HDFC ERGO General Insurance Company limited



INFORMATION AND NETWORK TECHNOLOGY ERRORS OR OMISSIONS LIABILITY INSURANCE (Claims Made and Reported Coverage)

The liability of the Company does not commence until the acceptance of the proposal has been formally intimated to the insured and full premium has been realized by the Company

- Before continuing, you will first need to provide us with the following:
- 1. Advertising Materials and Product Brochures.
- 3. Copies of your standard and largest sales, service & license contracts or agreements.
- 4. Your most recent annual report or audited financial statement.
- 5. Your proforma and business plan if your company is less than three years old.
- 6. Loss history for the last five years.
- 7. A sample of your "Work for Hire" contract with your subcontractors.

Some sections of the application may not apply to your firm. Where this is the case, please mark "not applicable" (N/A). If you do not find sufficient space in any of the above columns, please use additional sheets for giving full details.

					APPLICANT II						
A	plicant Name: (include names of all subsidiary or affiliated companies to be insured):										
Аррію	cant Name: (Include name	es of all	subsidiary or amiliated c	companies to	be insured):						
[#] Mobil	e No:		*PI	lease provide c	orrect mobile numbe	r of the proposed ins	ured, to receive	information relating to policy	/ servici	ng and premium ack	nowledgement
Head	Office Address:										
Requ	ested Effective Date:							Requested Retroactive D)ate:	DDMMY	
				PA	RT I. GENER	AL INFORMATI	ON				
1. Lis	st all of your web site addr	esses:									
2.	(i) Number of years in	n busine	ess:						%		
	(ii) Total number of										
	(iii) Average annual tu	irnover	of employees:						%		
	(iv) Composition of w	orkforce	e (% based)employees:				%				
	(a) Technical						%				
	(b) Sales and	I Marke	ting						%		
3. Lir	nit of Insurance										
E	rrors & Omissions		🗌 \$1m		\$2m	\$5	m	🗌 \$10m		Othe	ب r \$
4. De	eductible (each claim):										
	\$25,000		\$50,000		\$100,000	\$25	0,000	\$500,000		Oth	er \$
5. W	orldwide Revenue, includi	ng Lice	nsing Fees:								
		-	Domestic		USA/	Canada		Rest of World		Total	
Prior Year		\$			\$		\$		\$		
Current Year		\$			\$		\$		\$		
Estimated Next Year \$			\$		\$		\$				
6	Do you have any operatio	ne in th	a United States of Amer	ica?				Yes		No	
0.1				100 :							
	Financials						1				
Ov	er the past four years, ho	w many	/ years did you post a po	sitive net inc	ome?		0	1 2		3	4

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Mergers or Acquis	itions or Divestitures				
8. Have you sol	d any companies during the past three years?	Yes	No 🗌		
If yes, please	e detail:				
Did you reta	in the liabilities?	Yes	No		
	uired or merged with any companies or acquired any assets st three years?	Yes	No 🗌		
If yes, please	e detail:				
Did you purc	hase?	Assets	Liabilities		
	PREMIUM DETAILS				
Amount Rs.	Rupees				
	SOURCES OF FUND				
Salary	Business Other (Please Specify)				
	BANK ACCOUNT DETAILS				
Bank Account No. Name of Bank MICR Code (9 dig					
	aracter code appearing on your cheque leaf)				
	refund due on the premium payment / any payment/claims will be directly credited to my afores the IRDAI, its mandatory that all payments made to the insured only through electronic mode.	said Bank Account.*			
	PART II. TYPES OF PRODUCTS AND S	ERVICES			
1. Describe your	business operations, and the application of your products or services:				
2. Describe Typi	cal Customer / End User:				
3. Business Produ	icts & Services				
	ollowing products and services currently generating 5% or more of your revenue:				
	Revenue Source		0/ of Annual December		
* Please also co	mplete the Network and Security questions on page 8 of this application		% of Annual Revenue		
Software Devel	opment				
	Prepackaged Software		%		
	Custom Software		%		
	Internet Infrastructure Software		%		
Consulting, Sy	stem Integration and Design				
	Consulting		%		
	System Integration and Design		%		
Hardware or Ne	etwork Equipment & Components				
	Hardware Manufacture %		%		
	Hardware Assembly %		%		
Networking Voi	ice and Data Transport		·*		
*	Networking Voice and Data Transport		0/		
	• .		%		
	Time Sharing, Processing or Billing Services				
*	Data Entry, Time Sharing, Processing or Billing Service		%		
Value Added S	ervices				
	Networking Infrastructure Construction or Design		%		
	Maintenance, Service or Support; Engineering		%		
	Value Added Reselling		%		
*	Internet Service / Access Provider, Internet Portal		%		
*	Networking Voice and Data Transport		%		
Data Entry, Time	e Sharing, Processing or Billing Services		<u>^</u>		
*	Data Entry, Time Sharing, Processing or Billing Service		%		

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Value Ac	Ided Services			
	Networking Infrastructure Construction or Design	%		
	Maintenance, Service or Support; Engineering	%		
	Value Added Reselling	%		
*	Internet Service / Access Provider, Internet Portal	%		
*	Application Service Provider	%		
	Temporary Leasing of Computer Programmers	%		
*	Web Hosting and Design	%		
*	Data Center / Outsourcing / Network Managed Services	%		
	Video Conferencing	%		
	Directory or Operator Services	%		
	Call Centers and Help Desk	%		
	Data Retrieval / Infomediary / Search Engine	%		
	Retail or Wholesale Sales	%		
	Other	%		
* Please	also complete the Network and Security questions on page 8 of this application			
Please d	escribe any Other products or services:			
Please d	Please describe your consulting activities:			

PART III. APPLICATION OF PRODUCTS AND SERVICES

1. If the application of any products you develop, or services you provide, is included in the list below,					% of Annual	Revenue
	identify them and indicate the percentage of annual revenue:					
	Network or online security advice or products					%
	Process Control, Monitoring or Safety Critical					%
	Banking or financial transactions					%
	Sales, Distribution & Inventory Management					%
	Government					%
	Enterprise Resource Planning					%
	Customer Relationship Management					%
	Supply Chain Management					%
	Enterprise Application Integration					%
	Health Care or Medical Purposes					%
	Aerospace or Defense applications					%
	Fire, security, or other emergency applications			%		
	Oil and Gas, Power or Nuclear Energy			%		
	Pollution or Environmental			%		%
	Content and Knowledge Management				%	
	Smart card solutions or Virtual Private Networks					%
	Payroll or Accounting			%		%
	Entertainment or Gaming					%
2. Number	of different products currently supported or distributed:	□ 0	□ 1 to 3	□ 4	to 6	□ > than 6
3. Number	of various types of work/services being performed:	□ 0	□ 1 to 3	□ 4 to 6		□ > than 6
4. If your products are consumer oriented in nature, please provide the total number of units sold over the last five years:		Less than 5,000 units	5,000 to 10,000 uni	ts 📃	more th	an 10,000 units 📃
	uld be the largest financial and business impact on your customer re of any of your products or services?	No Disruption	Minor or Delayed		Major o	r Immediate
Please des	cribe:					

6. List any customer that represents 10% or more of your total annual revenue:

Customer	Revenue	Product or Service

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PART IV. CONTRACTS AND AGREEMENTS

1.	What is the value of your largest contract or agreement?	\$	
2.	What is the maximum contract, agreement or purchase order length? (# of Whole or Partial Months)		
3.	What is the value of your average contract, agreement, or purchase order?	\$	
4.	What is the average contract, agreement, or purchase order length? (# of Whole or Partial Months)		
5.	Do all your contracts or agreements limit your liability to the cost of your product or service?	Yes 🗆	No 🗆
6.	Do you negotiate contracts or agreements in which you accept liability for consequential damages, except for Intellectual Property?	Yes □ No □	Indicate % of the time: %
7.	Do you perform legal review of all standard contracts & marketing materials prior to release?	Yes 🗆	No 🗆
8.	Will you accept customized or non-standard contracts, agreements or purchase orders?	Yes No	Indicate % of the time: %
9.	Does legal counsel review all customized contracts prior to release?	Yes 🗆	No 🗆
10.	Are your global contracts or agreements written with the same provisions as your domestic contracts?	Yes 🗆	No 🗆
11.	Do you enter into contracts for a specified dollar value (i.e. fixed price contracts)	Yes 🗆 No 🗆	Indicate % of the time: %

12. Provide the following information for your five largest contracts, purchase orders or agreements:

Customer Name	Size of Contract (\$)	Length (Months)	Development Cost (%)	License Fees (%)	Maintenance Cost/Fees (%)	Type of Product/Services
	\$		%	%	%	
	\$		%	%	%	
	\$		%	%	%	
	\$		%	%	%	
	\$		%	%	%	

13. Indicate which of the following provisions are included in your standard customer contracts or agreements:

Statement of Work and Specifications	□Yes	□No	□N/A
Deliverables and Installation	□Yes	□No	□N/A
Mutual Hold Harmless Agreement	□Yes	□No	□N/A
Disclaimer of Warranties	□Yes	□No	□N/A
Dispute Resolution / Arbitration Provision	□Yes	□No	□N/A
Severability Clause	□Yes	□No	□N/A
Term and Termination	□Yes	□No	□N/A
Integration or Entire Agreement Provision	□Yes	□No	□N/A
Force Majeure Clause	□Yes	□No	□N/A

	PART V. SUBCONTRACTORS		
1.	Do you subcontract over 20% of development, implementation or support of your products or services?	□Yes	□No
2.	What percentage of work is generated using subcontractors?	%	
3.	Indicate which of the following services you specifically subcontract to others:		
	Software Development	□Yes	□No
	Systems Integration and Design	□Yes	□No
	Service, Support, Customer Consulting, Call Center Services	□Yes	□No
	Maintenance of your product	□Yes	□No
	Billing Services	□Yes	□No
	Networking Infrastructure Construction and Design	□Yes	□No
	Network or Facilities Management and Maintenance	□Yes	□No
	Infrastructure, Network or Systems Security	□Yes	□No
	Data Storage	□Yes	□No

PART VI. QUALITY CONTROL AND PRODUCT OR SYSTEM DEVELOPMENT AND CUSTOMER SIGN-OFF PROCEDURES

1.	Do your quality control procedures or initiatives include the following:			
	Written and Formalized Quality Control Program	□Yes	□No	□N/A
	Formal Customer Evaluation and Acceptance Procedures	□Yes	□No	□N/A
	Vendor or VAR Certification Process	□Yes	□No	□N/A
	Prototype Development	□Yes	□No	□N/A
	Formal Product Recall Plan	□Yes	□No	□N/A
	Alpha Testing	□Yes	□No	□N/A
	Beta Testing	□Yes	□No	□N/A

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2.	Do your product or systems development procedures include the following:			
	Systems development methodology in writing	□Yes	□No	□N/A
	A written proposal in order to determine customer performance expectations is required	□Yes	□No	□N/A
	A written contract of specifications of products and services signed by the customer	□Yes	□No	□N/A
	A written agreement outlining the scope of the project or services	□Yes	□No	□N/A
	Contract/Statement of work which outlines responsibilities of all parties	□Yes	□No	□N/A

3.	Do your Customer sign-off procedures include the following:			
	Interim changes documented with customer sign-off are required	□Yes	□No	□N/A
	Performance milestones acknowledged and accepted with customer sign-off when achieved	□Yes	□No	□N/A
	Final test made with the customer and sign-off is required	□Yes	□No	□N/A
	A final acceptance letter or sign off agreement from the customer is required	□Yes	□No	□N/A
	Formal policy for documenting/responding to customer complaints/requests for changes/fixes	□Yes	□No	□N/A

	PART VII. CUSTOMER SUPPORT							
1.	Do you have at least two forms of customer or product support?	□Yes	□No					
2.	Describe your customer training and support:							
3.	Do you maintain written logs for customer complaints of problems or downtime?	□Yes	□No					
4.	Describe your dispute resolution process:							

PART VIII. HISTORICAL INFORMATION

1.	In the past three years, have you or your subcontractors experienced any of the following:							
	Product Recalls		□Yes	□No				
	Delayed or past due Contracts		□Yes	□No				
2.	Within the past three years, ha	ve any customers withheld payment or requested a refund because your products or services:						
	Did not meet the customer's pe	erformance expectations	□Yes	□No				
	Did not perform in compliance	with your warranties or representations	□Yes	□No				
	Please explain:							
3.	Are you aware of any act, erro	r or omission, unresolved contract dispute or any other circumstances, which may reasonably be ϵ	expected to result in	a claim?				
			□Yes	□No				
	Please explain:							
4.	Within the past three years, have you sued any customers for nonpayment of contracts?							
	Please explain:							
5.	List and provide details on any	suits, potential suits, complaint letters, disputes or any other circumstances alleging nonperformar	nce of contract or no	onperformance of your				
	products or services:							
6.	Has any company ever decline	ed to write, cancelled or non-renewed Errors or Omissions/Professional Liability coverage for you?	□Yes	□No				
	Please explain:							
7.	Do you currently purchase Erro	ors or Omissions/Professional Liability coverage?	□Yes	□No				
	Carrier Name							
	Effective Date							
	Limit							
	Deductible							
	Retroactive Date							
	Premium							

APPLICANT ACKNOWLEDGEMENT

Information or data contained in or submitted in connection with this application (or otherwise to any of the companies in connection with the underwriting process) does not constitute notice of an occurrence, wrongful act, claim, suit or other circumstance and does not satisfy any of the reporting notification or other provisions of any policy. As such, any notice must be given separately in accordance with the applicable policy conditions.

For the purposes of this application, the undersigned officer of all person(s) and entity(ies) proposed for this insurance declares that, to the best of his/her knowledge and belief, after reasonable inquiry, the statements in this application, and in any attachments, are true and complete. The company is authorized to make any inquiry in connection with this application. Signing this application shall not constitute a binder or obligate the company to complete this insurance, but it is agreed that this application and other information submitted to us by you or on your behalf or by or on behalf of any other party applying for this insurance shall be the basis upon which a policy may be issued.

If the statements in this application or in any attachment(s) change materially before the effective date of any proposed policy, the applicant must notify the company, and the company may modify or withdraw any quotation.

You understand that the limit of liability under any policy to be issued in response hereto shall include both payment of damages and claim adjustment expenses as set out in the policy.

Claim Adjustment Expenses provisions: Please note that the policy stipulate that the limits of liability may be completely exhausted by the payment of claim adjustment expenses. Any deductible or retention shall apply to claim adjustment expenses as well as indemnity. Please initial:

Place												
Date	D	D	М	M	Y	Y	Y	Y				

Signature of Authorized Representative & Title

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Place													
Date	D	D	M	M	Y	Y	Y	Y					

Signature of an Executive Officer of the Applicant & Title

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Notice to applicant - please read carefully.

Any person who, by any statement, promise or representation which he knows to be false, misleading or deceptive, or by any dishonest concealment of material facts, or by the reckless making (dishonest or otherwise) of any statement, promise or representation which is false, misleading or deceptive, induces or attempts to induce another person to enter into or offer to enter into any contract of insurance commits an offence.

Notice

The rebate of premiums shall be allowed only in accordance with the details given in the prospectus or table of premium rates [or, as the case may be, the relevant document]. An offer or acceptance of any other rebate shall be an offence under section 41 of the Act.

Section 41 of the Insurance Act : Prohibition of Rebates

- (1) No person shall allow or offer to allow, either directly or indirectly, as an inducement to any person to take out or renew or continue an insurance in respect of any kind of risk relating to lives or property in India, any rebate of the whole or part of the commission payable or any rebate of the premium shown on the policy, nor shall any person taking out or renewing or continuing a policy accept any rebate, except such rebate as may be allowed in accordance with the published prospectuses or tables of the Insurer.
- (2) Any person making default in complying with the provisions of this section shall be punishable with fine which may extend to ₹10 Lakhs.

Please also complete the network and security section if you perform any of the following networking services:

Network Voice and Data Transport, Internet Service / Access Provider, Internet Portal, Application Service Provider, Web Hosting, Data Center, Outsourcing, Network Managed Services, Facilities Management, Data Entry, Processing and Billing Services.

PART VIII. HISTORICAL INFORMATION

Security Management

1. Do you advertise or contractually stipulate that your network is "secure"?	Yes	No
 Do you limit your liability in contracts for any breach of your security? Please explain: 	Yes	No No
3. Are firewalls used to prevent unauthorized access from computer systems and both internal and external networks?	Yes	No
4. Are remote users authenticated before being allowed to connect to private or dedicated lines, VPN's, computer systems, or internal networks?	Yes	No
5. Does your security system include password protection?	Yes	No
6. Do you have internal data security?	Yes	No
7. What type of encryption is used to secure data and information?		
8. Do you host any sensitive information, such as credit card or other information assets, for your clients?	Yes	No
9. Do others rely on your network for directly generating revenue or taking customer orders?	Yes	No
10. Are you responsible for any tangible property of clients such as servers or other equipment?	Yes	No
11. Are anti-virus tools and procedures used on desktops and mission critical servers?	Yes	No
12. How often are the tools and procedures updated?		
13. Do you have a formal patch management process in place?	Yes	No
14. Are back-up and recovery procedures for all mission critical systems in place and documented?	Yes	No
15. Are business continuity plans in place for all mission critical business processes?	Yes	No
16. Are your network and computer systems monitored? By Whom? How Often?	Yes	No
17. How do you learn about newly discovered weaknesses?		
18. Do you receive CERT advisories, or any other similar notification?	Yes	No
19. What action do you take as a result and what is the time frame for such action?		
20. Do you outsource the management or maintenance of any part of your computer system or network, such as servers, firewalls etc. to others?	Yes	No
21. Provide the details of vendors, including their names and services provided:		
22. Do you perform background checks, including credit and criminal history, on new programming, technical or security employees, independent consultants and vendors?	Yes	No No
23. Are all employees required to sign a statement that allows you to conduct mid employment screening at your discretion?	Yes	No

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24. Are all employees provided with your systems security policy manual?	Yes	No
Are all employees required to provide written confirmation acknowledging that they have received, read and understood the contents of the security policy manual?	Yes	🗌 No
Are all employees required to sign a statement confirming that failure to follow security procedures set forth in your systems security manual will result in disciplinary action, up to and including termination?	Yes	No No
Is training provided?	Yes	No
25. Do employee termination procedures include immediate revocation of all access to systems, facilities and networks?	Yes	No
26. Have you experienced a security breach?	Yes	No
Provide details:	•	•
What have you done to prevent it from occurring again?		

Network Redundancy & Availability

27. Does your network redundancy and availability loss prevention include the following:		
Looped network architecture	Yes	No
Network monitoring with automatic response	Yes	No
Load balancing available and offered to all customers	Yes	No
Management of third party providers (audits, agreements, etc)	Yes	No
Dependency on third party networks	Yes	No
Back up power	Yes	No
Automatic virus detection operating over your entire network	Yes	No
Do you use a standard service level agreement in which parameters for network availability are spelled out?	Yes	No
If none of the above are used, please explain your approach to network redundancy and availability loss prevention:		
28. What is your network's excess capacity percentage during the following periods?	1	
Peak Demand	%	
Average Demand	%	
29. Does your network reliability loss prevention include the following:		
Audits of system performance, including trend analysis and incident investigation	Yes	No
Manufacturer warrantees on system components	Yes	No
Compliance with network warrantee stipulations	Yes	No
Meeting or exceeding manufacturer's specifications for preventive maintenance and scheduling	Yes	No
If none of the above are used, please explain your approach to network reliability loss prevention:		

Infrastructure Protection

30. Do you host, store, or maintain customer servers, data or information?	Yes	No
At each location at which you host customer property, data or information, does your physical protection include the following:		
An automatic sprinkler system connected to a central station alarm	Yes	No
Automatic smoke detection connected to a central station alarm	Yes	No
Automatic heat detection connected to a central station alarm	Yes	No
Premises intrusion detection connected to a central station alarm	Yes	No
Power surge protection	Yes	No
An independent, back-up power supply	Yes	No
An emergency response team	Yes	No

DECLARATION & WARRANTY ON BEHALF OF ALL PERSONS PROPOSED TO BE INSURED

I/We hereby understand, declare, consent and authorize the Company to use financial information, as provided to the Company for underwriting the risk. I/We hereby also understand, declare, consent and authorize the Company that the Company shall have right to retain the aforementioned information and disseminate the same to its service provider(s) for providing services related to insurance. I/we authorize HDFC ERGO General Insurance and associate partners to contact me via email, phone, SMS.

I hereby grant consent to Agent/Broker/Corporate Agent or any other licensed intermediary to share my KYC (Know your Customer) and customer due diligence information with HDFC ERGO General Insurance Company Limited for the purpose of my insurance proposal

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