

Terms of Business Agreement (TOBA)

Introduction

The purpose of this Terms of Business AGREEMENT (TOBA) is to describe our professional relationship and the professional services that we will provide to you.

This document should be read carefully as it also contains details of our regulatory and statutory responsibilities. Please contact us immediately if there is anything that you do not understand or agree to, or else we will assume that we have your agreement to the terms of this agreement.

This Agreement takes effect from the date it is received and will remain in force whilst we continue to arrange insurance on your behalf or until we notify you of any proposed amendments.

M.G. Geraghty (Insurance Brokers) Limited are Independent Insurance Brokers and have been arranging and providing insurance broking services in Hong Kong and Asia since 1990. M.G. Geraghty (Insurance Brokers) Limited are registered in Hong Kong, registered number 13328742-001, and has its registered office at 31/F, Tower Two, Times Square, 1 Matheson Street, Causeway Bay, Hong Kong. Our address for correspondence is 1001-03, 10/F, Strand 50, 50 Bonham Strand, Sheung Wan, Hong Kong.

We are authorised and regulated by the Insurance Authority ("IA") and our reference number is FB1080. You can view the details of our authorisation on the IA's website at <https://www.ia.org.hk> or by contacting the IA at (852) 3899 9983.

By instructing us to act, you will be deemed to have accepted the terms of this Agreement.

Our Services

As your agent we undertake to provide the following:

- Provide insurance advice to meet your needs and requirements and to arrange the placement of suitable insurance policies to satisfy those needs.
- Explain the main features of the policies and the services we are offering you.
- Detail information about the quotations prior to going on risk.
- Administer your policy throughout the period of insurance and provide you with renewal details in a timely manner
- Claims Services if required

We are Insurance Brokers and act as an Independent Intermediary to advise and arrange Insurance. Our services include arranging insurance cover to meet your needs, providing ongoing advice on the arranged insurance, assisting you with claims that may occur and advising you on general insurance matters. We offer independent advice, as we are not tied to any insurance company. Our role is to survey the insurance market to find the most suitable product for you and on the basis of a fair analysis of the market and our experience we can advise you on the products from a range of companies.

As a Licensed Insurance Broker we carry on regulated activities on behalf of policyholders. In addition, we have also been appointed as a coverholder by certain Lloyd's syndicate(s) to bind cover on its/their behalf. Our appointment as a coverholder, however, does not in any way compromise our ability to provide you impartial advice.

Your duty of disclosure

It is your responsibility to provide complete and accurate information to insurers at the outset of the policy, at the renewal date and throughout the term of the policy. Failure to disclose information or providing inaccurate information could allow the insurer to avoid the coverage. If you are in any doubt whether information is material, you should disclose it. It is important that all statements on proposal forms, claim forms and other documents are true and accurate.

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**Room 1001-03, 10/F, Strand 50,
50 Bonham Strand, Sheung Wan, Hong Kong**
Direct: 2542 4132 Tel: 2877 8006 Fax: 2877 6723
Email: andy.brooks@mgginsurance.com

Coverholder at **LLOYD'S**

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Your Policy

Your policy documentation will confirm the basis of the cover and give details of the insurers together with details of the amount of premium. You are responsible for reviewing your insurance documentation together with other related documents which may be sent to you from time to time to confirm that they accurately reflect the cover, conditions, limits and other terms that you require. Particular attention should be paid to any policy conditions, warranties and subjectivities as failure to comply with any of them may invalidate your coverage. If there are any discrepancies you should consult us immediately.

Client Money

We are required to keep Client Money separate from our own money, and to comply with this we hold client money in a client bank account.

Data Protection

We undertake to comply with the Personal Data (Privacy) Ordinance of Hong Kong in all our dealings with your personal data. Our data Privacy Policy below forms part of this agreement.

The insured shall agree that:

The personal data collected during the application process or administration of this policy or policies may be used by M.G. Geraghty (Insurance Brokers) Limited for the purposes stated in its Data Privacy Policy, which include Underwriting and administering the insurance policy being applied for (including obtaining reinsurance, underwriting renewals, data matching, claim processing, investigation, payment and subrogation)

Electronic Communication

We may communicate with each other by electronic mail. By consenting to this method of communication we and you accept the inherent risks (including the security risks of interception of, or unauthorised access to, such communications, the risks of corruption of such communications and the risks of viruses or other harmful devices). Notwithstanding that we and you have reasonable virus checking procedures on our system, you will be responsible for virus checking all electronic communications sent to you. You will also be responsible for checking that messages received are complete. In the event of a dispute the records maintained in our system shall be deemed definitive in respect of electronic communications and documentation passing between us.

Termination

Both parties may terminate this agreement by giving 30 days' notice. We reserve the right to retain earnings in respect of the policies that we have placed on your behalf.

Remuneration

As a broker company we are remunerated for our services by receipt of remuneration paid by insurers. This includes payments for work performed in binding cover as a coverholder. Your agreement to proceed with this insurance transaction shall constitute your consent to us receiving such remuneration

Law

This Terms of Business Agreement is governed by and shall be construed in accordance with the Laws of the Hong Kong Special Administration Region and the parties shall submit to the exclusive jurisdiction of the Hong Kong Courts.

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Complaints

It is our intention to provide you with a high level of customer service at all times. However, if you are dissatisfied with any aspect of our insurance services, you may make a complaint either in writing or by any other means to your usual point of contact or to the following:

Complaints Officer
M.G. Geraghty (IB) Limited
1001-03, 10/F, Strand 50
50 Bonham Strand
Sheung Wan
Hong Kong

Tel No: +85228778006
Email: enquiries@mgginsurance.com

You will receive an acknowledgement of the matter together with a copy of our complaints process. We will then aim to investigate and provide a resolution as quickly as possible, informing you of our progress.

Ultimately, should you remain dissatisfied with our final response, you may, if eligible, refer your complaint to the Insurance Complaints Bureau (ICB). The contact details for the Insurance Complaints Bureau are:

The Insurance Complaints Bureau
29th Floor, Sunshine Plaza
353 Lockhart Road
Wanchai, Hong Kong

E-mail: icb.enquiry@icb.org.hk
Telephone: 2520 2728
Website: www.icb.org.hk

Miscellaneous

This agreement has been entered into at arms' length; it shall not be construed for or against any party. Each party is entering into this Agreement voluntarily, has read and understands its provisions and has had the opportunity to seek and to obtain the advice of counsel on its rights and responsibilities under, and the terms and conditions of, this Agreement.

M.G. Geraghty (Insurance Brokers) Limited

1001-03, 10/F, Strand 50
50 Bonham Strand
Sheung Wan
Hong Kong

Telephone: (852) 2877 8006
Fax: (852) 2877 6723
Email: enquiries@mgginsurance.com

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M.G. GERAGHTY (INSURANCE BROKERS) LIMITED **PRIVACY AND DATA PROTECTION POLICY**

M.G. Geraghty (Insurance Brokers) Limited values its customers and is committed to protecting and respecting your privacy. This Data Privacy notice explains how we process and protect any personal data that we receive about you. This notice applies to personal data supplied by customers, brokers, coverholders, claimants, third party agents, outside parties and complainants.

We only try to collect the minimum possible data to achieve the purposes set out in this Data Privacy Notice.

Who we are

Your personal data will be collected by or transferred to M.G. Geraghty (Insurance Brokers) Limited. We can be contacted via post at the address below.

The Data Protection Officer
M.G. Geraghty (Insurance Brokers) Limited
1001-03, 10/F, Strand 50
50 Bonham Strand
Sheung Wan
Hong Kong

Email: enquiries@mgginsurance.com

What data do we hold

Individual details

Name, address, other contact details including email and telephone numbers, gender, marital status, data and place of birth, nationality, employer, job title and employment history, family details including their relationship to you.

Official Identification

Identity Card Number, Passport Number and Driving Licence Details

Financial Information

Bank account or payment card details, income or other financial information

Risk Details

Information needed to assess risk to be insured and to provide a quotation. This could include data relating to health, criminal convictions, or other special categories of personal data.

Policy Information

Information about the quotes you receive and the policies you take out

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Credit and Anti-Fraud Data

Credit history, credit score, sanctions and criminal offences, and information received from various anti-fraud data bases relating to you

Previous and current claims

Information about your previous insurance claims history.

Why we use your personal data

- a) Provide quotes and underwrite policies, consider claims and provide other insurance and ancillary services
- b) Advising on, arranging and underwriting your policy
- c) Administering your policy
- d) Administering your claims
- e) Compliance with legal and regulatory obligations

Who we share personal data with

- Insurance companies
- Anti-fraud data bases
- Claims handlers
- Lawyers and Solicitors
- Loss adjustors
- External parties involved in a claim
- Police and Law enforcement
- External Parties involved in the investigation, defence or prosecution of claims
- Regulators
- Our Suppliers and their sub-contractors for the performance of any contract we have with them
- Reinsurers

Your data will be shared securely, and only when absolutely necessary. It will never be sold to external parties or organisations for marketing purposes. The data will be stored while actively required for the purposes stated in this Notice and whilst there is a legal or regulatory reason to continue to retain the personal data.

Your rights: You have the right to:

- Obtain a copy of your personal data held by us
- Have any incorrect personal data updated
- Request the erasure of any of your personal data
- Restrict the use of your personal data
- Object to the use of your personal data
- Request the personal data you provided to us to be moved to another organisation

If you wish to exercise any of these rights please write to the address given above. We will try to implement your wishes although there maybe reasons why we are not able to fully comply due to legal or regulatory requirements.

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Where we may collect your data from

- You and your family members, employer or representative
- Other insurance market participants
- Credit reference agencies
- Anti-fraud databases
- Government Agencies
- For claims – claimants, defendants, witnesses, experts, loss adjustors, lawyers and solicitors and third party claims handlers.

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