

**SUBSIDIARY LEGISLATION 586.10**

**PROCESSING OF DATA CONCERNING HEALTH  
FOR INSURANCE PURPOSES REGULATIONS**

1st June, 2018

*LEGAL NOTICE 178 of 2018.*

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