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**Bille an Bhainc Ceannais (Bunachar Sonraí Náisiúnta  
d’Fhaisnéis faoi Éilimh), 2018**  
**Central Bank (National Claims Information Database)**  
**Bill 2018**

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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**BILLE AN BHAINC CEANNAIS (BUNACHAR SONRAÍ  
NÁISIÚNTA D'FHAISNÉIS FAOI ÉILIMH), 2018  
CENTRAL BANK (NATIONAL CLAIMS INFORMATION  
DATABASE) BILL 2018**

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**EXPLANATORY MEMORANDUM**

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**Purpose of the Bill:**

The purpose of the Bill is to provide the Central Bank of Ireland with the additional function of establishing and administering the National Claims Information Database. This will involve the collection and study of data from insurance undertakings on the income and expenditure associated with the carrying on of business of the classes of non-life insurance which the Central Bank of Ireland specifies as relevant having regard to the policy set down in the Bill. The Bill also provides for the Central Bank of Ireland to produce a report, at least once a year, based on its findings, and, subject to certain restrictions, to share information with requesting persons, and other related matters.

**Provisions of the Bill:**

***Section 1 – “Claims” – meaning of that expression***

*Section 1* provides a definition of “claims”, as the information permitted to be collected under the Bill is information which relates to particular insurance claims.

***Section 2 – Claims to which Act applies***

*Section 2* refines even further the type of claims information that can be collected.

In this regard, a relevant claim is one which falls within a class of insurance designated as a relevant class by the Central Bank of Ireland under *section 6* and relates to a risk in the State as defined by the Central Bank of Ireland under *section 7*.

***Section 3 – “Relevant non-life insurance business” – meaning of that expression***

*Section 3* outlines the meaning of “relevant non-life insurance business”, as information may only be collected on risks in the State which fall within such classes of non-life insurance as are specified by the Central Bank of Ireland at a particular point in time.

***Section 4 – Interpretation***

*Section 4* sets out a number of definitions of terms which are used in the Bill. In particular, it sets out the settlement channels through which a claim can be resolved.

### ***Section 5 – Expenses***

*Section 5* provides for the expenses incurred in the administration of the Bill to be met by monies provided by the Oireachtas, once sanctioned by the Minister for Public Expenditure and Reform.

### ***Section 6 – Relevant class or classes of non-life insurance: specification of such by means of regulations***

*Section 6* provides the Central Bank of Ireland with the responsibility for specifying in regulations which classes of non-life insurance are relevant for the purposes of the Bill.

This section provides the Central Bank of Ireland with the policy guidance to exercise this function; sets out the consultation process which the Central Bank of Ireland is required to undertake with the Minister for Finance; and sets out that the function may be exercised from time to time as required to vary the classes of non-life insurance which are relevant for the purposes of the Bill.

### ***Section 7 – Risks based in the State: making of regulations in respect of such matters***

*Section 7* provides the Central Bank of Ireland with the function of defining the term “risk based in the State” by way of regulations. The section provides that such definition should be based on the definition of “risk in the State” set down in the *Insurance Act 1964* while having regard to the need to disregard elements of that definition which may not be appropriate for the purposes of this Bill.

### ***Section 8: Additional general function of Bank***

*Section 8* provides the Central Bank of Ireland with the additional function of collecting and studying data from insurance undertakings on the income and expenditure associated with the carrying on of business of the relevant classes of non-life insurance business which are specified by the Central Bank of Ireland under regulations under *section 6*.

This section:

- requires insurance undertakings to use their best endeavours to provide the data in such a way that no individual is identifiable from it. It also provides that where an individual is identifiable the Central Bank of Ireland shall ensure that individual’s identity is not disclosed;
- sets out the types of information which the Central Bank of Ireland may collect from insurance undertakings;
- provides for the Central Bank of Ireland to publish a report in line to the extent possible with the purposes listed, at least annually, using the information which it has collected under this section.

### ***Section 9 – Amendment of Schedule 2 to Act of 1942***

*Section 9* provides for the designation of breaches of *section 8* and *section 12* as prescribed contraventions under the *Central Bank Act 1942*.

### ***Section 10 – Amendment of section 22 of Central Bank (Supervision and Enforcement) Act 2013***

*Section 10* provides for the amendment of *section 22* of the *Central Bank (Supervision and Enforcement) Act 2013* to ensure that the Central Bank of Ireland may require by notice the information it needs to collect to carry out its functions under the Bill.

### ***Section 11 – Expenses of Bank***

*Section 11* provides that the functions of the Central Bank of Ireland under the Bill shall be met by either levies under section 32D of the *Central Bank Act 1942*, monies advanced by the Minister for Finance from the Central Fund or both, but not from the Central Bank of Ireland's own resources.

This section:

- lays down the process by which the Central Bank of Ireland may request the funding necessary from the Minister for Finance, in the event that it is unable to defray all of its expenses;
- provides that the Minister for Finance may advance the funding requested under *subsection (3)* on such terms as to repayment, interest and other matters as he determines following consultation with the Central Bank of Ireland.

### ***Section 12 – Provision of collected data in certain circumstances***

*Section 12* provides for the Central Bank of Ireland to provide data upon request to any person subject to certain conditions set out in *subsections (2) to (4)*.

This section:

- requires that data shall not be shared where an insurance undertaking or individual is identifiable from the data;
- provides that the Central Bank of Ireland shall not share data where it considers that the legitimate interests of consumers or an undertaking would be prejudiced, where the data is not complete or sufficiently verified or where there are any other exceptional circumstances;
- provides that the Central Bank of Ireland has the authority to attach conditions to the receipt of any data under this section.

### ***Section 13 – Regulations***

*Section 13* provides that any regulations made under the Bill are to be laid before both Houses of the Oireachtas for 21 days, during which time such regulations may be annulled if a resolution annulling them is passed by either House.

### ***Section 14 – Short title and commencement***

*Section 14* provides for the short title of the Bill. It also provides for the Minister to commence the Bill in whole or in part on such day or days as he appoints by order.

*An Roinn Airgeadais,*  
*Iúil, 2018.*