

ANNEX 4

INSURANCELINK APPLICATION PROCEDURE

1. DEFINITIONS

1.1 In this InsuranceLink Application Procedure:

Associate Member means an entity that is an associate member of Insurance Ireland as described in the Terms and Conditions of Associate Membership of Insurance Ireland;

Full Member means an entity that is a member of Insurance Ireland under the Insurance Ireland Constitution and as described in the Rules relating to Full Membership of Insurance Ireland;

InsuranceLink means the InsuranceLink database and all features available to users of the InsuranceLink database including the facility to request further information;

InsuranceLink Applicant means an entity applying to use InsuranceLink;

InsuranceLink Application Form means the form to be completed and submitted to Insurance Ireland as part of an application to become an InsuranceLink User available on the Insurance Ireland website (<https://www.insuranceireland.eu/member-services/shared-services/insurance-link.eu/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 as set out in further detail in this InsuranceLink Application Procedure;

InsuranceLink Criteria for Access means the criteria for accessing InsuranceLink set out on the Insurance Ireland website (<https://www.insuranceireland.eu/member-services/shared-services/insurance-link.eu/documents/annex01>);

InsuranceLink Oversight Committee means the governance body established by Insurance Ireland to oversee matters (including appeals) regarding access to, and ongoing use by InsuranceLink Users of, InsuranceLink in accordance with the Terms of Reference of the InsuranceLink Oversight Committee;

InsuranceLink Sub-Committee means a standing sub-committee of the Board of Insurance Ireland established in connection with the InsuranceLink Application procedure to review: (i) any decision to not permit an InsuranceLink Applicant to access InsuranceLink or any of its facilities in accordance with the InsuranceLink Criteria for Access; (ii) any decision to withdraw, restrict or *de facto* deny an InsuranceLink User's rights of access (once granted) to InsuranceLink or any of its facilities; (iii) a failure to comply with any aspect of the InsuranceLink Application Procedure resulting in a delay to the processing of applications; or (iv) a failure to calculate the fees charged to an InsuranceLink User for access to InsuranceLink in accordance with the fee structure in place for InsuranceLink; and

InsuranceLink User means an entity that has been granted access to InsuranceLink pursuant to this InsuranceLink Application Procedure.

2. **INSURANCELINK APPLICATION PROCEDURE**

- 2.1 An application to become an InsuranceLink User shall be made using the InsuranceLink Application Form, which is available for download 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>).
- 2.2 There is no requirement for an InsuranceLink Applicant or an InsuranceLink User to be, or become, an Associate Member or Full Member of Insurance Ireland or to work on behalf of a member of Insurance Ireland.
- 2.3 Prior to submitting a completed InsuranceLink Application Form to Insurance Ireland, an InsuranceLink Applicant may review information about the InsuranceLink Application Process on Insurance Ireland's website. At their discretion, an InsuranceLink Applicant may also request information, including relevant documentation, regarding the InsuranceLink Application Process from the InsuranceLink Application Officer, using the dedicated email address for InsuranceLink Applicant queries, which is specified on the Insurance Ireland website and which will be monitored by the Insurance Link Application Officer. An InsuranceLink Application Officer shall provide a full and complete response to any such requests for information within 5 business days.
- 2.4 An InsuranceLink Applicant shall submit a completed InsuranceLink Application Form to Insurance Ireland, using the designated email address for user applications, which is specified on the Insurance Ireland website and which will be monitored by InsuranceLink Application Officers.
- 2.5 All InsuranceLink Application Forms shall be reviewed and applications for access to InsuranceLink determined by an InsuranceLink Application Officer, who shall have the responsibility for carrying out of these functions independently under the InsuranceLink Application Procedure.
- 2.6 An InsuranceLink Application Officer shall, within 5 business days after the receipt of an InsuranceLink Application Form from an InsuranceLink Applicant, confirm to the InsuranceLink Applicant whether the application is complete and, if incomplete, request from the InsuranceLink Applicant such additional information as is required to complete the InsuranceLink Application Form.
- 2.7 An InsuranceLink Application Officer shall, within 10 business days after an InsuranceLink Application Officer has confirmed to an InsuranceLink Applicant that the InsuranceLink Application Form is complete (or after the InsuranceLink Applicant has provided the relevant information required to complete InsuranceLink Application Form following a request from an InsuranceLink Application Officer), confirm to the InsuranceLink Applicant in writing whether it meets the InsuranceLink Criteria for Access.
- 2.8 Where an InsuranceLink Applicant meets the InsuranceLink Criteria for Access, an InsuranceLink Application Officer shall, within 5 business days of confirming this in writing to the InsuranceLink Applicant, request that the administrator of InsuranceLink (currently Verisk) set up the InsuranceLink Applicant with access to InsuranceLink. Insurance Ireland shall request that the administrator of InsuranceLink take all steps necessary to commence the setup of an InsuranceLink Applicant with access to InsuranceLink as soon as possible (and in any event within 10 business days, subject to the InsuranceLink Applicant cooperating with the administrator, including by

making available all necessary technical information to allow access to be set up) following the receipt of a request from an InsuranceLink Application Officer to do so.

- 2.9 Decisions by an InsuranceLink Application Officer that an InsuranceLink Applicant meets the InsuranceLink Criteria for Access shall not be subject either to review by the InsuranceLink Sub-Committee or appeal to the InsuranceLink Oversight Committee.
- 2.10 Where, following the assessment of an InsuranceLink Application Form, an InsuranceLink Application Officer determines that the InsuranceLink Applicant does not meet the InsuranceLink Criteria for Access, the InsuranceLink Application Officer shall provide the InsuranceLink Applicant with the reasons in writing.
- 2.11 The InsuranceLink Sub-Committee shall automatically review: (i) any decision to not permit an InsuranceLink Applicant to access InsuranceLink or any of its facilities in accordance with the InsuranceLink Criteria for Access; (ii) any decision to withdraw, restrict or *de facto* deny an InsuranceLink User's rights of access (once granted) to InsuranceLink or any of its facilities; (iii) a failure to comply with any aspect of the InsuranceLink Application Procedure resulting in a delay to the processing of applications; or (iv) a failure to calculate the fees charged to an InsuranceLink User for access to InsuranceLink in accordance with the fee structure in place for InsuranceLink.
- 2.12 Where the InsuranceLink Application Officer reaches any decision or takes any action to which paragraph 2.11 relates, he/she shall also inform the InsuranceLink Sub-Committee, and the decision shall automatically be reviewed by the InsuranceLink Sub-Committee by reference to the requirements of the InsuranceLink Criteria for Access within 10 working days of the decision being taken. If the InsuranceLink Sub-Committee agrees with the decision, it shall inform the InsuranceLink Application Officer, who shall inform the InsuranceLink Applicant. If the InsuranceLink Sub-Committee disagrees with the decision and considers that the InsuranceLink Criteria for Access are met by the InsuranceLink Applicant, it shall direct the InsuranceLink Application Officer to grant the InsuranceLink Applicant access to InsuranceLink, in which case the procedure set out in paragraph 2.8 above shall apply.
- 2.13 An InsuranceLink Applicant has a right of appeal to the InsuranceLink Oversight Committee in respect of:
 - (i) a decision or action by the InsuranceLink Sub-Committee: (i) to not permit an InsuranceLink Applicant to access InsuranceLink or any of its facilities in accordance with the InsuranceLink Criteria for Access; or (ii) to withdraw, restrict or *de facto* deny an InsuranceLink User's rights of access (once granted) to InsuranceLink or any of its facilities; (iii) to fail to comply with any aspect of the InsuranceLink Application Procedure resulting in a delay to the processing of an InsuranceLink Applicant's application; and/or (iv) a failure to calculate the fees charged to an InsuranceLink User for access to InsuranceLink in accordance with the fee structure in place for InsuranceLink; or
 - (ii) where the InsuranceLink Sub-Committee has failed to take such a decision, a decision of the InsuranceLink Application Officer in relation to any of the matters set out in paragraph 2.13(i) above; or
 - (iii) where both the InsuranceLink Application Officer and the InsuranceLink Sub-Committee have failed to take such a decision in relation to applications for access and/or the terms of ongoing access to InsuranceLink.

- 2.14 In the event of an appeal to the InsuranceLink Oversight Committee, the InsuranceLink Application Officer is required to comply with any decision and directions of the InsuranceLink Oversight Committee. The executive management of Insurance Ireland, on behalf of the Board of Insurance Ireland, shall monitor the actions of the InsuranceLink Application Officer to ensure any such decisions and directions are complied with.

3. APPOINTMENT OF INSURANCELINK APPLICATION OFFICER

- 3.1 There shall be, at all times, a minimum of two designated InsuranceLink Application Officers.
- 3.2 InsuranceLink Application Officers may be employees of Insurance Ireland and may occupy other positions and/or carry out other tasks and duties within Insurance Ireland. However, Insurance Ireland shall ensure that any such tasks and duties do not result in a conflict of interests with the role of the InsuranceLink Application Officers in carrying out their functions under this InsuranceLink Application Procedure. An InsuranceLink Application Officer shall not concurrently hold the role of Membership Application Officer.
- 3.3 Insurance Ireland shall provide all necessary resources to the InsuranceLink Application Officers in performing the tasks referred to in this InsuranceLink Application Procedure.
- 3.4 In addition to determining applications for access to InsuranceLink, InsuranceLink Application Officers shall act as a first point of contact for InsuranceLink Users in relation to any issues or concerns arising in relation to their ability to access or use InsuranceLink and shall liaise with the InsuranceLink system administrator to resolve any such issues in an expeditious manner.
- 3.5 Without prejudice to the role of the InsuranceLink Sub-Committee and InsuranceLink Oversight Committee, Insurance Ireland shall ensure that InsuranceLink Application Officers have operational independence in relation to decisions made or actions taken under this InsuranceLink Application Procedure, subject to review of the decisions or actions specified in paragraphs 2.11, 2.13(i) and 2.13(iii) above by the InsuranceLink Sub-Committee and, on appeal, the InsuranceLink Oversight Committee, do not seek or receive any instructions, pressure or influence regarding the exercise of their functions under the InsuranceLink Application Procedure from any external party, including members of Insurance Ireland.
- 3.6 InsuranceLink Application Officers shall be accountable to the executive management of Insurance Ireland (on behalf of the Board of Insurance Ireland) in relation to the performance of their functions under the InsuranceLink Application Procedure and the executive management shall take appropriate action if an InsuranceLink Application Officer does not perform his/her functions in accordance with the InsuranceLink Application Procedure.
- 3.7 Insurance Ireland shall put in place measures to ensure that all information regarding the InsuranceLink Application Procedure shall be securely stored. The information shall be accessible by InsuranceLink Application Officers, the InsuranceLink Sub-Committee, the InsuranceLink Oversight Committee, the executive management of Insurance Ireland and the Monitoring Trustee to the extent it is required to fulfil their functions set out in this InsuranceLink Application Procedure. However, following the final determination of an application, InsuranceLink Application Officers may report the fact of successful applications for access to InsuranceLink to the Board of Directors and/or the executive management of Insurance Ireland.