



## CYBER AND TECHNOLOGY ERRORS & OMISSIONS POLICY APPLICATION

NOTICE: THIS POLICY'S LIABILITY INSURING AGREEMENTS PROVIDE COVERAGE ON A CLAIMS-MADE AND REPORTED BASIS AND APPLY ONLY TO CLAIMS THAT ARE FIRST MADE AGAINST THE INSURED DURING THE POLICY PERIOD OR EXTENDED REPORTING PERIOD, IF PURCHASED, AND REPORTED TO THE INSURER IN ACCORDANCE WITH THE TERMS OF THE POLICY. THE LIMIT OF LIABILITY AVAILABLE TO PAY JUDGMENT OR SETTLEMENTS WILL BE REDUCED AND MAY BE EXHAUSTED BY AMOUNTS INCURRED FOR LEGAL DEFENSE AND CLAIMS EXPENSES. FURTHERMORE, AMOUNTS INCURRED FOR LEGAL DEFENSE AND CLAIMS EXPENSES WILL BE APPLIED AGAINST THE RETENTION.

PLEASE READ THE POLICY CAREFULLY.

IF A POLICY IS ISSUED, THIS APPLICATION WILL ATTACH TO AND BECOME PART OF THE POLICY. THEREFORE, IT IS IMPORTANT THAT ALL QUESTIONS ARE ANSWERED TRUTHFULLY AND ACCURATELY.

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### NAMED INSURED

**WEBSITE DOMAIN(S)** Please list all website addresses including web and email domains

ADDRESS	CITY	STATE	ZIP
INDUSTRY	NO. OF EMPLOYEES	REVENUE*	GROSS PROFIT / NET REVENUE*
		\$	\$

\* Expected over the next 12 months

### Attestation Questions

**1** Within the last 3 years has *Named Insured* suffered any cyber incidents resulting in a claim in excess of \$25,000?

NO YES

(If Yes) please explain the cyber incidents and/or claims.

**2** Is *Named Insured* aware of any circumstances that could give rise to a claim under this insurance policy?

NO YES

(If Yes) please explain the circumstances and/or potential claims.

**3** Does *Named Insured* implement encryption on laptop computers, desktop computers, and other portable media devices?

NO YES SOMETIMES

**4** Does *Named Insured* collect, process, store, transmit, or have access to any Payment Card Information (PCI), Personally Identifiable Information (PII), or Protected Health Information (PHI) other than employees of *Named Insured*?

NO YES

**4a** (If Yes) What is the estimated annual volume of payment card transactions (credit cards, debit cards, etc.)?

NO RECORDS LESS THAN 100,000 100,000 – 500,000 500,000 – 1,000,000 OVER 1,000,000:

**4b** (If Yes) How many PII or PHI records does *Named Insured* collect, process, store, transmit, or have access to?

NO RECORDS LESS THAN 100,000 100,000 – 500,000 500,000 – 1,000,000 OVER 1,000,000:

**Attestation Questions (continued)**

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- 5 Does *Named Insured* maintain at least weekly backups of all sensitive or otherwise critical data and all critical business systems offline or on a separate network? NO      YES
- 6 For which of the following services do you enforce Multi-Factor Authentication (MFA)?
- 
- 6a Email NO      YES
- 
- 6b Virtual Private Network (VPN), Remote Desktop Protocol (RDP), RDWeb, RD Gateway, or other remote access NO      YES      N/A: NO REMOTE ACCESS ALLOWED
- 
- 6c Network/cloud administration or other privileged user accounts NO      YES ON ADMINISTRATIVE ACCOUNTS AND ALL CLOUD SERVICES WHERE SUPPORTED
- 
- 7 Does *Named Insured* require a secondary means of communication to validate the authenticity of funds transfers (ACH, wire, etc.) requests before processing a request in excess of \$25,000? NO      YES
- 
- 8 Within the last 3 years has *Named Insured* been subject to any complaints concerning the content of its website, advertising materials, social media, or other publications? NO      YES
- 
- 9 Does *Named Insured* enforce procedures to remove content (including third party content) that may infringe or violate any intellectual property or privacy right? NO      YES
- 
- 10 Will *Named Insured* have an active technology errors and omissions policy concurrent with this insurance policy? NO      YES
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- 11 Will *Named Insured* have an active errors and omissions or miscellaneous professional liability policy concurrent with this insurance policy? NO      YES
- 

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## Technology Errors & Omissions Questions

**1** Within the last 3 years has *Named Insured* been subject to a dispute or claim arising out of a technology services error or omission? NO      YES

(If Yes) please provide details.

**2** Which of these services does *Named Insured* provide? Estimate the percentage of *Named Insured's* revenue derived from each activity provided.

### SOFTWARE

- Software Product Provider (own) including SaaS %
- Software Product Provider (third party) including SaaS. %
- Software Implementation (own or third party package) %
- Software Development %
- Software Game Development %
- Software Game Publishing %
- Software Testing Services %
- Software Package Training Services %

### IaaS and PaaS Cloud Computing Services

- Web Hosting %
- Payment Processing %

### CRYPTOCURRENCY

- Cryptocurrency Exchange %
- Cryptocurrency Payment Gateway %
- Cryptocurrency Miner %
- Initial Coin Offering %

### HARDWARE

- Computer Hardware Manufacture and Assembly (third party) %
- Computer Hardware Assembly (Own brand) %
- Computer Hardware Design and Manufacture (own brand) %
- Computer Hardware Sales %
- Robotics Hardware Device Manufacture %
- Robotics Hardware Device Sales %

### IT CONSULTANCY SERVICES

- IT Consultancy %
- IT Security Consultancy %
- IT Staffing %
- Web Services %

### OUTSOURCED SERVICES

- Colocation/Data Center Services %
- Managed Service Provider (MSP) %
- Managed Security Service Provider (MSSP) %

### TELECOMMUNICATION

- Telecommunication service provider %
- Virtual Network Operator %

### OTHER

- Non-Technology Activities %
- (No Tech E&O Coverage Applies)

**3** What is the average value of *Named Insured's* contracts? \$

**4** Provide the value and duration (in months) of *Named Insured's* three largest contracts.

For subscriptions, provide the annual value and enter a duration of 12 months (Optional).

CONTRACT VALUE (\$)

CONTRACT LENGTH (IN MONTHS)

**4a**

**4b**

**4c**

**5** How does *Named Insured* limit its liability in its standard contracts?

CONTRACT VALUE PERCENTAGE

ANNUAL FEE PERCENTAGE

FIXED AMOUNT

NO LIMIT

NOT SURE

Please specify amount (in dollars) or percentage (of contract value or annual fee).

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**Technology Errors & Omissions Questions (continued)**

**6** What proportion of *Named Insured's* contracts are subject to standard contract terms?

LESS THAN 10%    11% - 25%    26% - 50%    51% - 75%    76% - 100%    NOT SURE

**7** Identify the standard risk mitigating clauses or methods contained within *Named Insured's* agreements or contracts. (Select all that apply)

- |                             |  |
|-----------------------------|--|
| A. CUSTOMER SIGN OFF        | G. MILESTONES  |
| B. DISCLAIMER OF WARRANTIES | H. ARBITRATION CLAUSE                                |
| C. HOLD HARMLESS AGREEMENTS | I. EXCLUSIVE REMEDY                                  |
| D. LIMITATION OF LIABILITY  | J. NETWORK INTERCONNECTIVITY                         |
| E. EXCLUSION OF DAMAGES     | K. DATA/ PRIVATE INFORMATION RIGHT/ RESPONSIBILITIES |
| F. BINDING ARBITRATION      |  |

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE OF THE APPLICANT DECLARES (1) THIS APPLICATION FORM HAS BEEN COMPLETED AFTER REASONABLE INQUIRY, (2) THE STATEMENTS SET FORTH HEREIN ARE TRUE AND COMPLETE TO THE BEST OF HIS/HER KNOWLEDGE, AND (3) THAT THESE DECLARATIONS ARE A MATERIAL INDUCEMENT TO THE UNDERWRITER TO PROVIDE A PROPOSAL FOR INSURANCE. THE UNDERSIGNED AUTHORIZED REPRESENTATIVE AGREES THAT IF THE INFORMATION SUPPLIED ON THIS APPLICATION CHANGES BETWEEN THE DATE OF THIS APPLICATION AND THE EFFECTIVE DATE OF THE INSURANCE, HE/SHE WILL, IN ORDER FOR THE INFORMATION TO BE ACCURATE ON THE EFFECTIVE DATE OF THE INSURANCE, IMMEDIATELY NOTIFY THE UNDERWRITER OF SUCH CHANGES, AND THE UNDERWRITER MAY WITHDRAW OR MODIFY ANY OUTSTANDING QUOTATIONS OR AUTHORIZATIONS OR AGREEMENTS TO BIND THE INSURANCE.

SHOULD THERE BE A MATERIAL MISSTATEMENT OR MISREPRESENTATION BY THE APPLICANT IN THIS APPLICATION FORM OR IN ANY OTHER MATERIALS FURNISHED TO THE INSURER AS PART OF THE UNDERWRITING PROCESS, THE INSURER SPECIFICALLY AND GENERALLY RESERVES ITS RIGHTS TO DISCLAIM ANY CLAIM OR INCIDENT THAT WAS BASED UPON, ARISES OUT OF, OR IS ANY WAY RELATING TO THAT MATERIAL MISSTATEMENT OR MISREPRESENTATION. ADDITIONALLY, THE INSURER RESERVES THE RIGHT TO RESCIND THE POLICY IN ACCORDANCE WITH THE LAWS OF ANY APPLICABLE JURISDICTION.

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.

ALL WRITTEN STATEMENTS AND MATERIALS FURNISHED TO THE INSURER IN CONJUNCTION WITH THIS APPLICATION ARE HEREBY INCORPORATED BY REFERENCE INTO THIS APPLICATION AND MADE A PART HEREOF.

**WARNING**

ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE/SHE IS FACILITATING A FRAUD AGAINST THE INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT MAY BE GUILTY OF INSURANCE FRAUD.

**SIGNED BY:**

SIGNATURE

DATE (MM/DD/YYYY)

PRINT NAME OF AUTHORIZED REPRESENTATIVE:

JOB TITLE

EMAIL

## **NOTICE TO APPLICANTS**

**NOTICE TO ARIZONA APPLICANTS:** For your protection Arizona law requires the following statement to appear on this form. "Any person who knowingly presents a false or fraudulent claim for payment of a loss is subject to criminal and civil penalties."

**NOTICE TO ARKANSAS APPLICANTS:** Any person who knowingly presents a false or fraudulent claim for payment for a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**NOTICE TO CALIFORNIA APPLICANTS:** For your protection California law requires the following to appear on this form: "Any person who knowingly presents false or fraudulent claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison."

**NOTICE TO COLORADO APPLICANTS:** It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**NOTICE TO DISTRICT OF COLUMBIA APPLICANTS:** Warning: it is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

**NOTICE TO FLORIDA APPLICANTS:** Any person who knowingly, and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete or misleading information is guilty of a felony of the third degree.

**NOTICE TO HAWAII APPLICANTS:** For your protection, Hawaii law requires you to be informed that presenting a fraudulent claim for payment of a loss or benefit is a crime punishable by fines or imprisonment, or both.

**NOTICE TO KANSAS APPLICANTS:** A person who knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto is guilty of fraud.

**NOTICE TO KENTUCKY APPLICANTS:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information, or conceals, for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime.

**NOTICE TO LOUISIANA APPLICANTS:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**NOTICE TO MAINE APPLICANTS:** It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purposes of defrauding the company. Penalties may include imprisonment, fines or a denial of insurance benefits.

**NOTICE TO MARYLAND APPLICANTS:** Any person who knowingly or willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly or willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**NOTICE TO MINNESOTA APPLICANTS:** A person who submits an application or files a claim with intent to defraud or helps commit a fraud against an insurer is guilty of a crime.

**NOTICE TO NEW JERSEY APPLICANTS:** Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

**NOTICE TO NEW HAMPSHIRE APPLICANTS:** Any person who, with a purpose to injure, defraud or deceive any insurance company, files a statement of claim containing any false, incomplete or misleading information is subject to prosecution and punishment for insurance fraud as provided in RSA 638:20.

**NOTICE TO NEW MEXICO APPLICANTS:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to civil fines and criminal penalties.

**NOTICE TO NEW YORK APPLICANTS:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

**NOTICE TO OHIO APPLICANTS:** Any person who, with the intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

**NOTICE TO OKLAHOMA APPLICANTS: WARNING:** Any person who knowingly, and with intent to injure, defraud, or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.

**NOTICE TO OREGON APPLICANTS:** Any person who knowingly and with intent to defraud any insurance company or another person, files an application for insurance or statement of claim containing any materially false information, or conceals information for the purpose of misleading, commits a fraudulent insurance act and may subject such person to criminal and civil penalties.

**NOTICE TO PENNSYLVANIA APPLICANTS:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

**NOTICE TO RHODE ISLAND AND WEST VIRGINIA APPLICANTS:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**NOTICE TO TENNESSEE, VIRGINIA AND WASHINGTON APPLICANTS:** It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

**NOTICE TO VERMONT APPLICANTS:** Any person who knowingly presents a false statement in an application for insurance may be guilty of a criminal offense and subject to penalties under state law.