



13 September 2019

Ms Elizabeth Denham  
Information Commissioner  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Dear Ms Denham

**ICO Consultation on the draft updated data sharing code of practice**

The British Insurance Brokers' Association (BIBA) is the UK's leading general insurance intermediary organisation representing the interests of insurance brokers, intermediaries and their customers.

BIBA membership includes just under 2,000 regulated firms, employing more than 100,000 staff.

General insurance brokers contribute 1% of GDP to the UK economy; they arrange 70% of all general insurance with a premium totalling £62.4bn and 87% of all commercial insurance business. Insurance brokers put their customers' interests first, providing advice, access to suitable insurance protection and risk management.

BIBA receives more than 600,000 enquiries per year to its Find Insurance services, online and via the telephone which are directed to member insurance broking firms.

BIBA is the voice of the sector advising members, the regulators, consumer bodies and other stakeholders on key insurance issues.

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BIBA welcomes the opportunity to respond to the ICO's consultation on the draft updated data sharing code of practice as we recognise the important benefits that data sharing can bring to organisations and individuals alike. We are responding on behalf of our members who arrange policies of insurance for their clients, both individuals and commercial entities, and where possible, support those clients in the settlement of their claims by insurers when they arise.

BIBA applauds the ICO's sentiments behind producing the guidance but as a sector that shares ordinary personal data and special categories of data (as permitted under Part 2 of Schedule 1 of the Data Protection Act 2018), we feel that it would be more helpful to have industry specific guidance with case studies or data sharing scenarios more relevant to the general insurance intermediary sector.

It is important to highlight that 57% of BIBA's member firms have five or fewer staff and thus do not have the resources or the financial means to obtain legal support from a law firm as the ICO's guidance on page 60 suggests that larger firms will do.

By way of an example of where industry-specific guidance would be welcome; on page 53 of the guidance, the ICO states that if a data sharing arrangement involves any automated decision making (ADM), then the firm must document the specific lawful basis for that ADM in their data protection policy. As intermediaries, BIBA members would welcome additional guidance about how the ICO would expect them to document this ADM where the ADM takes place within the realms of the other data controller (an insurer) with whom the data is being shared. It may be the case that one or more insurers with whom data is shared for the purpose of obtaining insurance cover for the customer, could offer products that are based on an ADM, as well as products that do not.

We would be happy to discuss any of our points further if this would assist.

Yours sincerely

