



## 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 but several other 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 by several 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.

Some concepts under discussion were the creation of a voluntary code that contains commitments for financial services undertakings (including intermediaries who could communicate a possible code on a right to be forgotten to their clients) to disregard the cancer history of clients. These could 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).

No agreement was found, amongst others, on the timing for the right to kick in. The roundtable discussions did not result in consensus/in a code of conduct. On 14 May 2024, the Commission (DG Health and DG Financial services) therefore organised a **stocktaking event** that BIPAR attended to discuss and present the outcome of the discussions and some best practices, and to continue the dialogue.

### ■ 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 may be taken up again in the future, but nothing has been scheduled for the moment with the other participants to the roundtables.

### ■ 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