



Right to be forgotten in case of cancer

■ Why does it matter to intermediaries?

In 2021, the **European Commission** adopted a “Europe’s Beating Cancer Plan” and in May 2022 followed up with a study on the access to financial products for persons with a history of cancer, the so-called ‘right to be forgotten’, in the EU. The Cancer Plan stated that a stakeholder dialogue should be established to develop a **code of conduct** to ensure that cancer treatment developments are reflected in the business practices of financial services providers.

In parallel, the **European Parliament** also published an “own-initiative report” on this issue: “Strengthening Europe in the fight against cancer”. This stated that “by 2025, at the latest, all Member States should guarantee the right to be forgotten” to patients who have survived cancer (10 years after the end of their treatment, and up to five years after the end of treatment for patients whose diagnosis was made before the age of 18) and that this right should be embedded in the relevant EU legislation.

Several **Member States** already have a right to be forgotten (8 Member States have legislation, 4 have a code of conduct) – but 15 Member States have no mechanism.

Intermediaries are always looking for the best solutions for their clients and in certain countries, intermediary associations have set up mechanisms to support this, for example, in Ireland, there is a dedicated page on the website of Brokers Ireland, referring to specialised intermediaries.

■ State of play

The **European Commission**, together with consultant Deloitte, kicked off stakeholder discussions in the summer of 2023 with different consultations to which BIPAR responded. This was followed in autumn 2023 by the launch of a series of roundtable discussions with the different stakeholders (representatives of patients -cancer and other treatable diseases-, the medical community, representatives of financial services providers including BIPAR and consumer representatives), to achieve, if possible, a common code of conduct.

The BIPAR Secretariat actively participated in these roundtable discussions together with a representative from BIPAR member, Brokers Ireland.

At the time of writing this article, no code has been agreed on yet. Some of the key concepts under discussion are to create a **voluntary** code that contains **commitments** for financial services undertakings (including intermediaries) to disregard the cancer history of clients. These would be applied in the context of the underwriting and distribution of outstanding balance insurance contracts to guarantee repayment of a **mortgage loan** that concerns a primary residence and of outstanding balance insurance contracts to guarantee repayment of a **professional loan** (acquisition of professional premises / professional equipment). Discussions are ongoing amongst others on the timing for the right to kick in.

Intermediaries (and insurers) would be expected to **communicate clearly** and upfront regarding the code on the right to be forgotten to their clients.

On 14 May 2024, the Commission (DG Health and DG Financial services) organized a **stocktaking event** to discuss and present the outcome of the discussions and some best practices, and to continue the dialogue. BIPAR attended this event. **Financial Services Commissioner McGuinness** thanked all the roundtable participants for the work and for listening to each other and she encouraged them to keep moving forward together. “*This code of conduct would represent a really important step forward that would improve access to financial services for cancer survivors. Especially in those 15 Member States – that’s a lot of people – that don’t have any mechanism on the right to be forgotten today.*” She added (for those stakeholders who prefer EU legislation over a code) that any EU legislation in this area would take time to propose, to negotiate and then to apply whereas in the meantime an EU code of conduct could be a giant step forward. **Health Commissioner Stella Kyriakides** commented in a similar way that it is important to keep up the momentum on the right to be forgotten and to continue the discussions in view of finding an agreement that is fair and sets the highest standard for Europe’s cancer community (see link below for a summary of the event).



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■ BIPAR's position / key messages

BIPAR is in favour of clients obtaining insurance for their needs. During the discussions on a possible code, BIPAR stated that any code of conduct on a right to be forgotten has to be workable for the insurance sector. The limited scope of the outstanding balance insurance contracts regarding mortgage and professional loans that was under discussion, was supported by BIPAR. BIPAR also stressed that it had to be clear that **European federations** cannot bind their members (national associations) by signing a code. They can only provide information to their members about it.

■ Next steps

Stakeholder discussions on a possible code of conduct are likely to continue over the next weeks/ months.

■ Links

- [Study on the access to financial products for persons with a history of cancer](#)
- [Parliament's report: "Strengthening Europe in the fight against cancer"](#)
- [Brokers Ireland's dedicated page on its website referring to specialised intermediaries](#)
- [Commission's event "Cancer survivorship: advancing the right to be forgotten"](#)
- [Closing address by Commissioner McGuinness](#)
- [Speech by Commissioner Stella Kyriakides](#)
- [Summary of the event](#)