

SME Business

Cyber & Technology Risk Application

Application Form UK

IMPORTANT NOTICES TO APPLICANTS REGARDING THE COMPLETION OF THIS PROPOSAL FORM**Important: Duty of Fair Presentation of Risk/Duty of Disclosure of Material Information**

You have a duty to make “a fair presentation of the risk”. To meet this duty you still need to disclose all material information to insurers which is known to you (or which ought to be known to you). Information is material if it would influence the judgement of a prudent insurer in establishing the premium or determining whether to underwrite the risk and, if so, on what terms. Material information does not necessarily have to actually increase the risk of the insurance under consideration.

Under the Insurance Act 2015 (“the Act”) you are deemed to know information if it is known to any individuals in the categories below:

- a. anyone within your business in a senior management or decision making role, and
- b. anyone responsible for arranging the insurances.

Furthermore, under the Act you ‘ought to know’ what should reasonably have been revealed by a reasonable search for information held internally or externally (including by any third parties to whom services are outsourced, consultants and agents).

In order to be able to argue that you have satisfied the duty, should an insurer allege that you have not, you must now do the following:

1. Carefully consider who are the individuals who may fall into categories (a) or (b) above, record this in writing and explain your reasoning;
2. Make enquiries of those individuals as to whether they are aware of any material information (having explained to them what this means);
3. Record the results of these enquiries in writing; and
4. Consider whether any material information could be held anywhere other than with the individuals identified at (a) and (b). If so, you will need to carry out a reasonable search.

This could mean making enquiries of individuals or may in some circumstances mean having to carry out an electronic and/or physical search of records.

It is important to bear in mind that if material information is held by third parties such as accountants or lawyers, or internally by branch offices, even if it is not known to the individuals you have identified at paragraphs (a) and (b), it may need to be disclosed. Please note that you must not rely on information that may be held by us in relation to other policies that we may place on your behalf. You must ensure that all relevant information is provided to us for each and every policy that we place on your behalf. We accept no liability to you in this respect.

Your enquiries must cover all relevant group companies, branch offices etc. and the relevant personnel within them. You must ensure you make a full written record of the search made and the responses provided to ensure that you have evidence in the event of any claim being made.

The duty of fair presentation of risk also applies when there are changes to the risk and amendments made to any insurance policy (whenever inception) after 12 August 2016.

In completing a proposal or claim form or questionnaire for your insurer(s), the accuracy and completeness of all answers, statements and /or information is your responsibility and it is of paramount importance that all relevant information is provided and that it is accurate. If you become aware of any material information that you supplied before the contract of insurance is finalised is incorrect or has been omitted, you should inform us immediately. If you are unsure if information is material you should disclose it.

Examples (Non exhaustive) of material facts that should be disclosed are:

General

- **Any previous complaints**
- **Any previous claims with full details**
- **Struck off any professional registers**
- **Any change in your activities**

What are the consequences of not making a fair presentation of the risk?

Under the Act, in the event that there is a breach of duty of fair presentation of risk, the remedies available to insurers vary dependent on whether the breach is deliberate or reckless or otherwise. For deliberate or reckless breaches the insurer may avoid the contract, refuse all claims and retain the premium paid.

For other, non-fraudulent or non-reckless breaches the remedy depends on what the insurer would have done had a fair presentation of the risk been made. If the insurer would not have accepted the risk it can avoid the contract but must refund premiums paid. If the insurer would have accepted the risk on other terms the contract is to be treated as if those terms applied, in the event that a higher premium would have been charged any claims payments can be reduced proportionately. This latter provision is especially important because if insurers can show that they would have charged only a modest additional premium, the impact on a claim could be disproportionately large.

For certain policies the insurer may change the remedies available to them from those described above. In such circumstances we will inform you of the changes and what this means for you.

Presentation

- This proposal form must be completed in ink by an authorised individual or principal of the firm.
- All questions must be answered.
- If there is insufficient space to provide answers, additional information should be provided on the firm's headed paper. Please answer all questions fully and avoid answers such as "As last year", or "As already provided to..." or similar.
- Where available, brochures, standard contract conditions, agreements and letters of appointment should be provided.

Failure to present insurers with information in an appropriate manner may adversely influence the ability of insurers to offer terms and for you to evidence that a fair presentation of the risk has been made to insurers.

Guidance

If in doubt as to the meaning of any question contained within this proposal form or the issues raised in (1) or (2) above, please contact a member of your Lockton servicing team.

This is an application for insurance which contains several insuring agreements. Certain insuring agreements provide coverage on a "**claims made and reported**" or on an "**incident discovered and reported**" basis. The insurance to which this application applies, only applies to such claims or incidents which are first made against or discovered by the insured and reported to insurers during the period of insurance or any applicable extended reporting period.

Lockton Companies LLP, a Limited Liability Partnership, whose principal place of business is at the St Botolph Building, 138 Houndsditch, London, EC3A 7AG, is an independent insurance and reinsurance intermediary registered in England and Wales and is an accredited Lloyd's Broker. We are authorised and regulated in the United Kingdom by the Financial Conduct Authority (FCA) under Firm Reference Number 523069, details of which can be confirmed on the FCA's register by visiting the FCA's website <http://www.fca.org.uk/register> or by telephoning the FCA on 0845 606 1234 (from within the UK) or +44 207 7066 100 (from overseas).

Your personal information notice

Who we are

As an intermediary providing regulated insurance broking services, Lockton Companies LLP is a "data controller".

The basics

We collect and use relevant information about you to provide our insurance broking services to you, including (as applicable) risk consulting, arranging the insurance cover from which you benefit or handling your claims, and to meet our legal obligations.

This information includes details such as your name, address and contact details and any other information that we collect about you in connection with the insurance broking services we provide to you. This information may include more sensitive details such as information about your health and any criminal convictions you may have.

In certain circumstances, we may need your consent to process certain categories of information about you (including sensitive details such as information about your health and any criminal convictions you may have). Where we need your consent, we will ask you for it separately. You do not have to give your consent and you may withdraw your consent at any time. However, if you do not give your consent, or you withdraw your consent, this may affect our ability to provide our insurance broking services to you, including (as applicable) arranging the insurance cover from which you benefit and may prevent us from providing cover for you or handling your claims.

The way insurance works means that your information may be shared with, and used by, a number of third parties in the insurance sector for example, insurers, agents or brokers, reinsurers, loss adjusters, sub-contractors, regulators, law enforcement agencies, fraud and crime prevention and detection agencies and compulsory insurance databases. We will only disclose your personal information in connection with the insurance broking services that we provide and to the extent required or permitted by law.

Other people's details you provide to us

Where you provide us with details about other people, you must provide this notice to them.

Want more details?

For more information about how we use your personal information please see our full privacy notice, which is available online on our website: <https://global.lockton.com/gb/en/privacy-notice> or in formats on request.

Contacting us and your rights

You have rights in relation to the information we hold about you, including the right to access your information. If you wish to exercise your rights, discuss how we use your information or request a copy of our full privacy notice, please contact our Data Protection Manager at:

Lockton Companies LLP

The St Botolph Building
138 Houndsditch
London EC3A 7AG

E: dataprotection@uk.lockton.com

T: +44 (0) 20 7933 0000

Marketing communications from us

As part of our service to you, we will send you marketing communications from time to time which may include risk or insurance related information or details of services, or products, or events, which we think, may be of interest to you.

Managing your Marketing Preference

(including Opting out)

You can manage your marketing preferences or ask us to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by emailing unsubscribe@uk.lockton.com

GENERAL INFORMATION

Name and address of Applicant

Legal Company name _____

Address _____

City _____ County: _____

Country _____ Postcode: _____

Website _____

Contact Email address _____

Business Type _____

Industry Type _____

Number of Employees _____

	Last complete financial year
UK Revenue	£ _____
International Revenue	£ _____
Gross Profits	£ _____
Gross Profit from Last Financial Year	£ _____

Do you generate revenues and have a presence i.e. an establishment in territories outside the UK?
(If YES, Insurer Referral) YES NO

Do you generate revenues and have a presence i.e. an establishment in territories inside the EEA
(excluding U.K.). (If YES, Insurer Referral) YES NO

Do you have any involvement or exposure to the following locations within your business practices;
Afghanistan, Belarus, Cuba, Iran, Myanmar/Burma, North Korea, Russia, Syria, Ukraine, Venezuela, Yemen?
(If YES, Insurer Referral) YES NO

If YES, please identify which countries along with an explanation of the involvement/exposure for each country

If you have answered yes to any of the above 3 questions please complete an Tax Allocation form

QUOTATION OPTIONS

Aggregate Policy Limit (check multiple boxes for options)

£250,000	£500,000	£1,000,000
Other (Referral above £1,000,000)		

RISK QUESTIONS

Please identify nature of sensitive information stored

Sensitive information	Yes	No	N/A	Records held (estimated)
a. Personally identifiable information				
b. Medical records				
c. Financial information				
e. Driver license numbers				
e. Social Security/National Insurance numbers				
Does the Applicant maintain at least weekly backups of all sensitive or otherwise critical data and all critical business systems offline or on a separate network?				YES NO
Does the Applicant protect backups via MFA, encryption, separate credentials of stored offline?				YES NO
Does the Applicant filter/scan incoming emails for malicious attachments and/or links?				YES NO
Does the Applicant have antivirus protection in place and is it updated frequently?				YES NO
Does the Applicant review antivirus software and firewall configurations and settings on at least a quarterly basis?				YES NO
Does the Applicant encrypt all sensitive data that is physically removed from their premises by laptop, mobile/portable devices, USB, backup tapes or other means?				YES NO
If NO, please confirm whether you allow information to be downloaded onto portable devices.				YES NO
Does the Applicant have a patching policy in place to install critical and high patches across the business within 30 days?				YES NO

Does the Applicant require multifactor authentication for the following access?

– Remote Network Access	YES	NO
– Administrator and Privileged accounts	YES	NO
– External Remote Desktop Protocol	YES	NO
– Independent contractors and vendors accessing the network	YES	NO
– All email user accounts	YES	NO
Does the Applicant require strong passwords for administrator rights, e.g., 10 characters using a mix of alphabetic, numeric, and other characters?	YES	NO
Does the Applicant require all employees and independent contractors to undergo annual cybersecurity training including phishing?	YES	NO
Does the Applicant operate any end of life or end of support software or platforms?	YES	NO
– If YES is it segregated from the rest of the network?	YES	NO
Does the Applicant require a secondary means of communication to validate the authenticity of funds transfers requests before processing a request in excess of £5,000?	YES	NO

CLAIMS

In the last five (5) years has the Applicant received or sustained, or are there currently pending, any claims, complaints or incidents which may be covered under the proposed insurance and/or does the Applicant have knowledge of any fact, circumstance, situation, event, or transaction which may give rise to a claim or loss under the proposed insurance?	YES	NO
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Prior Insurance

Does the Applicant currently have insurance in place covering privacy or data security exposures?	YES	NO
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If YES, please confirm:

Insurer	Aggregate Policy Limit	Self-insured Retention	Inception Date	Expiry Date	Retroactive Date	Premium

ADDITIONAL QUESTION

Does the Applicant collect, store, process, use or retain any biometric information?	YES	NO
Is the Applicant compliant with PCI DSS Security Standards?	YES	NO
Is the Applicant involved directly in the use or supply of cryptocurrency or are they involved in the direct supply of goods or services to the cannabis industry?	YES	NO
Does the Applicant have a process in place to review media content (website, social media or otherwise) for the following prior to publication?		
– Infringement of copyright	YES	NO
– Infringement of trademark	YES	NO
– Libel or slander	YES	NO

Declaration

The undersigned authorised representative of the applicant declares that the statements set forth herein are true. The signing of this application does not bind the undersigned or the insurer to complete the insurance. It is represented that the statements contained in this application and the materials submitted herewith are the basis of the contract should a policy be issued and have been relied upon by the insurer in issuing any policy. The insurer is authorised to make any investigation and inquiry in connection with this application as it deems necessary. Nothing contained herein or incorporated herein by reference shall constitute notice of a claim or potential claim so as to trigger coverage under any contract of insurance.

This application and materials submitted with it shall be retained on file with the insurer and shall be deemed attached to and become part of the policy if issued. It is agreed in the event there is any material change in the answers to the questions contained in this application prior to the effective date of the policy, the applicant will immediately notify the Insurer in writing and any outstanding quotations may be modified or withdrawn at the insurer’s discretion.

Must be signed and dated by a corporate officer with authority to sign on the Applicant’s behalf.

Signed:	Print Name:
_____	_____
Title:	Date:
_____	_____