

# M&S INSURANCE

## Marks and Spencer Financial Services plc Important Information

### About our insurance services to you

M&S Bank and M&S Insurance are trading names of Marks & Spencer Financial Services plc. Registered in England No. 1772585. Registered office: Kings Meadow, Chester, CH99 9FB. Marks & Spencer Financial Services plc is part of HSBC Group. Marks & Spencer is a registered trademark of Marks and Spencer plc and is used under licence. © Marks & Spencer Financial Services plc. All rights reserved.

#### Who regulates us?

The Financial Conduct Authority ("FCA") is the independent watchdog that regulates financial services, including insurance. We are authorised by the Prudential Regulatory Authority ("PRA") and regulated by the PRA and the FCA as an insurance intermediary.

We are registered on the Financial Services Register as: Marks & Spencer Financial Services under registration no. 151427. You can check this on the Financial Services Register by visiting the Financial Conduct Authority website <http://register.fca.org.uk>.

#### Who do we act for?

We are permitted by Aviva Insurance Limited ("**Aviva**") to promote, sell and service your M&S Home Insurance policy ("**policy**") as an insurance intermediary.

#### Whose products do we offer?

We only offer home insurance underwritten by Aviva Insurance Limited.

#### Which services will we provide you with?

If you purchase your policy by telephone or online, you will not receive advice or a personal recommendation from us. We will help you make the right choice by asking some questions to narrow down the selection of cover options and provide information relevant to your demands and needs. You will then need to make your own choice about how to proceed.

#### What will you have to pay us for our services?

No fee has been charged by M&S Insurance for arranging this policy.

M&S Insurance receives a commission from Aviva in relation to any policy we promote, sell and service, which means that a percentage of the premium you pay is given to us. We may also receive additional commission from Aviva dependent on the performance of our insurance business with Aviva.

#### Ownership

Marks & Spencer Financial Services plc is a wholly owned subsidiary of HSBC UK Bank plc. HSBC Bank plc and HSBC UK Bank plc are members of the HSBC Group, the ultimate parent company of which is HSBC Holdings plc. HSBC Holdings plc beneficially holds 100% of both the shares and voting power of HSBC Bank plc and HSBC UK Bank plc.

#### What to do if you have a complaint about M&S Insurance?

Every effort is made to ensure that high standards of service are maintained. However, if you need to bring any matter to M&S Insurance's attention or wish to register a complaint about M&S Insurance, please contact us:

- in writing: to Head of Customer Relations, M&S Home Insurance, PO Box 7463, Perth, PH2 0YX.
- by telephone: 0800 015 7760.

Lines are open 8am to 9pm Monday to Friday, 9am to 6pm Saturday and 10am to 2pm Sunday.

To help us continually improve our service, and in the interests of security, your communications may be monitored and/or recorded. Following the complaints procedure does not affect your right to take legal action.

If you cannot settle your complaint with us, you may be entitled to refer it to the Financial Ombudsman Service ("**FOS**"). Further information is available by contacting them on 0800 023 4567 or by visiting their website on: <http://www.financial-ombudsman.org.uk/>.

#### Is M&S Insurance covered by the Financial Services Compensation Scheme (FSCS)?

Our obligations are covered by the Financial Services Compensation Scheme (FSCS). If we were unable to meet our obligations, you could be entitled to compensation from this scheme, depending on the type of insurance and the circumstances at the time.

We are protected by the FSCS. You may be entitled to compensation from the scheme if it cannot meet its obligations. Further information about compensation scheme arrangements is available on the FSCS website [www.fscs.org.uk](http://www.fscs.org.uk) or call on 0800 678 1100.

#### Change of insurer(s)

We may from time to time use a different insurer to provide you with this product. A change of insurer may take place at any time. We will notify you prior to any change of insurer and advise you of any change in the policy terms. You will have the opportunity to terminate this policy both before and after such a change becomes effective.

## Privacy Notice

### Who are we and who are the data controllers?

Aviva Insurance Limited (Aviva) is the insurer of M&S Home Insurance. Aviva collects and uses personal information about you so that they can provide you with a policy that suits your insurance needs. Some of this information may be collected directly from you and some may be collected from other sources including M&S Bank (a trading name of Marks & Spencer Financial Services plc), for example, during the sale of the policy. Aviva, is the data controller in respect of your personal information that it has received from M&S Bank, as distributor, and also in respect of any information that it has collected directly from you or from other sources as set out in its Privacy Notice.

M&S Bank, Kings Meadow, Chester, CH99 9FB, is responsible for the promotion and distribution of your M&S Home Insurance. We will collect and use personal information about you during the promotion and sale of the product which may be provided by you but could also include information that we have previously collected about you, e.g. any information held about you as a banking customer. M&S Bank is the data controller for this information which will be shared with Aviva as set out in its Privacy Notice.

### An overview of how M&S Bank will collect your data and use your information

M&S Bank will share your personal information with Aviva to enable Aviva to provide you with a quote, administer your policy and manage your claims. If you make a claim, any information you give to us, or to Aviva, may be put in a register of claims database and it may be shared with other insurers to prevent fraudulent claims.

Please read an overview of our Privacy Notice below. You can access the full Privacy Notice at [www.marksandspencer.com/bankprivacynotice](http://www.marksandspencer.com/bankprivacynotice) or by writing to: M&S Bank, Kings Meadow, Chester, CH99 9FB.

This provides an overview of:

- the types of information we collect about you
- how we collect and use it
- who we might share it with
- the steps we'll take to make sure it stays private and secure.

We'll also explain your rights to your information. This is just an overview of some key points. A full description is contained in the Privacy Notice which you can obtain by visiting [www.marksandspencer.com/bankprivacynotice](http://www.marksandspencer.com/bankprivacynotice) or by writing to: M&S Bank, Kings Meadow, Chester, CH99 9FB.

### Who we are

When we say 'we', we mean M&S Bank who is the data controller for your M&S Home Insurance. The data controller is responsible for deciding how your information is used and ensuring it is private and secure.

M&S Bank is a trading name of Marks & Spencer Financial Services plc. Registered in England No. 1772585. Marks & Spencer Financial Services plc is entered in the Financial Services Register. Registration No. 151427. You can check the above registration details on the Financial Services Register by visiting the website [www.fca.org.uk/register](http://www.fca.org.uk/register) or by contacting the Financial Conduct Authority. Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority.

M&S Bank is part of the HSBC Group of companies.

### The information we collect

We collect information about you from different places including:

- directly from you
- from a third party acting on your behalf e.g. an intermediary or broker
- from other HSBC companies
- from Marks and Spencer plc
- from publicly available sources
- when we generate it ourselves
- from other organisations.

We'll only collect your information in line with relevant regulations and law and this may relate to any of our products or services you apply for, currently hold or have held in the past.

You're responsible for making sure you give us accurate and up-to-date information. If you provide information for another person on your account, you'll need to tell them how to find the Privacy Notice and make sure they agree to us using their information for the purposes set out in it.

### How we'll use your information

We'll use it to provide any products and services you've requested and other purposes, for example:

- to confirm your identity and address
- to understand how you use your accounts
- to carry out your instructions
- to improve our products and services
- to offer you other services we believe may benefit you unless you ask us not to.

We'll only use your information where we're allowed to by law e.g. carrying out an agreement we have with you, fulfilling a legal obligation, because we have a legitimate business interest or where you agree to it.

We may use automated systems to help us make credit decisions as well as carrying out fraud and money laundering checks.

### Who we can share your information with

M&S Bank will share your personal information with the insurer to enable the insurer to provide you with a quote, administer your policy and manage your claims. If you make a claim, any information you give to us, or to the insurer may be put in a register of claims database and it may be shared with other insurers to prevent fraudulent claims.

We may share your information with other HSBC Group members and any subcontractors, agents, or service providers who work for us or other HSBC Group companies as well as Marks and Spencer plc. We may also share your information with others outside of the HSBC Group e.g. regulators, insurers, other financial institutions, brokers, agents as well as credit reference and fraud prevention agencies.

### Sensitive information

When you apply for insurance, you may need to give us sensitive health information if the insurer needs this to give you a quote. We will keep this information secure and process it in accordance with relevant laws and regulations. Where appropriate, we will ask for consent to collect and use this information.

### How long we'll keep your information

We'll keep your information for as long as you have a relationship with us. After it ends we'll keep it where we may need it for our legitimate purposes, to help us respond to queries or complaints, or for other legal and regulatory reasons, including for example, fighting fraud and financial crime and responding to requests from regulators.

### Transferring your information overseas

Your information may be transferred and stored in countries outside the European Economic Area (EEA), including some that may not have laws offering the same level of protection for personal information. When we do this, we'll ensure an appropriate level of protection is maintained.

### Your rights

You have a number of rights relating to your information e.g. to see what we hold, to ask us to share it with another party, to ask us to update incorrect or incomplete details, to object to or restrict processing of it or to make a complaint etc.

For a fuller statement of your rights and how to complain if you're unhappy with anything you think we are doing, please see the full Privacy Notice.

### More information

If you'd like more details about anything covered in this summary, please see our full Privacy Notice. You can view or download a copy by visiting [www.marksandspencer.com/bankprivacynotice](http://www.marksandspencer.com/bankprivacynotice) or if you prefer paper, give us a call on 0345 900 0900 and we'll send you one in the post.

## Important Information

Please read the information below carefully and retain for your future reference.

M&S Home Insurance is underwritten by Aviva Insurance Limited. M&S Insurance arranges your Home insurance as an intermediary only through Aviva Insurance Limited and M&S Insurance acts on behalf of the insurer.

### Aviva Insurance Limited – Important Information

All references to “Aviva / we / our / us / the insurer” in this section of the document mean Aviva Insurance Limited, unless specifically stated otherwise.

This document tells you what information you need to give Aviva as the insurer and tells you about how your policy will be managed. It also outlines some important details about your policy and explains how your personal information will be looked after.

### Contract of Insurance

The contract of insurance between you and us consists of the following elements, please read them and keep them safe:

- your Policy Booklet;
- information contained on your application form and/or ‘Statement of Fact’ document;
- your Schedule (including any clauses shown on it);
- information under the heading ‘Important Information’ which we give you when you take out or renew your policy;
- changes to your policy or Important Information in notices we give you at renewal.

In return for you paying the premium and complying with the policy terms and conditions we will insure you for anything shown in your policy booklet which your schedule shows is covered during the period of insurance.

### Information and changes we need to know about

You need to take reasonable care to give us full and correct answers to the questions we ask when you take out your policy, or make any changes or renew it. You need to read the assumptions we made about you and anyone else to be covered under the policy as shown in your Statement of Fact or your Schedule including (but not limited to):

- leaving your home unoccupied for more than the agreed number of days
- letting your home or using it for business (except office work)
- anyone who is (or to be) insured being charged or convicted of a (non-motoring) criminal offence.

Please also tell us if:

- you are intending to alter or renovate the buildings (though not minor cosmetic changes such as re-decorating);
- you plan to lend your home;
- the people to be insured change.

We will tell you if we can accept the change and if so, whether it will result in revised terms and/or premium being applied to your policy. If any information you provide is not complete and accurate we may:

- cancel your policy and refuse to pay any claim; or
- not pay any claim in full; or
- change one or more of:
  - the premium;
  - the excess;
  - the extent of cover.

If you are in any doubt or need to contact us about your M&S Home Insurance, please call us on **0800 015 7760**..

When we are notified of a change, you will be told if this affects your policy, for example whether we are able to accept the change and if so, whether the change will result in revised terms and/or premium being applied to your policy.

If the information provided by you is not complete and accurate we may:

- revise the premium, or
- cancel your policy and refuse to pay any claim, or
- not pay any claim in full.

### Aviva’s Regulatory Status

The insurer of M&S Home Insurance is Aviva Insurance Limited. Registered in Scotland No. 2116. Registered Office: Pitheavlis, Perth, PH2 0NH. Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority. Firm Reference Number: 202153.

You may check this information and obtain further information about how the Financial Conduct Authority protects you by visiting [www.fca.org.uk](http://www.fca.org.uk).

## **Data Protection – Privacy Notice**

### **Personal Information**

The data controller responsible for this personal information is Aviva Insurance Limited as the insurer of the product. Additional controllers include:-

- Marks & Spencer Financial Services plc who are responsible for the sale and distribution of the product; and
- any applicable reinsurers.

The Insurer collects and uses personal information about you so that we can provide you with a policy that suits your insurance needs. This notice explains the most important aspects of how we use your information but you can get more information about the terms we use and view our full privacy policy at [www.aviva.co.uk/privacypolicy](http://www.aviva.co.uk/privacypolicy) or request a copy by writing to us at Aviva, Freeport, Mailing Exclusion Team, Unit 5, Wanlip Road Ind Est, Syston, Leicester, LE7 1PD

### **Personal information we collect and how we use it**

The Insurer will use your personal information:-

- to provide you with insurance: we need this to decide if we can offer insurance to you and if so on what terms and also to administer your policy, handle any claims and manage any renewal,
- to support legitimate interests that we have as a business: we need this to manage arrangements we have with reinsurers, for the detection and prevention of fraud and to help us better understand our customers and improve our customer engagement (this includes customer analytics and profiling),
- to meet any applicable legal or regulatory obligations: we need this to meet compliance requirements with our regulators (e.g. Financial Conduct Authority), to comply with law enforcement and to manage legal claims; and
- to carry out other activities that are in the public interest: for example we may need to use personal information to carry out anti-money laundering checks.

As well as collecting personal information about you, we may also use personal information about other people, for example family members you wish to insure on a policy. If you are providing information about another person we expect you to ensure that they know you are doing so and are content with their information being provided to us. You might find it helpful to show them this privacy notice and if they have any concerns please contact us in one of the ways described below.

The personal information we collect and use will include name, address, date of birth, financial information and details of your home. If a claim is made we will also collect personal information about the claim from you and any relevant third parties. We may also need to ask for details relating to the health or any unspent offences or criminal convictions of you or somebody else covered under your policy. We recognise that information about health and offences or criminal convictions is particularly sensitive information. Where appropriate we will ask for consent to collect and use this information.

If we need your consent to use personal information, we will make this clear to you when you complete an application or submit a claim. If you give us consent to using personal information, you are free to withdraw this at any time by contacting us (see "Contacting us" section). Please note that if consent to use information is withdrawn we will not be able to continue to process the information you gave us for this/these purpose(s). This would not affect our use of information where consent is not required.

Of course, you don't have to provide us with any personal information, but if you don't provide the information we need we may not be able to proceed with your application or any claim you make.

Some of the information we use as part of this application may be provided to us by a third party including M&S Insurance. This may include information already held about you and your home within the Aviva group, including details from previous quotes and claims, information we obtain from publicly available records, our trusted third parties and from industry databases, including fraud prevention agencies and databases.

### **Credit Reference Agency Searches**

To ensure the Insurer has the necessary facts to assess your insurance risk, verify your identity, help prevent fraud and provide you with our best premium and payment options, the insurer may need to obtain information relating to you at quotation, renewal and in certain circumstances where policy amendments are requested. The insurer or its agents may undertake checks against publicly available information (such as electoral roll, country court judgments, bankruptcy orders or repossessions(s)). Similar checks may be made when assessing claims.

The identity of our Credit Reference Agency and the ways in which they use and share personal information, are explained in more detail at [www.callcredit.co.uk/crain](http://www.callcredit.co.uk/crain)

### **Automated decision making - Home**

We carry out automated decision making to decide whether we can provide insurance to you and on what terms. In particular, we use an automated underwriting engine to process the personal information you provide as part of this application process. This will include information such as your age as well as details of your property including address and postcode. The automated engine may validate the information you provide against other records we hold about you in our systems and third party databases, including public databases. We may also supplement the information you provide us with information from third parties who can provide more information about your property (for example through land registers and commercially available property databases). We do this to calculate the insurance risk and how much the cover will cost you. Without this information we are unable to provide a price that is relevant to your individual circumstances and needs. We regularly check the way our underwriting engine works to ensure we are being fair to our customers. After the automatic decision has been made, you have the right to speak to someone who may review the decision and provide a more detailed explanation. If you wish to invoke this right please contact us at [dataprt@aviva.com](mailto:dataprt@aviva.com) or call us on **0800 051 4470**.

## How we share your personal information with others

We may share your personal information:-

- With the Aviva group, our agents and third parties who provide services to us, Marks & Spencer Financial Services plc and other insurers (either directly or via those acting for the insurer such as loss adjusters or investigators) to help us administer our products and services;
- With regulatory bodies and law enforcement bodies, including the police, e.g. if we are required to do so to comply with a relevant legal or regulatory obligation;
- With other organisations including insurers, public bodies and the police (either directly or using shared databases) for fraud prevention and detection purposes;
- With reinsurers who provide reinsurance services to Aviva and for each other. Reinsurers will use your data to decide whether to provide reinsurance cover, assess and deal with reinsurance claims and to meet legal obligations. They will keep your data for the period necessary for these purposes and may need to disclose it to other companies within their group, their agents and third party service providers, law enforcement and regulatory bodies.

Some of the organisations we share information with may be located outside of the European Economic Area (“EEA”). We'll always take steps to ensure that any transfer of information outside of Europe is carefully managed to protect your privacy rights. For more information on this please see our Privacy Policy or contact us.

## How long we keep your personal information for

We maintain a retention policy to ensure we only keep personal information for as long as we reasonably need it for the purposes explained in this notice. We need to keep information for the period necessary to administer your insurance and deal with claims and queries on your policy. We may also need to keep information after our relationship with you has ended, for example to ensure we have an accurate record in the event of any complaints or challenges, carry out relevant fraud checks, or where we are required to do so for legal, regulatory or tax purposes.

## Your rights

You have various rights in relation to your personal information, including the right to request access your personal information, correct any mistakes on our records, erase or restrict records where they are no longer required, object to use of personal information based on legitimate business interests, ask not to be subject to automated decision making if the decision produces legal or other significant effects on you, and data portability. For more details in relation to your rights, including how to exercise them, please see our full privacy policy or contact us using the details below.

## Contacting us

If you have any questions about how we use personal information, or if you want to exercise your rights stated above, please contact our Data Protection team at Aviva by either emailing them at [dataprt@aviva.com](mailto:dataprt@aviva.com) or writing to them at Aviva, Pitheavlis, Perth, PH2 0NH.

If you have a complaint or concern about how we use your personal information, please contact us in the first instance and we will attempt to resolve the issue as soon as possible. You also have the right to lodge a complaint with the Information Commissioners Office at any time.

For more details on accessing information held about you by Marks & Spencer Financial Services plc write to: Subject Access Requests, DSAR Team, M&S Insurance, Kings Meadow, Chester, CH99 9FB.

## Sensitive Data

In order to assess the terms of the insurance contract or administer claims that arise, Data Controllers may need to collect data that the Data Protection Act defines as sensitive (such as medical history or criminal convictions). By proceeding with this policy, you are consenting to such information being processed by the Data Controllers or their agents.

## Adequacy of Sum Insured

You must ensure that your sum(s) insured are not less than the full cost of rebuilding the property and replacing the goods; failure to do so may invalidate your policy or reduce claims settlements.

## Fraud Prevention and Detection

In order to prevent and detect fraud we may at any time: share information about you with other organisations and public bodies including the Police. You should show these notices to anyone who has an interest in the insurance under this policy.

## If You Have a Complaint

We hope that you are very happy with the service provided. However, if for any reason you are unhappy with it, in the first instance, please call us on 0800 015 7760.

## What will happen if you complain

- We will acknowledge your complaint promptly.
- We aim to resolve all complaints as quickly as possible.

Most of our customers' concerns can be resolved quickly but occasionally more detailed enquiries are needed. If this is likely, we will contact you with an update within 10 working days of receipt and give you an expected date of response.

## What to do if you are unhappy

Marks & Spencer Financial Services plc and Aviva are covered by the Financial Ombudsman Service. If you have complained to Marks & Spencer Financial Services plc or Aviva and your complaint has not been resolved to your satisfaction, you may refer it to the Financial Ombudsman Service at: The Financial Ombudsman Service, Exchange Tower, London, E14 9GE. Telephone: 0800 023 4567 (Calls from UK landlines or mobiles are free) or 0300 123 9123. Or simply log on to their website at [www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk).



Whilst we are bound by the decision of the Financial Ombudsman Service, you are not. Following the complaints procedure does not affect your right to take legal action.

Please be aware that the Financial Ombudsman Service will only be able to consider your complaint after we have had the opportunity to consider and resolve it.

### **Choice of Law**

The law of England and Wales will apply to this contract unless:

1. you and we agree otherwise; or
2. at the date of the contract you are a resident of Scotland or Northern Ireland, in which case (in the absence of agreement to the contrary) the law of that country will apply.

### **Customers with disabilities**

This policy and other associated documentation is also available in large print, audio and Braille. If you require any of these formats please contact us on 0800 015 7760.

### **Use of language**

Unless otherwise agreed, the contractual terms and conditions and other information relating to this contract will be in English.

### **Your Cancellation Rights**

You have a statutory right to cancel your policy within 14 days from the day of purchase or renewal of the contract or the day on which you receive your policy or renewal documentation, whichever is the later.

If you wish to cancel and the insurance cover has not yet commenced, you will be entitled to a full refund of the premium paid. Alternatively, if you wish to cancel and the insurance cover has already commenced, you will be entitled to a refund of the premium paid, less a proportionate deduction for the time we have provided cover. Please read the 'General conditions' section in your policy document which explains how this works.

To exercise your right to cancel, please call 0800 015 7760.

If you do not exercise your right to cancel your policy, it will continue in force and you will need to pay the premium.

For information about your cancellation rights outside the statutory cooling-off period, please refer to the 'Cancellation Rights' section of your policy document.

### **Renewing your insurance**

We will contact you in writing at least 21 days before your home insurance renewal date and will either:

1. Provide you an opportunity to renew your insurance for a further year and tell you:
  - about any changes we are making to the terms and conditions of your policy
  - to review your circumstances and consider whether this insurance continues to meet your needs
  - check that the information you have provided is still correct, and update us with any changes
  - outline the price for the next year

If you wish to make any changes at renewal, please call 0800 015 7760.

Or

2. let you know that we are unable to renew your home insurance. Reasons why this may happen include but are not limited to the following:
  - the product is no longer available
  - we are no longer prepared to offer you insurance for reasons such as:
    - we reasonably suspect fraud
    - your claims history
    - you are no longer eligible for cover

A cooling-off period (14 days from renewal of the contract or the day on which you receive your renewal documentation, whichever is the later) applies at the renewal of your home insurance.

### **Ensuring You Have Continuous Cover**

If you're thinking of cancelling or not renewing, make sure you can get the alternative cover you need before your policy ends.]

### **Telephone Call Recording**

Calls to 0800 numbers from UK landlines and mobiles are free. The cost of call to 03 prefixed numbers are charged at national call rates (charges may vary dependent on your network provider) and are usually included in inclusive minute plans from landlines and mobiles. For our joint protection telephone calls may be recorded and/or monitored.

### **Financial Services Compensation Scheme**

We are members of the Financial Service Compensation Scheme (FSCS). You may be entitled to compensation from this scheme if we cannot meet our obligations, depending on the type of insurance and the circumstances of your claim. Further information about the scheme is available from the FSCS website [www.fscs.org.uk](http://www.fscs.org.uk).

## **Automatic Renewal of Your Policy**

We will contact you at least 21 days before your renewal date.

Where we offer you renewal terms and you have chosen to automatically renew your policy, your new premium will be collected by your chosen payment method.

You can opt in\* or opt out of automatic renewal free of charge at any time by:

- visiting <https://insuranceservicing.marksandspencer.com/MyAccount/login>
- calling **0800 015 7760**
- writing to M&S Insurance, PO Box 7463, Perth, PH2 0YX.

\*Opting in to automatic renewal may not be available in certain circumstances.

We will not automatically renew your policy if:

- you have chosen a payment method that doesn't offer automatic renewal.
- you have opted out of your automatic renewal.
- you have a poor payment or credit history.

If any of the above happens you will receive a renewal letter providing you with options on how to renew your policy and avoid being left without cover.

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