

ANNEX 1

INSURANCELINK CRITERIA FOR ACCESS

DEFINITIONS

Code means the Code of Practice on Data Protection for the Insurance Sector 2013, which is available on the website of Insurance Ireland

(https://www.insuranceireland.eu/media/documents/20130626_Code_of_Practice_Final.pdf);

EEA means the European Economic Area;

InsuranceLink Applicant means an entity applying to use InsuranceLink;

InsuranceLink Application Form means the form to be completed and submitted to the InsuranceLink Application Officer as part of an application to become an InsuranceLink User, which is available on the Insurance Ireland website (<https://www.insuranceireland.eu/member-services/shared-services/insurance-link.eu/documents/annex02>) and the InsuranceLink website (<http://inslink.ie/documents/annex02>);

InsuranceLink Application Officer means the individual(s) of a sufficient level of seniority (i.e. manager level or above) designated by Insurance Ireland to process and determine applications for access to InsuranceLink pursuant to the InsuranceLink Application Procedure;

InsuranceLink Confirmation Letter means the standard form letter attached to the InsuranceLink Application Form addressing matters relating to delegated authority from an Insurer;

InsuranceLink Terms of Access Agreement means the standard-form agreement setting out the terms and conditions of use of InsuranceLink to be entered into between Insurance Ireland and each InsuranceLink User, which is available on the Insurance Ireland website (<https://www.insuranceireland.eu/member-services/shared-services/insurance-link.eu/documents/annex03>) and the InsuranceLink website (<http://inslink.ie/documents/annex03>);

InsuranceLink User means an entity that has been granted access to InsuranceLink;

Insurer means:

- (a) An entity that holds a current authorisation as an insurance undertaking from a competent authority within the EEA; or
- (b) An insurance undertaking authorised in the United Kingdom or Gibraltar that is also authorised pursuant to Regulation 13A of the European Union (Insurance and Reinsurance) Regulations 2015.

CRITERIA FOR ACCESS

Access to InsuranceLink will be made available to entities that meet the following criteria:

1. The InsuranceLink Applicant is:
 - (a) An Insurer that carries on insurance business in Ireland, or an Insurer that demonstrates an intention to carry on insurance business in Ireland on a:

- (i) freedom of services basis, by providing a copy of the communication from its home state supervisory authority referred to in Article 148(1) of Directive 2009/138/EC; or
- (ii) freedom of establishment basis, by providing a copy of the communication referred to in Article 146(3) of Directive 2009/138/EC demonstrating that the Central Bank of Ireland has, pursuant to that Article, notified the InsuranceLink Applicant's home state regulator of the Irish general good requirements applicable to the applicant (or that the relevant period for doing so has elapsed);

or

- (b) Any entity that is appointed by an entity under paragraph 1(a) to perform, under delegated authority, underwriting functions and/or claims management functions in Ireland on the Insurer's behalf. Such entities may include, but are not limited to, loss adjusters; intermediaries who act as underwriting agents, enter into insurance contracts and/or appoint retail agents on behalf of insurance undertakings under a delegated authority; and entities which have an insurance undertaking as a carrier;
2. The InsuranceLink Applicant submits a completed InsuranceLink Application Form to the InsuranceLink Application Officer;
 3. The InsuranceLink Applicant confirms by providing a completed and signed InsuranceLink Application Form that it is seeking access to InsuranceLink for the purposes of: (i) fraud detection; and/or (ii) verifying the accuracy of information provided by a customer or potential customer at the risk underwriting stage;
 4. It is a condition of accessing InsuranceLink that all relevant claims data will be inputted into InsuranceLink (either by the Insurer or by an entity with delegated authority as outlined below) consistent with the principle of reciprocity on which InsuranceLink is based.
 5. Where the InsuranceLink Applicant is an entity with a delegated authority, the InsuranceLink Applicant confirms, by providing a completed and signed InsuranceLink Confirmation Letter from an Insurer together with the InsuranceLink Application Form, that it has a delegated authority (i) to underwrite policies and accept risks on behalf of an Insurer and/or (ii) to manage and settle claims on behalf of an Insurer;
 6. Where the InsuranceLink Applicant is an entity with a delegated authority limited to underwriting services, the InsuranceLink Applicant agrees to provide confirmation, by providing a completed and signed InsuranceLink Confirmation Letter from an Insurer together with the InsuranceLink Application Form, that the relevant Insurer(s) that has provided the delegated authority to the InsuranceLink Applicant will ensure that relevant claims information is inputted into InsuranceLink;
 7. The InsuranceLink Applicant enters into and complies with the InsuranceLink Terms of Access Agreement; and
 8. The InsuranceLink Applicant agrees to adhere to the Code.

Where the criteria outlined above are met, the InsuranceLink Applicant shall be granted full access to InsuranceLink as provided in the timeframe set out in the InsuranceLink Application Procedure.