

L.N. 178 of 2018

**DATA PROTECTION ACT, 2018
(CAP. 586)**

**Processing of Data concerning Health
for Insurance Purposes Regulations, 2018**

IN EXERCISE of the powers conferred by article 33 of the Data Protection Act, the Minister for Justice, Culture and Local Government, after consultation with the Information and Data Protection Commissioner, as the competent authority for the purposes of the Act, and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, has made the following regulations:-

1. The title of these regulations is the Processing of Data concerning Health for Insurance Purposes Regulations, 2018. Citation.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

"Act" means the Data Protection Act; Cap. 586

"business of insurance" shall have the same meaning as provided under the Insurance Business Act; Cap. 403.

"the Regulation" shall have the same meaning as is assigned to it in article 3 of the Act.

(2) Article 3(2) of the Act shall apply *mutatis mutandis* to these regulations.

3. The scope and purpose of these regulations is to introduce further conditions on the processing of data concerning health for insurance purposes pursuant to Article 9 of the Regulation. Scope.

4. (1) The processing of data concerning health shall be lawful where: Processing of data concerning health.

(a) such processing is necessary and proportionate for the purposes of a policy in the business of insurance;

(b) the data controller cannot reasonably be expected to obtain the consent of the data subject; and

(c) the data controller is not aware that the data subject

is withholding consent.

(2) The processing referred to in sub-regulation (1) shall be subject to the suitable and specific measures designed to safeguard the fundamental rights and freedoms of data subjects.
