

CYBER & COMPUTER CRIME - HEALTHCARE APPLICATION



Claims-Made and Notified Insurance

This policy is issued by AIG Australia Limited (AIG), ABN 93 004 727 753 AFSL 381686 on a claims-made and notified basis. This means that the policy only covers Claims (as defined) first made against you during the Policy Period (as defined) and notified to the insurer in writing during the Policy Period. The policy does not provide cover for any Claims made against you during the Policy Period if at any time prior to the commencement of the Policy Period you became aware of facts which might give rise to those Claims being made against you.

Section 40(3) of the Insurance Contracts Act 1984 provides that where you give notice in writing to the insurer of facts that might give rise to a Claim against you as soon as is reasonably practicable after you become aware of those facts but during the Policy Period, the insurer cannot refuse to pay a Claim which arises out of those facts, when made, because it is made after the Policy Period has expired. This policy contains "Prior Claims/Circumstances" Exclusion for loss in connection with any claim:

- a. made prior to or pending at the inception of this policy; or
- b. arising out of, based upon or attributable to any circumstance that, as of the inception of this policy, may reasonably have been expected by any Insured to give rise to a Claim.

This policy does not provide cover for Claims arising from any Wrongful Acts which take place before the Retroactive Date.

Your Duty of Disclosure

Section 21 of the Insurance Contracts Act 1984 provides that before you enter into a contract of general insurance with an insurer, you have a duty to disclose to the insurer every matter that you know, or could reasonably be expected to know, is relevant to the insurer's decision whether to accept the risk of the insurance and, if so, upon what terms. You have the same duty to disclose those matters to the insurer before you renew, extend, vary or reinstate a contract of general insurance. However, your duty of disclosure does not require you to disclose matters:

- a. that diminish the risk to be undertaken by the insurer;
- b. that are of common knowledge;
- c. that your insurer knows, or in the ordinary course of its business, ought to know;
- d. as to which compliance with your duty of disclosure is waived by the insurer.

Your duty of disclosure continues after the proposal form has been completed up until the Policy Period commences.

Consequences of Non-Disclosure

If you fail to comply with your duty of disclosure, the insurer may be entitled to reduce its liability under the contract in respect of a Claim or may cancel the contract. If your non-disclosure is fraudulent, the insurer may also have the option of avoiding the contract from its beginning.

Subrogation

This policy contains provisions which have the effect of excluding or limiting the insurer's liability in respect of a loss where you have prejudiced the insurer's rights of subrogation where you are a party to an agreement which excludes or limits insurer's rights to recover the loss from another party. You are hereby notified of the effect of these provisions.

Privacy Consent and Disclosure

AIG has adopted the National Privacy Principles. The National Privacy Principles apply to any personal information collected by AIG Australia.

Purpose of Collection

AIG collects information necessary to underwrite and administer your insurance cover, to maintain and to improve customer service. You have a duty under the Insurance Contracts Act 1984 to disclose certain information. Failure to comply with your Duty of Disclosure or to provide certain information may result in AIG either declining cover, cancelling your insurance cover or reducing the level of cover. In the course of administering your Policy we may disclose your information to:

- a. another member of the AIG group of companies either in Australia or overseas;
- b. contractors or third party providers providing services related to the administration and sale of your Policy;
- c. banks and financial institutions for the purpose of processing your application and obtaining policy payments;
- d. in the event of a claim, assessors, third party administrators, emergency providers, and medical providers.

We will only disclose your personal information to these parties for the primary purpose for which it was collected. In some circumstances AIG is entitled to disclose your personal information to third parties without your authorisation such as law enforcement agencies or government authorities.

Access To Your Information

You may gain access to your personal information by submitting a written request to AIG. In some circumstances, AIG may not permit access to your personal information. Circumstances where access may be denied include where it would compromise the privacy of other individuals, or where it would be unlawful.

AIG has also established an internal dispute resolution process for handling customer complaints and an access and correction procedure. Both procedures are generally free of charge however we reserve the right to charge for access requests in limited circumstances. If you feel you have a complaint about AIG's Information Privacy Principles, require assistance in lodging a privacy complaint or you wish to gain access to the information, you may write to The Privacy Manager, AIG Australia, Level 12, 717 Bourke Street, Docklands, or e-mail australia.privacy.manager@aig.com. Your complaint will be reviewed and you will be provided with a written response. If it cannot be resolved, your complaint will be referred to AIG's Internal Disputes Resolution Committee who will respond within 15 working days. In either case the matter will be reviewed by a person or persons with appropriate authority to deal with the complaint.

Should your complaint not be resolved by AIG's internal dispute resolution process, you may take your complaint to the Privacy Commissioner for review of the determination.

BROKER DETAILS

BROKER / INSURANCE AGENT:

ACCOUNT MANAGER

ACCOUNT MANAGER CONTACT DETAILS

Email:	<input type="text"/>	Phone #	<input type="text"/>
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APPLICATION

Q1. Please list the names of ALL entities to be insured. *Note: you should list all ABN registered companies and trusts that may have an ownership or financial interest in the Business.*

Q2. Trading Name/s

Q3. Company ABN/s

Q4. Is the Organisation / Business Stamp Duty Exempt?

Yes *Note: you will need to provide a current completed "Qualifying Use Statement/Stamp duty Exemption Certificate"* No

Q5. Phone:

Q6. Mobile:

Q7. Fax:

Q8. Website:

Q9. Email

Q10. Primary Address

Q12. What Limit of Indemnity would you like to apply for?

\$250,000 \$500,000 \$1 million \$2 million \$5 million Other:

Q13. Turnover

	Last Year	Current Year
Annual Practice Turnover – Australia	\$	\$
Annual Practice Turnover – New Zealand / Overseas	\$	\$
Total Number of Employees	#	#

Q14. Would you like any of the following optional extensions?

Media Content Liability Cyber Extortion Liability Network Interruption Insurance

Q15. Data Protection Procedures:

- A. Is there a written data protection policy and privacy policy that applies to the company? Yes No
- B. Are all employees provided with a copy and any update of the company’s data protection policy? Yes No
- C. When (date) was the company’s data protection policy last reviewed and by whom? Please Specify:
- D. Does the company’s data protection policy comply with the data protection and privacy legislation? Yes No
- E. Does the company employ anyone who is responsible for data protection related matters? Yes No

Data Access & Recovery:

- F. Does the company use firewalls to prevent unauthorised access from external system to internal systems? Yes No
 - i. Are all systems, mobile devices and websites firewalled or have intrusion protection systems? Yes No
- G. Does the company use anti-virus protections and procedures on all computers/tablets/devices? Yes No
 - i. How often are such protections and procedures updated? Please specify (i.e. weekly, monthly):
- H. Does the company have in place procedures to identify and detect network security weaknesses? Yes No
- I. Does the company monitor its network and computer systems for breaches of data security? Yes No
- J. Does the company have physical security controls in place to prohibit and detect unauthorised access? Yes No
- K. Does the company collect, store, maintain or distribute credit card or other sensitive personally identifiable data? Yes No
 - i. **If Yes:** is the access to such sensitive data restricted? Yes No
- L. Does the company process payments on behalf of others? Yes No
 - i. **If Yes:** Please provide an estimated number of transactions:
- M. Does the company have and maintain backup and recovery procedures for all IT systems? Yes No
 - i. **If Yes:** is the data encrypted? Yes No
- N. Does the company perform background checks on all employees and independent consultants? Yes No
- O. Does the company require remote users to be authenticated before being allowed to connect to internal networks and computer systems? Yes No

Outsourcing Activities:

- P. Does the company outsource any part of its network, computer system or information security functions? Yes No
 - i. **If Yes:** who is the security outsourced to and does the insured periodically audit the outsourcer to ensure the outsourcer follows the company’s security policies? Yes No
- Q. Does the company outsource any data collection and/or data processing? Yes No
 - i. **If Yes:** Provide details of outsources functions:
 - ii. Does the company require the outsourcers to have their own data protection insurance? Yes No
 - iii. Does the company require indemnification from outsourcers for any liability attributable to them? Yes No
 - iv. Does the company require all outsourcers to comply with the terms of the company’s data protection policy? Yes No

* If **No** to any of **Q15**. Please provide further details below:

Q16 Claims Information/history:

- A. Has the company been the subject of any investigation or audit in relation to data protection by a data Protection Authority or other regulator? Yes No
- B. Has the company ever been subject to a Data Subject Access Request? Yes No
- C. Has the company ever been subject to an Enforcement Notice by any Data/Privacy Authority? Yes No
- D. Is the company after due inquiry aware of any actual or alleged fact or circumstance which may give rise to a claim under this policy? Yes No

* If **Yes** to any of **Q16**. Please provide further details below:

Q17. Please provide the approximate percentage of your activities (based on fee income) applicable to each State or Territory?

NSW	VIC	QLD	SA	WA	TAS	NT	ACT	O/Seas
%	%	%	%	%	%	%	%	%

Q18. Proposal Declaration

- (a) I/We declare that all answers and statements made in the application are true, correct and complete in every respect.
- (b) I/We authorise the Insurer to give to or obtain from other insurers or insurance reference bureaus or credit reporting agencies, any information about this insurance or any other insurance of mine including this completed application and my insurance claims history and my credit history.

Signed (Principal / Practice Manager)		Date:	
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Please return your completed proposal form to your broker