

# SAFETYTEK INSURANCE PROGRAM

## COMPUTER & TECHNOLOGY PRODUCTS AND SERVICES PROFESSIONAL LIABILITY APPLICATION



PROFESSIONAL  
LIABILITY  
(E&O)



ELECTRONIC  
MEDIA  
LIABILITY



NETWORK  
OPERATIONS  
SECURITY



CYBER  
LIABILITY



WORLDWIDE  
COVERAGE



FIRST DOLLAR  
DEFENSE



INNOCENT  
INSURED



DEFENSE  
OUTSIDE  
THE LIMIT



CONTRACTUAL  
LIABILITY

### BUSINESS INFORMATION

Insured's Name: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_ Web Address: \_\_\_\_\_

Subsidiary Name: \_\_\_\_\_

Sr. Management Experience: \_\_\_\_\_ Year Established: \_\_\_\_\_

#### APPLICANT'S GROSS REVENUE (domestic only)

Prior 12 months \$ \_\_\_\_\_

Current 12 months \$ \_\_\_\_\_

Next 12 months (projected) \$ \_\_\_\_\_

#### APPLICANT'S FOREIGN REVENUE (if any)

Prior 12 months \$ \_\_\_\_\_

Current 12 months \$ \_\_\_\_\_

Next 12 months (projected) \$ \_\_\_\_\_

### COVERAGE REQUESTED

#### COVERAGE

☐ Professional Liability

☐ Electronic Media

☐ Network Operations

☐ Cyber Liability

☐ Worldwide

☐ First Dollar Defense

☐ Innocent Insured

☐ Defense Outside The Limit

☐ Contractual Liability

☐ Management Services

☐ Telecommunication Services

☐ IT Staffing Services

#### LIMITS DESIRED

☐ 500,000 / 500,000

☐ 1,000,000 / 1,000,000

☐ 1,000,000 / 2,000,000

☐ 1,000,000 / 3,000,000

☐ 2,000,000 / 2,000,000

☐ 2,000,000 / 4,000,000

☐ 4,000,000 / 4,000,000

☐ 5,000,000 / 5,000,000

#### DEDUCTIBLE DESIRED

☐ \$1,000

☐ \$2,500

☐ \$5,000

☐ \$10,000

☐ \$25,000

☐ \$50,000

☐ \$100,000

☐ \$250,000

#### RETRO DATE

\_\_\_\_\_

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APPLICATION



## PROFESSIONAL SERVICES

### SOFTWARE CONSULTING, DEVELOPMENT AND PROJECT MANAGEMENT

- ☐ % Accounting / Financial / Payroll (No funds transfer)
- ☐ % Business Application Software Development
- ☐ % Database Design & Maintenance
- ☐ % Data Intelligence & Data Mining
- ☐ % Document Management / Imaging / Automation
- ☐ % ERP/CRM Implementation & Maintenance
- ☐ % IT Project Management & Consulting
- ☐ % Medical General Office Systems & Billing
- ☐ % Medical Records Management & Retrieval
- ☐ % Business Process Automation
- ☐ % SOX & HIPAA & IT Auditing

### COMPUTER NETWORK SERVICES

- ☐ % Computer Security (Original & Custom Network Security Software Development)
- ☐ % Computer Security (Off-the-shelf Firewall & Anti-Virus Software Implementation)
- ☐ % Data Restoration
- ☐ % Disaster Recovery / Backup Services
- ☐ % Hardware Installation & Maintenance
- ☐ % Network Design & Administration
- ☐ % Software Installation & Maintenance
- ☐ % System Design, Administration & Engineering
- ☐ % Real Time Network Monitoring

### HARDWARE AND SOFTWARE SALES

- ☐ % Computer Hardware Re-Sales
- ☐ % Off-the-Shelf Software Re-Sales

### IT STAFFING

- ☐ % Temporary IT Staffing and Placement

### WEB DEVELOPMENT / INTERNET SERVICES / ADVERTISING

- ☐ % Advertising Services & Graphic Design
- ☐ % Application Service Provider
- ☐ % E-Commerce / Dynamic Web Application Development & Maintenance
- ☐ % Internet Media Service / Content Development
- ☐ % ISP / Content / Search Services / FTP
- ☐ % Webcasting / Online Forums
- ☐ % Web Development & Maintenance (Static)
- ☐ % Web Hosting

### TELECOMMUNICATIONS

- ☐ % Telecom Switching System Software
- ☐ % Telecommunication Consulting
- ☐ % Telephone Systems Installation
- ☐ % Telephone System Network Consulting
- ☐ % VOIP Service Provider

### INSTRUCTIONAL SERVICES

- ☐ % IT Training & Education
- ☐ % Technical Writing

### SPECIALTY SERVICES

- ☐ % Computer Aided Design (Non-structural)
- ☐ % Computer Aided Design (Structural)
- ☐ % Funds Transfer Software (EFT, Securities Trading, Clearing, Settlement)
- ☐ % Manufacturing Systems (Robotics, PLC, CAM)
- ☐ % Medical Systems (Diagnostic & Patient Life Support & Health Monitoring)
- ☐ % Scientific and Technical Systems
- ☐ % Other (Describe) - \_\_\_\_\_

## INDUSTRIES SERVED

### SERVICES AND RETAIL CLIENTS

- ☐ % Advertising
- ☐ % Small Office (Miscellaneous)
- ☐ % Retail
- ☐ % Entertainment

### OTHER INDUSTRIES

- ☐ % Construction
- ☐ % Manufacturing
- ☐ % Transportation/Airlines/  
Rail/Trucking

### GOVERNMENT AND UTILITY CLIENTS

- ☐ % Aerospace / Defense
- ☐ % Education
- ☐ % Government: Federal, State or Local
- ☐ % Utilities: Power / Oil & Gas or Waste

### MEDICAL SERVICES CLIENTS

- ☐ % EMS / Medical Monitoring
- ☐ % Pharmaceutical
- ☐ % Healthcare Providers

### TECHNOLOGY CLIENTS

- ☐ % Internet Services: search Services/ ISP, etc.
- ☐ % Software Development
- ☐ % Telecommunications

### FINANCIAL SERVICES CLIENTS

- ☐ % Banking & Investment
- ☐ % Insurance

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### NETWORK SECURITY

Which of the following apply to your company's own network security (check all that apply):

- ☐ Written network security policy
- ☐ Firewall in place
- ☐ Person or group responsible for information security
- ☐ Security software update process, including updating patches and anti-virus software
- ☐ Perform regular network security reviews or assessments and have procedures in place to periodically test security controls
- ☐ Physical security controls in place to control access to your computer systems
- ☐ Systems backed up on a daily (or more regular) basis
- ☐ Disaster recovery or information security incident response plan in place for your network

### SALES CONTRACTS, LICENSING CONTRACTS, STATEMENTS OF WORK

Which of the following apply to your company's contracts and agreements (check all that apply):

1. Does the company use a written contract or agreement for services with its customers? ☐ Always ☐ Sometimes ☐ Never
2. Are contracts reviewed by the company's legal department or a third party law firm? ☐ Always ☐ Sometimes ☐ Never
3. Do such contracts or agreements contain the following provisions?

Specific descriptions of the professional services your company is to provide?	<input type="checkbox"/> Always	<input type="checkbox"/> Sometimes	<input type="checkbox"/> Never
A limitation of liabilities in favor of your company?	<input type="checkbox"/> Always	<input type="checkbox"/> Sometimes	<input type="checkbox"/> Never
Guarantees or warranties?	<input type="checkbox"/> Always	<input type="checkbox"/> Sometimes	<input type="checkbox"/> Never
Mutual hold harmless or indemnity agreements?	<input type="checkbox"/> Always	<input type="checkbox"/> Sometimes	<input type="checkbox"/> Never
Payment terms?	<input type="checkbox"/> Always	<input type="checkbox"/> Sometimes	<input type="checkbox"/> Never
Provisions for the ownership of intellectual property?	<input type="checkbox"/> Always	<input type="checkbox"/> Sometimes	<input type="checkbox"/> Never

### QUALITY CONTROL

1. Are formal customer acceptance procedures in place and documented with signoffs by both the company and customer? ☐ Yes ☐ No
2. Are formal written system or software development methodologies in place? ☐ Yes ☐ No
3. Does the company have procedures to ensure compliance with Federal, State and local statutes when applicable? ☐ Yes ☐ No
4. Does the company have an Internal Project Management Audit procedure in place? ☐ Yes ☐ No
5. Are the company's key professionals accredited or certified? ☐ Yes ☐ No
6. Does the company have a formalized Continuing Education program required for all professional employees on an annual basis? ☐ Yes ☐ No
7. Does the company have formalized in-house training procedures for professional employees? ☐ Yes ☐ No

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### CLAIMS

1. Does the company currently have Errors and Omissions/Professional Liability insurance in force?

☐ Yes | ☐ No

If so, please complete the following:

Name of Carrier:	Limits of Liability:
Deductible:	Annual Premium:
Expiration Date:	Retroactive date:

2. Has your company ever been declined for Errors & Omissions, Professional Liability or Media Liability insurance, or had an existing policy refused renewal or cancelled by the insurance company? (Do not include policies you voluntarily non-renewed.)

☐ Yes ☐ No

3. After inquiry, does the company, any of its subsidiaries, or any of their owners, principals, partners, officers, directors, executives, managers, employees or independent contractors, have knowledge or information of any act, error, omission, or circumstance which might reasonably be expected to give rise to a claim, suit or action against the company or any such subsidiaries?

| ☐ Yes ☐ No

4. In the past three years has a customer claimed that they had a financial loss as a result of an error or omission on the part of the company or any of its subsidiaries?

☐ Yes ☐ No

5. In the past five years have any claims, suits or actions been made against the company, any of its subsidiaries or predecessors in business, or any of their owners, principals, partners, officers, directors, or any other executives or professional employees?

| ☐ Yes ☐ No

6. In the past five years, has the company or any of its subsidiaries been the subject of any cease and desist orders concerning content or advertising on your company's or such subsidiary's website?

| ☐ Yes ☐ No

7. Has the company or any of its subsidiaries, predecessors in business, or affiliates, or any of their owners, principals, partners, officers, directors, managers, or any other executives, professional employees, or independent contractors ever been the subject of a disciplinary action as a result of professional activities?

☐ Yes ☐ No

8. In the past three years, has the company or any of its subsidiaries been the subject of an investigation or action by any regulatory or administrative agency for violations arising out of the company's or subsidiary's advertising or sales activities?

| ☐ Yes ☐ No

9. Has the applicant reported any matters referred to in questions 3-8 to its current or former insurance carrier?

☐ Yes ☐ No  
☐ N/A



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### RECRUITING & STAFFING SERVICES:

*Only answer the following questions if the company provides Temporary IT Recruiting and Staffing Services and is requesting a quote to include coverage.*

1. Does the company directly supervise placed personnel or have project management responsibility? ☐ Yes ☐ No
2. Does the company provide staffing and placement services in any area other than Information Technology? ☐ Yes ☐ No
3. What percentage of the company's workforce is provided a 1099? \_\_\_\_\_%
4. What percentage of the company's workforce is provided a W-2? \_\_\_\_\_%
5. Is your company responsible for the placed employees work? ☐ Yes ☐ No
6. Please breakdown the company's staffing exposure into the following categories:  
(percentage of placements in each category)
  - Principals, partners or officers \_\_\_\_\_%
  - Project Management with oversight responsibilities \_\_\_\_\_%
  - Programming and/or Technical Support staff \_\_\_\_\_%
7. How does the company investigate and verify the backgrounds, qualifications and credentials of job candidates?
  - ☐ Prior employment verification
  - ☐ Reference Checking
  - ☐ Professional Skills Testing
  - ☐ Criminal background Checking
  - ☐ Other (Describe) \_\_\_\_\_
8. What steps are taken to protect a job candidate's confidential information from being released to an unauthorized party?  
\_\_\_\_\_  
\_\_\_\_\_

### FINANCIAL TRANSACTIONS/E-COMMERCE SERVICES:

*Only answer the following questions if the company provides any financial transaction applications or services and is requesting a quote to include coverage:*

1. Does the company's activities, services or products in anyway alter, implement or maintain software applications directly or indirectly involved in the movement of funds, including but not limited to: electronic funds transfer (EFT), real-time automated or manual securities trading, Automated Clearing House (AHC) activities or financial transactions clearing or settlement? Please provide a complete description of the activity, services and/or product. ☐ Yes ☐ No  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Are the company's services or software applications involved in real-time online payment processing including credit card transaction processing? (This does not include building shopping cart technology.) Please provide a complete description of the activity, services and/or products. ☐ Yes ☐ No  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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### ELECTRONIC MEDIA ACTIVITIES:

**Only answer the following questions if the company is engaged in Electronic Media Activities and is requesting a quote to include coverage:**

"Electronic Media Activities," for purposes of this application, means the electronic publishing, dissemination, releasing, gathering, transmission, production, web casting, or other distribution of electronic content on the internet, on behalf of the company or by the company for others."

1. Is a formal process in place to educate employees about the importance of adhering to copyright, trademark, and privacy laws? ☐ Yes ☐ No
2. Do you support or provide file sharing, social networking, or peer-to-peer network services? ☐ Yes ☐ No
3. Do you support or provide adware, spyware or other similar software used to push advertising or digital content or covertly obtain user information? ☐ Yes ☐ No
4. Does the company have procedures in place for the formal review of content/material for their web site(s) or Internet service(s) to safeguard and enforce against infringing intellectual property rights of others? ☐ Yes ☐ No
5. Does the company offer a bulletin board or chat room on its website? ☐ Yes ☐ No
6. Does your company use material provided by others, such as content, music, graphics or video stream on your website? ☐ Yes ☐ No

### INTELLECTUAL PROPERTY:

**Only answer the following questions, if you are applying for Intellectual Property Liability coverage and are requesting a quote to include this coverage:**

1. Is a formal process in place to educate new employees about the importance of copyright law, with clear restrictions against using material developed for previous employers? ☐ Yes ☐ No  
If YES, are new employees asked to sign an affidavit committing to this? ☐ Yes ☐ No
2. Do all employees formally assign intellectual property rights to any materials developed during their period of employment to the Applicant? ☐ Yes ☐ No
3. Do subcontractors and/or independent contractors formally assign rights to all work made for hire to the Applicant? ☐ Yes ☐ No
4. Is any software code used or incorporated in the company's products licensed from any third party(ies)? ☐ Yes ☐ No  
If YES please describe  

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5. Is any open source software code incorporated into product, and/or used in the company's network environment? ☐ Yes ☐ No  
If YES please describe.  

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6. Are all software products (including packaging) formally reviewed for infringement against competitor's offerings by an internal team or third party prior to launch? ☐ Yes ☐ No  
If YES, are copyright clearance letters obtained ☐ Yes ☐ No
7. Does the company have procedures in place, written or otherwise, to safeguard and enforce against infringing intellectual property rights of others? ☐ Yes ☐ No
8. Does that procedure include a search for existing patent, copyright, and trademark potential infringements? ☐ Yes ☐ No
9. Do in-house or outside attorneys conduct the procedures? If outside, please provide name and address of law firm. ☐ Yes ☐ No

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### FRAUD WARNING STATEMENTS

**NOTICE TO ARKANSAS & 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 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 MAINE 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 may include imprisonment, fines or a denial of insurance benefits.

**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 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 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 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 TENNESSEE 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 ALL 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, WHICH IS A CRIME AND MAY SUBJECT SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES

#### NOTICE TO THE APPLICANT – PLEASE READ CAREFULLY

The undersigned authorized representative of the Applicant, based upon reasonable inquiry, represents to the best of its knowledge that the statements set forth herein are true and include all material information.

The Applicant agrees that if the information supplied on this application changes materially between the date of this application and the inception date of the policy, it will immediately notify the insurance company of the changes. Signing of this application does not bind the Company to offer nor the Applicant to accept insurance, but it is agreed that this application shall be a basis of the insurance and it will be attached and made a part of the policy should a policy be issued.

#### APPLICANT:

SIGNATURE Partner, Officer, Owner

PRINTED NAME AND TITLE:

DATE:

#### Instructions:

1. **Adobe Reader:** Open this PDF in Adobe Reader > fill this form > press submit. <https://get.adobe.com/reader/>
2. **Chrome:** Fill the form, press ctrl+p > print > save as on desktop > email to [Maggie@stuckey.com](mailto:Maggie@stuckey.com)