

We may share your information to provide other products or services as requested by you, your employer or your benefit programme sponsor. We may share this information with:

- Product providers and providers of any other benefits that you may receive from your employer or benefit programme sponsor;
- your employer or benefit programme sponsor. Personal data provided by you will not be shared with your employer or benefit programme sponsor in a format in which you are personally identifiable without your consent;
- our affiliates and other third parties to enable them to provide services or information to you and where you have consented to them contacting you regarding additional products and services that may be of interest to you;
- financial institutions with whom you have assets or insurance;
- our professional advisors;
- credit reference agencies;
- third parties to whom we share your personal data in the form of an aggregated and anonymised report;
- third party service providers that have been retained to perform services on our behalf or on behalf of you or your employer or other benefit programme sponsor, or as authorised by you, your employer or other benefit programme sponsor;
- in the event of a sale of our business or assets, a third party purchaser.

Any third party we disclose information to is required by law and/or contractual requirements, to keep your personal information confidential and secure. These parties may not use or disclose it except as reasonably necessary to provide services on our behalf, on behalf of you, your employer or other benefit programme sponsor, or to comply with, or as permitted by, applicable law.

We may disclose your personal data without your prior permission, as permitted by law to regulators, government departments, law enforcement authorities, any relevant ombudsman, dispute resolution body or the courts, when we believe it is necessary to: (a) prevent physical or financial harm; (b) respond to claims of suspected or actual illegal activity; (c) respond to an audit or investigate a complaint or security threat; or (d) comply with law or legal process.

## 6. SENDING DATA OUTSIDE OF THE EEA

The data that we collect from you will not be transferred to, and stored at, a destination outside Ireland or the European Economic Area (“EEA”) unless we need to:

- comply with a legal duty;
- work with our staff operating outside of the EEA who work for us or for one of our suppliers or Affiliates (including any staff engaged in the provision of support services).

If we do transfer information outside of the EEA to our staff, Affiliates or suppliers, we will make sure that it is protected in the same way as if it was being used in the EEA. We will use one of these safeguards:

- Transfer it to a non-EEA country with privacy laws that give the same protection as the EEA. Learn more [on the European Commission Justice website](#).
- Transfer it to one of our Affiliates, which is committed to comply with our Binding Corporate Rules. Our Binding Corporate Rules have been approved by the UK data protection regulator (the Information Commissioner’s Office) and sets out a standard as to how we will process personal data within our group companies. Learn more about our Binding Corporate Rules Standards [here](#).  
  
Put in place a contract with the recipient that means they must protect it to the same standards as the EEA. Read more about this here [on the European Commission Justice website](#).
- Transfer it to organisations that are part of Privacy Shield. This is a framework that sets privacy standards for data sent between the US and EU countries. It makes sure those standards are similar to what is used within the EEA. You can find out more [about data protection on the European Commission Justice website](#).

You can contact us as set out below to find out more about safeguards we have in place for any transfers of your personal data outside of the EEA.

## 7. WHAT STEPS DO WE TAKE TO PROTECT YOUR INFORMATION?

We restrict access to your personal information to those employees of affiliates, our third party service providers, and ours who reasonably need it to provide products or services. We have implemented physical, administrative, and technical safeguards to protect your personal information from unauthorised access. However, as effective as our security measures are, no security system is impenetrable. We cannot guarantee the security of these systems, nor can we guarantee that information supplied by you or on your behalf cannot be intercepted while being transmitted over the Internet.

## 8. WHAT RIGHTS AND OBLIGATIONS DO YOU HAVE WITH RESPECT TO YOUR DATA?

You have a number of rights under data protection law in relation to the way we process your personal data. These are set out below. You may contact us using the details below for our Data Protection Officer to exercise any of these rights. We will respond to any request received from you within one month from the date of the request.

### Rights to access your personal information and correct any personal information

To find out what personal information we hold on you or to have your personal information updated or changed, please write to us at this address: Mercer (Ireland) Limited, Private Wealth, Charlotte House, Charlemont Street, Dublin 2.

Keeping your information accurate and up-to-date is very important. Inaccurate or incomplete information could impair our ability to deliver relevant services to you. Once you inform us of any changes needed to your personal information we will take reasonable steps to check its accuracy and correct it.

### If you want us to stop using your personal information

You have the right to object to our use of your personal information held by us about you (including for the purposes of sending marketing materials).

You can also ask us to delete, remove or stop using your personal information if there is no need for us to keep it, you withdraw your consent if we are using your information based on consent or where you object to the way we process your data. This is known as the “right to erasure” (or “right to be forgotten”).

There may be legal or other official reasons why we need to keep or use your data. Nevertheless, please tell us if you think that we should not be using it.

We may sometimes be able to restrict the use of your data and you have a right to restrict our processing of your information. This means that it can only be used for certain things, such as legal claims or to exercise legal rights. In this situation, we would not use or share your information in other way while it is restricted. This will apply where for example:

- you challenge the accuracy of the personal information held by us;
- you have the right to be forgotten but prefer our processing is restricted instead;
- where we no longer need to use the personal information to achieve the purpose we collected it for but you require the information for dealing with legal claims.

If you want to object to how we use your data, or ask us to delete it or restrict how we use it, please contact us.

### If you want to withdraw your consent

You can withdraw your consent for the processing of your sensitive personal information at any time. Please contact Mercer directly. In the event that you withdraw consent, Mercer may not be in a position to provide certain products or services to you.

If you wish to withdraw consent for marketing information on products or services, please contact your Mercer consultant directly.

### Right to transfer your information

You can request to receive your personal information which you have provided to us in a structured, commonly used and machine-readable format that can be easily reused. You can also ask us to pass your personal information in this format to other organisations.

## 9. CHANGES TO THIS PRIVACY NOTICE

This privacy notice and any document to which it refers are subject to change at any time. If we make material updates to this notice, we will update the date it was last changed. Any changes we make to this privacy notice become effective immediately when we post the revised privacy notice on our website. We recommend that you review this notice regularly for changes.

## 10. HOW TO CONTACT US

You can contact our [Data Protection Officer \(DPO\)](#) at any time if you have any questions about this privacy notice, or our privacy practices in general. Our DPO may be reached at:

Sabrina Salhi  
C/o Hogan Lovells  
Atlantic House  
Holborn Viaduct  
London EC1A 2FG  
United Kingdom

You also have the right to complain to the Office of the Data Protection Commissioner. Their address is:

Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2  
D02 RD28

## APPENDIX 1: DEFINITIONS

**'Notice'** – This Privacy Notice. Also referred to as a Fair Processing Notice.

**'We', 'Us'** – Mercer (Ireland) Limited. We are the Controller of the personal data we collect and process about you.

**'Personal Data' / 'Personal Information'** - The personal data that we collect and process about you.

**'Special Category Data' / 'Sensitive Personal Information'** - Categories of information that require enhanced protection measures. This includes, for example, health related information.

**'Processing'** – Any set of actions which is performed on Personal Data such as collecting, recording, organising, structuring, storing, altering, retrieving, using, disclosing or destroying.

**'Controller'** – The person or body that determines the purposes and means of processing. We are a controller for the purpose of providing you with services under our terms of business with you.

**'Processor'** – The person or body that processes Personal Data on our behalf.

**'Profiling'** - Using automated processes without human intervention (such as computer programmes) to analyse your personal data in order to evaluate your behaviour or to predict things about you, such as your likely risk profile.

**'CBI'** – The Central Bank of Ireland, a financial regulatory body.

**'DPC'** - The Data Protection Commissioner who regulates the processing of personal data by all organisations in Ireland. See [www.dataprotection.ie](http://www.dataprotection.ie) for more information.

**Service Providers** - Third parties to whom we outsource certain functions of our business. We require all our service providers to respect the confidentiality and security of personal data.