

TOTTEN GROUP

I N S U R A N C E

Watts: 1-888-868-8367 (TOTTENS) Fax: 1-888-232-2205

New Submissions: professionalliability@tottengroup.com Website www.tottengroup.com

INFORMATION TECHNOLOGY A/O MEDIA PROFESSIONAL LIABILITY

THIS APPLICATION IS FOR A "CLAIMS MADE" INSURANCE POLICY

APPLICATION'S INSTRUCTIONS

1. ALL QUESTIONS MUST BE ANSWERED COMPLETELY; PLEASE TYPE OR PRINT CLEARLY; IF ANY QUESTIONS ARE CONSIDERED "NOT APPLICABLE", PLEASE EXPLAIN WHY
2. THIS APPLICATION, WHICH INCLUDES SUPPLEMENT FORMS, MUST BE SIGNED AND DATED BY A PRINCIPAL OF THE FIRM.

1.	Name of Applicant	<hr/>
2.	Address	<hr/>
	City	<hr/>
	County	<hr/>
	State/Province	<hr/>
	Zip/Postal Code	<hr/>
3.	Telephone	<hr/>
	Fax	<hr/>
	Email	<hr/>
4.	Please describe, in detail, the nature and types of professional services the Applicant is engaged in	
	<hr/>	
	<hr/>	
	<hr/>	
4a.	Indicate activities which apply to your business and the % of revenue expected during the <u>next</u> 12 months. (Please check all that apply). Please see back page for "Electronic E&O Terminology"	
	a) Data Processing and Entry	<hr/>
	b) Custom Software Development	<hr/>
	c) Packaged Software Development	<hr/>
	d) Consulting on Hardware/Software System Design/Purchase	<hr/>
	e) Systems Installation	<hr/>
	f) Systems Maintenance	<hr/>
	g) Computer Related Training	<hr/>
	h) Web Page Development	<hr/>
	i) Web Page Maintenance/Updates	<hr/>
	j) Hosting Web Pages	<hr/>
	k) Content Provider for Web Page/Forum	<hr/>
	m) Commercial On-Line Services	<hr/>
	n) Forum/Content Channel	<hr/>
	o) Electronic BBS	<hr/>
	p) FTP Site	<hr/>
	q) Internet Access Provider	<hr/>
	r) Forum Manager	<hr/>
	s) Game Developer	<hr/>
	t) Other (Please Explain)	<hr/>
	TOTAL	100%
5.	Date Established	<hr/>
6.	Are significant changes in the nature or size of the Applicant's business anticipated over the next 12 months?	
		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Have there been any such changes in the past 12 months?	
		<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes to either question, please explain	
	<hr/>	

7. Total Number of Staff _____

8. Please provide the following:

<u>Name of Principals & Qualified Employees</u>	<u>Professional Qualifications/Designations</u>	<u>Number of Years in Practice</u>	<u>Number of Years with Applicant</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please provide brief resumes of the Principals.

9. Gross billings - Last Year (est) _____ This Year _____ Next Year _____
Percentage of fees in U.S.A. _____ Percentage of fees overseas _____

10. Please indicate the Applicant's five largest jobs/projects during the past three years.

<u>Client</u>	<u>Service</u>	<u>Applicant's Fee</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. Please indicate the major software applications and receipts attributable.

<u>Nature</u>	<u>Market %</u>		<u>Total Receipts</u>
	<u>Home Use</u>	<u>Commercial Use</u>	
a) Administrative (sales data, lists, etc.)	_____	_____	_____
b) Accounting (payroll, receivables, payables)	_____	_____	_____
c) Financial (savings, checking, loan, dividend accts)	_____	_____	_____
d) Inventory Control	_____	_____	_____
e) Scientific	_____	_____	_____
f) Graphics	_____	_____	_____
g) Architectural (model building projection)	_____	_____	_____
h) CAD/CAM (Manufacturing/engineering tools)	_____	_____	_____
i) CASE (application development tools)	_____	_____	_____
j) Communications (utilities/info services)	_____	_____	_____
k) Fund Transfer	_____	_____	_____
l) Medical	_____	_____	_____
m) Educational	_____	_____	_____
n) Facilities Management	_____	_____	_____
o) Office Automation	_____	_____	_____
p) Database Management Systems	_____	_____	_____
q) LAN/Network	_____	_____	_____
r) Imaging	_____	_____	_____
s) Gatekeeper	_____	_____	_____
t) Other (Please Explain)	_____	_____	_____

12. Indicate the market(s) for your products/services.

Receipts %

Aerospace	_____
Communications/Transportation	_____
Construction/Mining/Agriculture	_____
Education	_____
Financial Institutions	_____
Government (military)	_____
Government (non-military)	_____
Health Care/Medical Services	_____
Home Use	_____
Manufacturing/Industrial	_____
Trade – Retail/Wholesale	_____
Other – Please specify _____	_____

TOTAL _____ **100%**

13. Do you have a policy for removing controversial material (libelous, slanderous, etc.) from your On-line Service? Yes No N/A

If yes, please explain _____

14. Do you have a policy for removing infringing material (copyright, trademark, etc.) from your On-line Service? Yes No N/A

If yes, please explain _____

15. Have you ever received a complaint concerning the content of your On-line Service? (libelous, slanderous, copyright, trademark, etc.) Yes No N/A

If yes, how do you respond to such complaints and in what time frame? _____

16. Are firewalls used to prevent unauthorized access connections from internal networks and computer systems to external networks? Yes No N/A

17. Are anti-virus procedures used on desktops and mission critical services? Yes No N/A

18. Are backup and recovery procedures documented for all mission critical systems?

19. Do you have an acceptable use policy and privacy policy regarding e-mail and internet use? Yes No N/A

20. Does the Applicant use a written contract? Always Sometimes Never

If NOT always, please explain how the scope of services to be provided is agreed _____

21. Does any director, officer, employee or partner of the Applicant serve on the board of directors on any client of the Applicant? Yes No

If yes, please explain _____

22. Does the Applicant sub-contract work to others? Yes No

If yes, please explain and include the nature of indemnities, hold harmless agreements, etc. _____

23. Has any errors and omissions or professional liability insurance ever been declined or canceled? Yes No

If yes, please explain _____

24. Is there any errors and omissions or professional liability insurance in favour of the Applicant currently in force? Yes No

If yes, please give details

Carrier	From (mm/yy)	To (mm/yy)	Limit/Deductible/Premium	Retro date
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25. Has the Applicant or any director, officer, employee or partner been the subject to disciplinary action as a result of professional activities? Yes No

If yes, please explain _____

26. Is the Applicant aware of any claims (including any circumstances reported to previous insurers which have not developed into claims) during the last ten years? Yes No

If yes, please complete Attachment "A".

27. Has the Applicant been a party to any lawsuit or other legal proceeding within the past five years? Yes No

If yes, please provide (on Attachment "A") a description which includes the venue of the action, the parties, the amount at dispute, the nature of the claim(s), the status of the action(s) and how the action(s) was resolved as to the applicant, including all costs incurred; including defense expenses.

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

THIS APPLICATION DOES NOT BIND THE APPLICANT TO BUY, OR THE UNDERWRITERS TO ISSUE THE INSURANCE, BUT IS AGREED THAT THIS APPLICATION SHALL BE THE BASIS OF THE CONTRACT SHOULD A POLICY BE ISSUED, AND IT WILL BE ATTACHED TO AND MADE A PART OF THE POLICY.

THE APPLICANT FURTHER DECLARES THAT IF THE INFORMATION SUPPLIED ON THIS APPLICATION CHANGES BETWEEN THE DATE OF THIS APPLICATION AND THE TIME WHEN THE POLICY ISSUED, THE APPLICANT WILL IMMEDIATELY NOTIFY THE COMPANY OF SUCH CHANGES, AND THE UNDERWRITERS MAY WITHDRAW OR MODIFY ANY OUTSTANDING QUOTATIONS AND/OR AUTHORIZATION OR AGREEMENT TO BIND THE INSURANCE.

I HAVE READ THE FOREGOING APPLICATION OF INSURANCE INCLUDING SUPPLEMENT SHEET "A" AND WARRANT THAT THE RESPONSES PROVIDED ON BEHALF OF THE APPLICANT ARE TRUE AND CORRECT.

SIGNED THIS _____ DAY OF _____ 20 _____ IN _____

APPLICANT'S SIGNATURE _____

TITLE _____

PRODUCER _____

ADDRESS _____

DATE _____

ELECTRONIC E&O TERMINOLOGY

1. **Data Processing and Entry** means those activities usual to the processing of data or records of others.
2. **Custom Software Development** means the design of computer software or programming on a one-time basis by special order. Examples include accounting software developed specifically for one company.
3. **Packaged Software Development** means the design, manufacture and sale of computer software via mass distribution. Examples include computer games, Microsoft products, etc.
4. **Consulting** means determining the suitability of a software package or identifying hardware needed for a specific performance. Examples include determining which imaging system should be used.
5. **Systems Installation** means the installation of both software and hardware. Examples include the installation of upgrades such as Windows 95.
6. **Training** means the explanation/demonstration of how to use a software or hardware product. Examples include training for Lotus Notes.
7. **Systems Maintenance** means the continual maintenance of a customer's equipment on a regularly scheduled maintenance plan.
8. **Commercial Online Service** is an Internet Access provider which also offers its subscribers propriety online features including forums on various topics of interest, an e-mail address, chat and conference rooms and files for download.
9. **Forum/Content Channel on a Commercial Online Service** are proprietary areas on the commercial online service dedicated to certain topic. Features available include files for download, chat and conference rooms, and limited e-mail capabilities for posting e-mail to other subscribers of the forum/content channel.
10. **Electronic BBS**, BBS is shorthand for a bulletin board service. A BBS is similar to a forum/contact channel in that it normally offers the same features i.e. files for download, chat and conference rooms, and limited e-mail capabilities for posting e-mail to other users of the BBS. Unlike a forum which is accessible through a commercial online service, a BBS usually requires the user to dial it directly via its main phone number instead of an Internet address
11. **FTP Site** is a site on the Internet accessible by File Transfer Protocol. Features generally only include files for download.
12. **Internet Access Provider** is a provider of Internet access, but without the proprietary online services offered by the larger commercial online services. Features typically include Internet access and an e-mail address.
13. **Internet Presence Provider** is an entity which creates web pages for others or rents server space to others.
14. **Web Page** is a site on the World Wide Web through which a company, association or individual offers documents, graphics, sound and/or full motion video presentations about itself, its products, or newsworthy events. Features include files for download and e-mail capabilities to the entity maintaining the web page.
15. **Forum Manager** is typically an independent contractor hired by a Commercial On-line Service to manage various forums. Mot forums will have 2 or 3 forum managers.