

Content

Title : Regulations Governing Manner of Written Consent, Scope of Business and Other Matters of Compliance Prescribed by Paragraph 2, Article 177-1 of Insurance Act **Ch**

Date : 2016.05.25

Legislative : Full text of seven articles promulgated on May 25, 2016 per Financial Supervisory Commission Order No. Jin-Guan-Bao-Zong-Zi-10502562221 and in force on the date of promulgation.

Content : Article 1 These Regulations are adopted pursuant to Paragraph 2, Article 177-1 of the Insurance Act (referred to as the "Act" hereunder).

Article 2 The "written consent" referred to in Paragraph 1, Article 177-1 of the Act shall mean consent given on paper or in the form of an electronic record provided in the Electronic Signatures Act.

The written consent shall contain at least the expression of consent by the principal party allowing the collection, processing or use of his/her personal information relating to medical records, medical treatment or health examination.

Article 3 The written consent mentioned in the preceding article may be a separate document or included in the insurance application form, claim form, or other relevant documents. If the written consent is included in the insurance application form, claim form or other relevant documents, the following rules shall be followed:

1. There shall be a separate field in the form that clearly indicates or uses an appropriate manner to fully inform the principal party of the content of written consent. If the personal information is to be used outside the specified scope of purpose, the written consent shall contain a separate signature field indicating that the principal party is aware of the related content and consents to such other purposes.

2. There shall not be any misleading representation or any statement that asks the principal party to forfeit or limit related rights under the Personal Information Protection Act.

Article 4 The scope of business operated or practiced by insurance enterprises, insurance agents, brokers, and surveyors under Subparagraph 1, Paragraph 1, Article 177-1 of the Act is as follows:

1. Insurance enterprise: Solicitation, underwriting, claim adjustment, contract maintenance, reinsurance, recovery, complaint and dispute handling, internal control and audit.

2. Insurance agent: Acting as an agent for insurance enterprises to operate or practice businesses mentioned in the preceding subparagraph as permitted by law in accordance with the written authorization or agency contract.

3. Insurance broker: Operating or practicing the businesses of an insurance broker based on the interests of the insured.

4. Insurance surveyor: Inspecting, assessing and appraising the subject matter insured, adjusting and negotiating indemnification, and giving attestation thereof on behalf of the insurer or an insured.

Article 5 Insurance enterprises, insurance agents, brokers, and surveyors that collect, process or use personal information relating to medical records, medical treatment or health examination in accordance with Article 177-1 of the Act shall adopt appropriate security maintenance measures and confidentiality mechanism for the collected personal information, and shall ensure that the collected personal information will be handled in accordance with the relevant provisions of the Personal Information Protection Act and the Regulations Governing Security Measures of the Personal Information File for Non-government Agencies Designated by Financial Supervisory Commission after the purpose or period of collection, processing or use ceases to exist or ends.

Article 6 Insurance enterprises that collect, process or use personal information relating to medical records, medical treatment or health examination in accordance with Article 177-1 of the Act shall establish internal handling procedures and submit same to their board of directors for approval; the same shall apply to subsequent revisions of the procedures. Insurance enterprises shall also include their internal handling procedures in the internal control and audit items and conduct audit in accordance with the Regulations Governing Implementation of Internal Control and Auditing System of Insurance Enterprises.

Insurance agents, brokers and surveyors that collect, process or use personal information relating to medical records, medical treatment or health examination in accordance with Article 177-1 of the Act shall establish internal handling procedures and submit same to their board of directors for approval; the same shall apply to subsequent revisions of the procedures. Insurance agent companies, insurance broker companies and banks that are required to establish internal control and audit systems in accordance with the Regulations Governing the Implementation of Internal Control and Audit System and Business Solicitation System of Insurance Agent Companies and Insurance Broker Companies shall also include their internal handling procedures in the internal control and audit items and conduct audit accordingly.

With regard to the provisions of the preceding two paragraphs requiring submission of internal handling procedures and subsequent revisions thereof to the board of directors for approval, the internal handling procedures shall be signed off by its responsible officer instead in the case of the branch of a foreign insurance enterprise, insurance agent, broker or surveyor in Taiwan, or if the insurance enterprise, insurance agent, broker or surveyor does not have a board of directors.

Insurance related foundations established to handle disputes and matters relating to compensation for victims of motor vehicle accident as mentioned in Subparagraph 3, Paragraph 1, Article 177-1 of the Act shall establish internal handling procedures and submit same to their board of directors for approval; the same shall apply to subsequent revisions of the procedures.

Article 7 These Regulations shall enter into force on the date of promulgation.

Data Source : Financial Supervisory Commission Laws and Regulations Retrieving System