



MOTOR INSURERS' BUREAU
OF IRELAND

MIBI
Data Protection
Statement

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MIBI Data Protection Statement

This document is the full Motor Insurers' Bureau of Ireland (MIBI) Data Protection Statement. It contains all the information you need to understand how we use your data.

Notice: While all of the information in this Data Protection Statement is important, certain sections have been highlighted as they contain information that the data protection legislation (known as the General Data Protection Regulation) specifies as being information that should be brought to your attention. This includes sections on the right to object, communications and marketing information

1. General

The Motor Insurers' Bureau of Ireland recognises that protecting personal information, including special categories of data (sometimes referred to as sensitive personal data), is very important to you and that you have an interest in how we collect, use, store and share such information. This Data Protection Statement sets out how we will use and protect your information and information provided by other parties.

We reserve the right to change this Data Protection Statement from time to time at our sole discretion. The most up to date version of this document can be found on our website at www.mibi.ie or is available on request from info@mibi.ie. We encourage you to periodically review this statement to keep informed about how we use your personal data and how we keep it protected.

I. Company Information

The Motor Insurers' Bureau of Ireland (MIBI) is a not for profit organisation registered in Ireland. The company was established in 1955 by Agreement between the Government and those companies underwriting motor insurance in Ireland.

For your information, references to “MIBI”, “us”, “our” and “we” mean Motor Insurers’ Bureau of Ireland, 5 Harbourmaster Place, IFSC, Dublin D01 E7E8 which is registered in Ireland with Registration number 15861.

More information about the MIBI can be found at www.mibi.ie

What does the MIBI do?

Our principal role is to compensate victims of road traffic accidents caused by uninsured and unidentified vehicles. This is regulated under the terms of an Agreement with the Minister for Transport. This Agreement sets out the rights given to persons who sustain loss and/or injuries in a road traffic accident caused by an uninsured or untraced motorist.

We are also responsible for operating the Green Card System in Ireland. As the Green Card Bureau for Ireland, the MIBI is responsible for investigating accidents in Ireland caused by foreign-registered vehicles and for investigating the insurance position of Irish registered vehicles that cause an accident outside Ireland. MIBI compensates such injured parties under the terms of the Internal Regulations governed by the Council of Bueraux.

The MIBI operates the Motor Insurance Information Centre of Ireland (MIICI). MIICI assists victims who have sustained damage and/or injuries in an accident by providing information on the insurer, and where applicable the Claims Representative, of the alleged offending vehicle. As part of this role, MIBI manages the Irish Motor Insurance Database (IMID) which is a central registrar of the insurance status of all vehicles insured in Ireland.

MIBI was appointed as 4th EU Motor Insurance Directive Compensation Body. This organisation deals exclusively with claims made by EU citizens who have been involved in an accident which has occurred outside their country of residence.

How is the MIBI funded?

All insurance companies underwriting motor insurance in Ireland must, by law, be Members of MIBI and contribute to funding for claims in proportion to their market share. Please go to the “About Us” page on our website at www.mibi.ie for details of our current Members.

As the MIBI is a not for profit organisation, all funds collected from insurers are used to pay compensation to victims of uninsured and untraced drivers and to pay for the costs of running the MIBI.

II. Legislation

All personal data we gather will be processed in accordance with all applicable data protection laws and principles, in particular the EU General Data Protection Regulation (GDPR) and the Irish Data Protection Act 2018.

III. Contact Details for Queries and Complaints

If you are unhappy with the way we have handled your personal information and wish to complain or if you simply want further information about the way your personal data will be used, please contact us by any of the following options:

Data Protection Officer
Motor Insurers' Bureau of Ireland,
5 Harbourmaster Place,
IFSC,
Dublin
D01 E7E8
Telephone: **+353-1-676 9944**
Email: info@mibi.ie

You have the right to lodge a complaint with the Office of the Data Protection Commissioner. To contact the Office of the Data Protection Commissioner, please use the following details:

Data Protection Commission,
21 Firtzwilliam Square South,
Dublin 2
D02 RD28

County Dublin,

LoCall Number: **1800 437 737**

Telephone: **+353 (0)1 765 0100**

Web: **www.dataprotection.ie/contact**

Please note that we will take all appropriate steps to keep your personal data safe. In the unlikely event that we have a security breach, we will notify you without undue delay about the circumstances of the incident in accordance with our legal obligations.

2. Collection

The personal data we require about you will be gathered and stored as set out in this Data Protection Statement. The data will be gathered directly from you using the MIBI claims form (paper version or online form) or by MIBI staff via eMail and telephone or indirectly, through insurers or one of our service providers on our behalf. The categories of personal data that we gather are listed in [Section entitled 'Data Collected'](#) below.

In order to gather the personal data we require for the Irish Motor Insurance Database (IMID) and the information we need to deal with claims, we may

1. obtain personal information from insurers, brokers and their agents who upload it to the IMID. We may also obtain some information directly from fleet owners and motor traders who upload relevant information directly to the IMID;
2. obtain personal information directly from you, or your representative;
3. obtain personal information from third parties involved in the incident including (without limitation) other drivers, passengers of your or any other vehicle, pedestrians, witnesses (whether independent or otherwise), insurance companies, solicitors representing any third party (whether in civil or, where applicable, criminal proceedings), any other expert appointed by a third party, any person at any relevant trial, inquest or any other hearing, or any other relevant person involved in the claims process. This includes MIBI Handling Offices that we appoint to manage claims on MIBI's behalf, Accident Investigators that we appoint to

investigate claims, Defence Solicitors that we appoint to defend claims and Recovery Agents that we appoint to pursue recoveries against uninsured drivers;

4. carry out searches, whether online (via websites with publicly available information and various industry websites), through various media outlets (including, without limitation, newspapers, television and radio) or otherwise (including, without limitation, State and/or industry registers); and/or
5. obtain personal data from the emergency services, such as the police, ambulance and fire services, and any other relevant investigatory body or authority.

At various times during the claims process, the MIBI will conduct a search of third party databases (including, without limitation, the National Vehicle and Driver File, Insurance–Link Claims Register, the Central Insurance Register, the Risk Intelligence Vehicle Check database). These searches may return information relating to you and your vehicle, including (without limitation) previous claims, vehicle insurance and vehicle details which is used as part of our claims investigations process.

Addresses, Eircodes and postcodes that are provided will be used by the MIBI to geocode locations that are relevant to the claim and for displaying the locations on a map as part of our investigations process.

It is important that the information you give us is correct. You have a legal obligation to take reasonable care not to provide us with inaccurate, incorrect or incomplete information. If this happens the MIBI has certain legal rights which may include refusal to deal with claims and/or dispute liability for the claims.

3. Use of Information

We mainly use your personal information so that we can assess and pay claims as part of the MIBI's responsibilities under an Agreement between the Government and those companies underwriting motor insurance in Ireland. However, more specifically, we may use the personal data we gather for any or all of the following purposes:

1. to verify your (or your authorised representative's) identity in any interactions between the MIBI and you (or your authorised representative), whether in person, on the telephone, online or where necessary in any other circumstances;

Legal Basis:

- the processing is necessary for the performance of a contract to which the data subject is party;
 - the processing is necessary for compliance with a legal obligation to which the data controller is subject to.
2. to verify the accuracy of the information we receive;

Legal Basis:

- the processing is necessary for compliance with a legal obligation to which the data controller is subject to;
3. to manage and investigate any claim made by you and to make any payments in relation to your claim;

Legal Basis:

- the processing is necessary for the performance of a contract to which the data subject is party;
- the processing is necessary for compliance with a legal obligation to which the data controller is subject to;
- the processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party appointed by the data controller. MIBI's legitimate interest is to use your personal data to investigate claims and make certain types of payment that may or may not be required by law or a contract.

4. to manage and investigate any claim made against you as an uninsured driver or as the owner of an uninsured vehicle that has been involved in an incident which is subject to compulsory insurance cover under the Road Traffic Act 1961 (and amendments thereof);

Legal Basis:

- the processing is necessary for the performance of a contract to which the data controller is party to; that is the Agreement between the Government and those companies underwriting motor insurance in Ireland to compensate the victims of road traffic accidents caused by uninsured and unidentified vehicles;
 - the processing is necessary for the performance of a contract to which the data subject is party;
 - the processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party appointed by the data controller. MIBI's legitimate interest is to use your personal data to pursue recovery against you, as an uninsured driver and/or vehicle owner for costs that the MIBI has incurred in compensating victims for claims.
5. for statistical analyses and the review and improvement of the MIBI's services, processes, systems and website.

Legal Basis:

- the processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party appointed by the data controller. MIBI's legitimate interest is to engage in activities with relevant stakeholders to help improve compliance with the Road Traffic Act and to reduce the level of uninsured driving
6. to improve our processes or services and to investigate the possibility of introducing new processes or services;

Legal Basis:

- the processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party appointed by the data controller. The MIBI's legitimate interest is to engage in activities to improve and adapt the range of services we provide and to help ensure that our processes and systems are effective and efficient.
7. for staff training, performance reviews and discipline;

Legal Basis:

- the processing is necessary for compliance with a legal obligation to which the data controller is subject to;
8. for the detection and prevention of fraud, money laundering and other offences and to assist An Garda Síochána and any other authorised investigatory body or authority with any inquiries or investigations We have a number of systems and procedures in place to monitor for potentially fraudulent claims. If we identify a suspicious claim or a pattern of claims, we will process your personal data in order to investigate the claim and to take appropriate measures to protect the MIBI and its members. Where permitted by law we also work with and share data with various bodies including other insurers, anti-fraud bodies (for example fraud whistleblowing services) and law enforcement agencies to help prevent fraudulent behaviour. In some cases we are required by law to report details of certain criminal activities and suspected criminal activities to the appropriate authorities;

Legal Basis:

- the processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party appointed by the data controller. The MIBI's legitimate interest is to investigate and prevent potential fraudulent claims and other illegal activity such as (without limitation) money laundering;
- the processing is necessary for compliance with a legal obligation to which the data controller is subject to;
- the processing is necessary for the performance of a task carried out in the public interest.

9. to manage and investigate any complaints;

Legal Basis:

- the processing is necessary for the performance of a contract to which the data subject is party;
- the processing is necessary for compliance with a legal obligation to which the data controller is subject to.

10. for reinsurance purposes;

Legal Basis:

- the processing is necessary for the performance of a contract with reinsurers to which the data controller is party to.

11. MIBI reporting purposes (where necessary);

Legal Basis:

- the processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party appointed by the data controller. The MIBI's legitimate interest is the proper running of its business.

12. to manage and maintain the Irish Motor Insurance Database (IMID) which operates as a central insurance database to identify the insurance status of vehicles in Ireland.

Legal Basis:

- the processing is necessary for compliance with legal obligations as set out in Section 78A of the Road Traffic Act (as amended)

13. in order to store personal data and make back-ups of that data in case of emergencies and for disaster recovery purposes.

Legal Basis:

- the processing is necessary for compliance with a legal obligation to which the data controller is subject to.
- the processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party appointed by the data controller. The MIBI's legitimate interest is the proper running of its business.

14. for compliance with all relevant laws and regulations;

Legal Basis:

- the processing is necessary for compliance with a legal obligation to which the data controller is subject to.
15. and/or as otherwise set out in this Data Protection Statement or any other data protection notice, the claims notification form, the MIBI website and in any other conditions or other documentation provided to you by the MIBI.

4. Sensitive Categories of Data

Where we process personal data relating to criminal convictions and offences or related security measures for any of the above purposes, we will only do so where it is necessary for the assessment of risk or for the prevention of fraud or for the establishment, defence or enforcement of civil law claims.

Where we process other special categories of data (also known as sensitive personal data) that has been provided by you or, if appropriate, your legal representatives and the Injuries Board, we will do so where it is necessary for the establishment, exercise or defence of legal claims.

5. Effect of not providing information

If you do not provide the information that is needed to handle your claim, we may not be able to process the claim.

If your insurer, broker, fleet owner, motor trader or their agents fail to provide information to the Irish Motor Insurance Database (IMID), your vehicle(s) may be identified as being uninsured. You may risk being stopped by An Garda Síochána and they may apply penalty points if your vehicle is uninsured. You also risk being fined or imprisoned for driving with no insurance if you are prosecuted for no insurance.

6. Call Recording

We may record or monitor telephone calls in order to ensure accuracy in the recording of information communicated to us and for training, quality and verification purposes.

7. Sharing of Information

There are various circumstances where we may share personal data with other parties. Generally this includes your representatives, our representatives and with various claims related parties. We will also share data contained in the Irish Motor Insurance Database (IMID) as set out in Section 78A of the Road Traffic Act as amended.

While the exact list of third parties changes from time to time, we feel that it is important that you have an idea of the types of third party that we share data with. The category headings and types of third party set out below are a non-exhaustive list and are only indicative of the companies, agencies and individuals with whom we share data where we need to do so.

1. Your representatives:

any party you have given us permission to speak to (such as your legal representative, a relative or friend) and other people or companies associated with you (such as a garage or vehicle repairer, doctor, medical specialist, etc.) ;

2. Our representatives:

our employees, claims' handling offices, legal defence solicitors, company solicitors, barristers, accident investigators, private investigators, recovery agents, doctors, medical specialists, expert witnesses, translators, witnesses to any incident(s), agents and contractors including companies that provide services in relation to telecommunications and postage, data storage, document destruction, IT and IT security, fraud detection, central claims register, making payments, payroll, data analysis and management information, risk analysis, reinsurance, external advisors, auditors, complaints handling, telematics and consultants;

3. State or government departments, bodies or agencies, including An Garda Síochána.

Please feel free to contact us if you would like more details about the parties with whom we share your information.

Where we choose to have certain services provided by third parties, we take precautions regarding the practices employed by the service provider to ensure your personal data is stored and processed legally and securely.

As a Data Controller, we will use every effort to protect your personal data and we will not sell your personal information to any third party companies.

8. Sharing Certain Data with a Claimant when dealing with a Claim

Where a claimant is making a claim against you as an uninsured driver, the MIBI shall be entitled, where we feel it is necessary, to release certain information to the claimant or their solicitor or any other appropriate representative of the claimant to allow them to identify

insurance cover for you or the vehicle that you were driving at the time of the incident that caused the claim to arise. Such information shall generally (but not exclusively) be limited to your name, address, vehicle registration number and any insurance policy details that are available from the Irish Motor Insurance Database (IMID) that may help the claimant to identify insurance cover for you or the vehicle that you were driving at the time of the incident that caused the claim to arise. This is referred to as MIBI's Information Centre role.

Legal Basis:

The processing is necessary for compliance with a legal obligation to which the data controller is subject to in relation to its Information Centre role (S.I. No. 651 of 2003).

The legal basis for this process is the legitimate interest of the MIBI to identify possible insurance cover for vehicles before dealing with claims that are caused by uninsured drivers.

The MIBI operates the Motor Insurance Information Centre of Ireland (MIICI). MIICI assists victims who have sustained damage and/or injuries in an accident by providing information on the insurer, and where applicable the Claims Representative, of the alleged offending vehicle.

Where a claimant is making a claim against you as an uninsured driver, and the MIBI determines that no policy of insurance exist, the MIBI shall be entitled, where we feel it is necessary, to release such information to the claimant, their solicitor or any other appropriate representative of the claimant to allow them to make an application to the Injuries Board or to issue legal proceedings. Such information shall generally (but not exclusively) be limited to your name, address, vehicle registration number and any details that are available to assist them in making the claim. In the event that we identify an insurer or an Insurer Concerned, we will pass the claims file and your information to that insurer.

Legal Basis:

The MIBI operates under the terms of an Agreement with the Minister for Transport (the Agreement [as amended] is available at this [link](#)). This Agreement sets out the rights given to persons who sustain loss and/or injuries in a road traffic accident caused by an uninsured or untraced motorist. This process of sharing data is in the legitimate interest of the MIBI to assist in dealing with claims in the most efficient way possible.

9. Sharing data with and between Service Providers

During any of the activities set out above, the MIBI and its service providers will share information that is necessary to deal with claims as efficiently as possible.

10. International Transfers

On occasion we, in our capacity as Green Card Bureau (or a service provider on our behalf), may transmit certain aspects of your personal data within the European Economic Area and outside the European Economic area. In such circumstances, we will ensure that such transmissions are carried out securely and in accordance with data protection agreements signed by MIBI in conjunction with the Council of Bureaux who govern the Green Card system.

Legal Basis:

Road Traffic (Third Party Risks) (Visiting Motorists) Regulations, 1952 and Mechanically Propelled Vehicles (International Circulation) Order 1992 provide for the legal basis under which MIBI operates the Green Card Bureau in Ireland.

11. Data Collected

As a company operating in the insurance industry, the MIBI needs to collect many categories of personal data (about you and other parties) for the purposes set out in this Data Protection Statement.

The exact categories may change from time to time. However, we feel that it is important that you know what types of information that we gather and use. Therefore, the category headings and types of data collected set out below are non-exhaustive and only indicative of the data we may hold about you and information listed under one heading may be used in relation to

activities carried out under another heading. You will note that we have obtained the majority of the data directly from you or, if appropriate, your legal representative.

Data may be gathered in relation to you and other people who are involved in the incident which is the subject matter of the claim that the MIBI is processing.

Category	Type of Data Collected
Personal details	Name, address (including Eircode), date of birth, insurance policy details if applicable, contact details (phone number, email address, fax, etc), proof of ID, employment details, gender, residency, driving licence details, telephone recordings made by MIBI, claims history and details of any relevant claims, details of any criminal convictions, disqualifications and penalty points information, etc.
Claimant information	The circumstances and location of an incident, vehicles involved, injured parties involved, damage caused to vehicles and other property, health information (any injuries resulting from incidents, any relevant pre-existing health conditions and any subsequent injuries), criminal conviction information (where it results from or exists prior to an incident), CCTV footage, repair

	<p>estimates, costs and payments, recoveries, PPS number, details of services provided to you (car hire, vehicle repair, medical services, repairs, etc.), bank account details for payment purposes, etc.</p> <p>This also includes information provided to the MIBI by the Personal Injuries Assessment Board, your legal representative whom you may have engaged to represent you and from your insurance company where appropriate.</p>
<p>Defendant information (uninsured drivers and/ vehicle owners)</p>	<p>The circumstances and location of an incident, vehicles involved, insurance status of vehicle being driven and details of other insurance policies that may cover the incident that you were involved in.</p> <p>We will also seek information on the damage caused to vehicles and other property, health information (any injuries resulting from the incident, any relevant pre-existing health conditions and any subsequent injuries), criminal conviction information (where it results from or exists prior to an incident), claims history, CCTV footage, repair estimates, costs and payments, recoveries, PPS number, bank account details for payment purposes, etc.</p> <p>This also includes information provided to the MIBI by your legal representative whom</p>

	<p>you may have engaged to represent you in legal proceedings related to the incident.</p> <p>In addition to the above, for uninsured drivers and uninsured vehicle owners, the MIBI will seek a Mandate whereby, inter alia, the offending driver and/or vehicle owner, accepts responsibility to pay for the injuries and costs related to the incident that they are responsible for. This means that you, as an uninsured driver and/or vehicle owner, will be asked to repay the costs incurred by the MIBI in dealing with claims for which you are responsible.</p> <p>When investigating your ability to pay, we will seek a statement of means from you that will identify all your assets and income. This may be used to assess your ability pay the MIBI's costs in dealing with claims for which you are responsible.</p>
<p>Information obtained from sources other than you</p>	<p>Information contained in</p> <ul style="list-style-type: none"> • Witness statements and statements from other people involved in the incident • Vehicle details from National Vehicle file at the Dept. of Transport • Garda reports • Accident investigation reports • Medical reports • Expert reports

	<ul style="list-style-type: none"> • Claims history from Insurance Link • Information obtained from other insurers • Location details obtained from address look up and geocoding information • Social media information • Media articles in newspapers and other forms of media • Information obtained from anonymous sources including, but not limited to “Insurance Confidential line” • MIBI website usage information, IP address, etc. • In addition to the above, for uninsured drivers and/or uninsured vehicle owners, we may perform property searches and try to identify assets and income that could be used to pay the MIBI’s costs in dealing with claims.
Irish Motor Insurance Database	<p>Information as set out in Section 56A and 78A of the Road Traffic Act (as amended) which is provided by insurers, fleet owners and motor traders or their agents:</p> <ul style="list-style-type: none"> • Identity of policy holder and named driver(s) permitted to drive vehicles • Address

	<ul style="list-style-type: none"> • Date of Birth • Driver number • Country of origin of driving licence • Vehicle registration details and type of insurance cover • Other data as set out in the Road Traffic Act
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Please feel free to contact us if you would like more information about the precise information we gather and use.

All of the above information is required for the purposes specified in Section 3 'Use of Information'.

12. Retention of Data

We have a comprehensive data retention schedule. Retention periods differ depending on the purpose of the processing and the nature of the information. How long we keep data is primarily determined by how long we need it for the purposes of dealing with claims and for the purposes of seeking recoveries from uninsured drivers and/or uninsured vehicle owners. We will also retain data for time periods set out in law and for the period we need to keep it to defend ourselves against legal action.

Generally we keep information for the periods set out in the table below:

Category of Information	Retention Period

Claims information	<p>10 years from when the claim is finalised.</p> <p>Where Minors are involved in claims, the data will be retained for up to to 3 years after the child in question turns 18 year which is in line with the Statute of Limitations for minors to take action.</p> <p>Information related to claims and in particular, uninsured drivers and/or owners of uninsured vehicles may be retained for twelve years to permit legal action and to enforce judgments for the MIBI to recover costs related to claims.</p>
Irish Motor Insurance Database (IMID)	6 years from date of lapse or termination of motor vehicle insurance policy.

However, in some cases we may need to keep personal data longer than the above periods. Examples of these situations include long-running disputes and system back-ups required for disaster recovery.

After the periods set out above, we will anonymise or delete the personal data. Anonymisation means that we will delete certain aspects of the information we hold (such as name and street address) so that we can no longer determine who it relates to. This results in the data no longer being considered personal data.

Please feel free to contact us if you would like more information about retention periods.

13. Your Rights

As a 'data subject', you have the rights set out in this section. However, certain restrictions may apply in some cases.

Please send all requests in writing to our postal address or to our email address set out above in section on [Contact Details for Queries and Complaints](#), together with enough information to allow us to deal with your request.

Requests in relation to the right under paragraph (ii) below to receive a copy of the data we hold may take up to 30 days to process. If we need extra time to deal with your request we will notify you of the fact that there will be a delay and the reasons for it within one month of your request being received. Likewise if we have reason to refuse your request we will notify you within one month of the refusal and the reason for it. If we refuse your request you are entitled to make a complaint to the Office of the Data Protection Commissioner.

We need to be certain of who you are when you make a request. As a result, we may require you to provide identification for verification purposes in order to deal with your request, for verification purposes.

I. Right to Withdraw Consent

If we are processing your information on the legal basis of consent, you are entitled to withdraw your consent at any time. Therefore, if we are relying on your consent to allow us to carry out an activity and then you withdraw your consent, we would not be allowed to use your personal data for that activity from that point forward. However it would not invalidate any processing we carried out prior to your withdrawal of consent.

We do not rely on consent for processing personal data in relation to claims as we generally rely on other legal basis as outlined in the section on ['Use of Information'](#) above. This means that withdrawing consent is not applicable in relation to dealing with claims.

II. Right of Access

You have the right to be given details about the personal data concerning you that we hold and why and how we process that data.

You also have the right to obtain a copy of the personal data we hold about you. This is known as a data access request.

When you make a request, we would ask that you provide us with as much information as possible to assist us in identifying you (such as your name, address and a claim number) and the information you want access to. If you do not provide us with enough information, we may need to contact you for clarification.

III. Right of Rectification

You have the right to require the MIBI to correct any inaccuracies (including missing details) in the information we hold about you. We would welcome any corrections to your information and, in certain cases, it is required in order to pursue a legal case in relation to a claim.

IV. Right of Erasure/Right to be Forgotten

In certain circumstances you have a right to have the personal data concerning you erased.

You may only request the deletion of your data where one of the following situations applies:

1. the personal data is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
2. where the data is processed on the legal basis of consent (see section on [‘Use of Information’](#) for the legal basis of processing), you withdraw consent and no other legal ground permits the processing;
3. the data subject objects to the processing and there are no overriding legitimate grounds for the processing (see the section on [‘Right to Object’](#) below);
4. the personal data has been unlawfully processed; or

5. the personal data must be erased for compliance with a legal obligation.

However this 'Right of Erasure/Right to be Forgotten' shall not apply in certain situations, including where the processing of data is necessary for one of the following reasons:

1. for exercising the right of freedom of expression and information;
2. for compliance with a legal obligation, such as the performance of a contract or compliance with legislation;
3. for statistical purposes, where the Right of Erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
4. for the establishment, exercise or defence of legal claims.

Where you request the erasure of personal data, we will need to keep a record of your request so we know that the deletion has happened and why. However, we will keep the record in such a way as to remove as much of the information you have asked us to delete as possible, while accurately reflecting the activity.

V. Right not to be subject to Automated Individual Decision-Making, including Profiling

You have a right not to be subjected to decisions based solely on automated processing, including profiling, which produce legal effects concerning you or similarly significantly affects you.

The MIBI does not use automated decision-making, however, we do limited profiling of claims to identify anomalies and highlight suspicious claims that may require more detailed investigation.

We use the information that you provide to us about the circumstances of an incident plus witness statements, claims history and other relevant details in assessing claim(s) to highlight suspicious activities that may require further detailed investigation.

VI. Right to Data Portability

As part of GDPR, you have a right to request the personal data that you have provided to us, in a structured, commonly used and machine-readable format. You may also request that we send this personal data to another data controller where technically feasible. Where we do so we will not be responsible for any action of the other data controller in respect of the transferred data.

It should be noted that the right of data portability only applies to personal data that we process on the legal basis of consent or for the purpose of entering or performing a contract and where the processing is carried out by automated means (in other words, the processing is carried out on a computer).

As the MIBI does not process data on the basis of consent and does not enter contracts with claimants or uninsured drivers, there are very limited circumstances where requests for data portability will apply. Please see section on [‘Use of Information’](#) above or more information on the legal bases on which we process your data.

If you are planning to exercise this right to transfer your personal data to us from another company, please note the contents of this Data Protection Statement before doing so, in order to make sure you do not provide us with excessive data. We will not be responsible for the quality or accuracy of the data transferred to us. Where we do receive your personal data from you (or directly from another company at your request) we will review the contents of the transferred file and delete any information that is inappropriate, excessive, incorrect or otherwise not required. We may use any remaining information for the purposes set out in this document.

VII. Right to Object

Where we state in this document that we process your personal data on the basis of a legitimate interest, you are entitled to object to the processing in question on grounds relating to your particular situation (see the legal bases for processing set out in section on [‘Use of Information’](#) above). We will then stop processing the personal data in question

unless we can demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms or unless we need to use it in relation to legal claims.

Therefore, if you wish to exercise this right, please contact us setting out the reason why you want us to stop processing your personal data based on your particular situation. We will then evaluate whether your rights outweigh the necessity of our purpose(s).

However, please note that if you object to us processing your data, we may not be able to process your claim.

VIII. Right to Restrict Processing of Your Data

In the following circumstances you have the right to restrict the processing of the personal data concerning you that we hold:

1. where you feel that the personal data we hold is not accurate. This restriction will be for a period to enable us to verify the accuracy of your personal data;
2. where the processing is unlawful and you do not want the personal data to be erased and request the restriction of its use instead;
3. where we no longer need the personal data for the purposes of the processing, but you require it for the establishment, exercise or defence of a legal claim;
4. where you have objected to processing under the Right to Object (as set out in section on ['Right to Object'](#) above), pending the evaluation of whether your rights outweigh the necessity of our purpose(s).

When processing is restricted, your personal data will only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of other people or for reasons of important public interest.

We will only lift the restriction of processing after we have informed you that we are doing so.

14. Use of Specific Service Providers

In addition to the information set out above, we would also like to draw your attention to some additional information relating to a number of the services we use which involve the processing of your personal data:

I. MIBI Handling Offices

The MIBI uses a number of companies (currently 5) to manage claims that are submitted to us. These companies are referred to as 'Handling Offices' who have delegated authority to deal with claims on our behalf.

The Handling Offices investigate claims, engage other service providers (doctors, engineers, private investigators, etc), direct defences and engage with claimants (or their legal representatives) to agree settlement of claims.

They will also lead the defence of claims if they enter the Courts and will instruct defence solicitors and legal counsel to defend claims as appropriate.

The Handling Offices pay agreed compensation to the victims and discharge costs related to the claims as appropriate. They are then reimbursed all costs by the MIBI when the claims are concluded.

II. MIBI Accident Investigators

The MIBI uses a number of firms (currently 4) to investigate the circumstances that gave rise to claims that have been submitted. These firms interview relevant parties, inspect the accident scene and take witness statements as appropriate. They also seek accident reports from An Garda Síochána and attend Court where required to present evidence.

III. MIBI Defence Solicitors

The MIBI uses a number of legal firms (currently 15) to defend the interests of the MIBI when proceedings are issued by claimants and other parties. These firms may also instruct Legal Counsel when preparing defences and when presenting cases in Court.

IV. MIBI Recovery Agents

The MIBI uses a number of legal firms (currently 2) to pursue recoveries from uninsured drivers and/or uninsured vehicle owners. These firms pursue legal measures to recover costs and outlays and defend the interests of the MIBI. The Recovery Agents may engage other service providers (without limitations) private investigators and tracing agents when pursuing recoveries against uninsured drivers and/or uninsured vehicle owners.

V. Insurance-Link Claims Register

What is Insurance-Link?

The Insurance-Link database was created to assist in the detection and defence of potentially exaggerated claims. It contains details of claims made by individuals. For further information on Insurance-Link go to www.inslink.ie.

How does the MIBI use the Insurance-Link database?

1. **Check claims history** - We will check the Insurance-Link database for information on any previous claims made by you or claims made against you. In the event that we find any claims we may then contact the relevant insurance company to obtain further details of such claims.
2. **Send your claims data to Insurance-Link** - We will also pass details of claims made by you or claims made against you (uninsured driver and/or uninsured vehicle owner) to Insurance-Link. These details will including name, address, date of birth and type of injury or loss suffered. This information will then be available to other insurers to view on Insurance-Link.
3. **Share relevant data with other insurers** - If we receive a request from an insurance company in relation to a claim that we have uploaded to Insurance-Link, we may provide certain limited information in relation to the claim to that insurance company as set out in the [‘Guidance on data protection requirements for Insurers when handling personal data’](#).

VI. Host of Irish Motor Insurance Database (IMID)

The MIBI uses an IT service provider to host the infrastructure and data contained in the Irish Motor Insurance Database.

15. Communications

It is envisaged that the MIBI or its service providers may contact you from time to time in relation to dealing with your claim or in connection with your dealings with us. This contact will relate to the purposes set out in in this Data Protection Statement and may include (without limitation):

1. Administration and management of your claim;
2. To agree reimbursement of costs and outlays with you as an uninsured driver and/or owner of an uninsured vehicle;
3. To deal with requests from you;
4. To deal with complaints and data access requests from you.

16. Marketing Information

The MIBI's main purpose is to deal with claims and as such, we do not conduct marketing as we do not sell any products or services.

The MIBI does, however, have responsibilities to highlight the consequences of uninsured driving. It conducts media campaigns and participates in public relations to communicate its messages. This does not involve direct marketing, so we will not use your personal details in any marketing campaigns.

If you wish to learn more about the MIBI, please refer to our website at www.mibi.ie or contact us.

17. Cookie Policy

The MIBI's website (www.mibi.ie) uses cookies to distinguish you from other users to its website. This helps us to provide you with a good experience when you browse the website and also allows us to improve the website. For detailed information on the cookies we use and the purposes for which we use them see the ['Privacy & Cookies'](#) link on the website.