

## Taking out private insurance

If you are living with HIV, you may have experienced difficulties in taking out private insurance, such as health insurance or life insurance. Knowing your rights when taking out private insurance will help you to identify unacceptable discriminatory practices that you can report.



### I have HIV and I want to take out private insurance. Can I do that?

Yes. People with HIV can take out health insurance or life insurance. Spanish law states that insurance companies may not discriminate against people with HIV.

### Can a private insurance contract contain clauses or conditions that discriminate against people living with HIV?

No. The law renders null and void any clause, stipulation, condition or agreement that discriminates against or excludes people with HIV.

### Can an insurance company charge me a higher premium because I am HIV-positive?

No. The law forbids both denial of access to contract, the establishment of contractual procedures different from those normally used by the insurer, or the imposition of other conditions for having HIV, unless there are justified, proportionate and reasonable grounds and they are documented in advance and objectively. Unfortunately, this is the argument that some insurance companies continue to use to deny services to people with HIV.

### Do I have to inform the insurer that I have HIV?

Yes. Prohibiting discrimination of people with HIV when taking out insurance does not mean release from the obligation to inform the insurer of all known circumstances that may influence the risk evaluation and from completing the health form provided by the insurer.

## What could happen if I do not state that I have HIV, even if I have been specifically asked about it?

Withholding information that is relevant to the insurance contract can generally be considered a breach of contractual good faith and the insurance company may cancel the insurance policy.

## If I took out an insurance policy before I was diagnosed with HIV, am I obliged to inform the insurance company that I was infected after taking out the insurance policy?

No. Neither the policyholder nor the insured person is required to provide notification of any change of circumstance in health status. A person who has taken out an insurance policy and who was diagnosed with HIV after the date upon which the policy was taken out, is therefore not required to inform the insurer.

## What can I do if an insurance company continues to exclude people with HIV?

You can report this practice administratively by filing a complaint with the customer service department. If you receive a negative response or no response at all, you may lodge a complaint or claim with the Spanish Directorate-General for Insurance and Pension Funds. There is also the option of filing a civil claim and going to court, for which the services of a lawyer will be required.

**gt** grupo de trabajo sobre tratamientos del VIH  
ENTIDAD DECLARADA DE UTILIDAD PÚBLICA  
ONG DE DESARROLLO



¿TIENES DUDAS  
SOBRE EL TEMA?  
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### Disclaimer

The information on this sheet is not intended to replace a doctor's advice. Health decisions should always be taken after consulting health professionals. Medical information can quickly become outdated.

If you have any questions after reading this sheet, you should talk to your doctor or nurse, or call gTt-VIH on 93 458 26 41 to find out whether there have been any significant new developments.

[www.gtt-vih.org](http://www.gtt-vih.org)

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EL CONTENIDO, COMPÁRTELO.

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