



ace jerneh

ACE Jerneh Insurance Berhad 03 2058 3000 *tel*
(9827-A) 03 2058 3333 *fax*
Wisma ACE Jerneh
38 Jalan Sultan Ismail
50250 Kuala Lumpur
Malaysia
www.acejerneh.com.my

Professional Indemnity Insurance

Proposal Form for Technology Professional Liability

Important Notices to the Applicant

Your Duty of Disclosure

Before you enter into a contract of general insurance with an insurer, you have a duty under Section 149(4) & Section 150 (1) of the Insurance Act 1996 to disclose to the insurer every matter within your knowledge that is material to the insurer's decision whether to accept the risk of the insurance and, if so, on 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.

It is important that all information contained in this application is understood by you and is correct, as you will be bound by your answers and by the information provided by you in this application. You should obtain advice before you sign this application if you do not properly understand any part of it.

Your duty of disclosure continues after the application has been completed up until the contract of insurance is entered into.

Non-Disclosure

If you fail to comply with your duty of disclosure, the insurer may have the option of avoiding the contract of insurance from its beginning.

If your non-disclosure is fraudulent, the insurer may also have the right to keep the premium that you have paid.

Change of Risk or Circumstances

You should advise ACE Jerneh Insurance Berhad (ACE Jerneh) as soon as practicable of any change to your normal business as disclosed in this application, such as changes in business activities, location, acquisitions and new overseas activities.

Subrogation

Where you have agreed with another person or company (who would otherwise be liable to compensate you for any loss or damage which is covered by the contract of insurance) that you will not seek to recover such loss or damage from that person, ACE Jerneh will not cover you, to the extent permitted by law, for such loss or damage.



Instructions to the Applicant

- A. This proposal must be completed, signed and dated by a Principal, Partner or Director.
B. You must answer all the questions in this form. If a question is not applicable, state 'N/A'. If more space is required to answer a question, continue on your letterhead.
C. If you are a new business, use the projected figures from your business plan.
D. If you have any questions concerning this proposal, please contact your insurance broker or adviser to discuss.

Application for Insurance Cover

Table with 3 columns: Period of Insurance, Limit of Insurance Required, Excess/Deductible Requested. Includes rows for 'From' and 'To' dates, and 'Option 1 RM' and 'Option 2 RM' for limits and excess. Also includes checkboxes for 'Are you requesting cover for Fraud & Dishonesty?' and 'Are you requesting cover for Principals' Previous Business?'.

1. Details of Applicant

1.1 Names and Company Registration Numbers of all firms applying to be covered under this insurance (Referred to as 'You' in the rest of this form)

Empty rectangular box for providing names and registration numbers.

1.2 Has your name ever been changed, or have you purchased or merged with any other practice or business? If yes, please attach details. Yes [] No []

1.3 What is your address?

Empty rectangular box for providing address.

1.4 What is your website address and include all URL addresses for all public-facing websites?

Empty rectangular box for providing website addresses.

1.5 When was your firm established? (day) (month) (year)



1.6 What is the number of your

Principals, partners or directors		Non-technical administrative staff	
Other professionally qualified staff		Other staff (specify)	
Other skilled & technical staff		Total	

1.7 Do you have a formalised continuing education programme required for all professionally qualified staff on an annual basis? Yes No

1.8 What are the qualifications of your Principals, Partners, Directors or other key professional personnel?

Name	Qualifications	Year Qualified	Years as Principal, Partner or Director	
			This practice	Previous practice

1.9 If you have only one Principal, what arrangements do you have in place to ensure continuity of business when that Principal is travelling, on leave, ill or away from the office?

2. Details of Business

2.1 What professional licences do you, your Principals, Partners or Directors hold?

2.2 Which professional societies & associations are you, your Principals, Partners or Directors members of?



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2.3 What is the percentage breakdown of each type of professional service or advice that you provide to clients?

Type of Product or Service	% of Revenue		Typical Customer
	Current Year	Next Year	
Application Service Provider – Bandwidth	%	%	
Application Service Provider - Security	%	%	
Bulletin Board System/Forum Sites	%	%	
Billing Services	%	%	
Computer Aided Design (Structural)	%	%	
Computer Aided Design (Non-Structural)	%	%	
Colocation Facilities	%	%	
Credit Card Processing	%	%	
CRM Consulting	%	%	
Data Entry / Timesharing	%	%	
Data Processing	%	%	
E-commerce Consulting	%	%	
ERP Consulting	%	%	
Graphic Design	%	%	
Hardware Assembly	%	%	
Hardware Manufacturing	%	%	
Healthcare	%	%	
Infrastructure Equipment Manufacturing	%	%	
Infrastructure Software	%	%	
Internet Advertising	%	%	
Internet Service Provider	%	%	
Manufacturing (General)	%	%	
Messaging Services	%	%	
Online Banking	%	%	
Online Brokerage	%	%	



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Online Exchange	%	%	
Portals	%	%	
Retail E-Commerce	%	%	
Security Consulting	%	%	
Security Software	%	%	
Software Development	%	%	
Software Installation – Custom	%	%	
Software Installation – Prepackaged	%	%	
Specialty Programming	%	%	
Systems Analysis	%	%	
Systems Engineering	%	%	
Systems Integration	%	%	
Systems Maintenance	%	%	
Technical Research	%	%	
Technical Support	%	%	
Technical Training	%	%	
Telecommunication	%	%	
Value Added Reselling	%	%	
Video Conferencing Services	%	%	
Web Hosting	%	%	
Web Maintenance Services	%	%	
Website Design	%	%	
WiFi Service Provider	%	%	
Other	%	%	

2.4 Do you engage in any other professional or business activities other than what is described in this section 2? If yes, please attach details of the type of work and the fee income from these other activities. Yes No

2.5 Are you or any of your Principals, Partners or Directors connected or associated with any other practice or business? If yes, please attach details. Yes No



2.6 Do you place temporary IT personnel at a client’s site and under the client’s supervision and direction? Yes No

3. Financial Details

3.1 When does your Financial Year end? (day) (month)

3.2 Has your firm been reporting profit for the past 2 years? Yes No

If no, please attach the latest Financial Statement _____

3.3 What is your total turnover or fee income for the

Table with 5 columns: Year, Malaysia, Foreign, Total. Rows: Coming year (est), Current year (est), Past year.

3.4 What percentage of your fee income is derived from work in

Table with 7 columns: Malaysia, Other Asia, Australia/NZ, Europe, USA/Canada, Others, Total. Rows: Percentage breakdown, Total 100%.

3.5 Which are the foreign countries where you provide your services, and how many staff are located in each?

Table with 4 columns: Country, Number of staff, Country, Number of staff.

3.6 What are your five largest projects or contracts during the past five years?

Table with 5 columns: Client name, Service performed, Start & end date, Location, Fees.

3.7 What is average timeframe per contract?

Empty rectangular box for answer to question 3.7.



3.8 What is your average contract or licensing agreement value?

4. Risk Management

4.1 Do you execute a written contract, agreement or engagement letter for services with every client? Yes No

4.2 Are these client contracts reviewed by a law firm experienced in your profession? If no, how do you review and approve client contracts? Yes No

- 4.3 Do these contracts contain
- Specific description of services that you provide? Yes No
 - Guarantees or warranties of your services? Yes No
 - Limitation of your liability to your clients? Yes No
 - Hold harmless or indemnity agreements to your benefit? Yes No
 - Hold harmless or indemnity agreements to your client's benefit? Yes No
 - Disclosure of actual or potential conflicts of interest? Yes No

4.4 Are all changes to your contracts confirmed in writing? Yes No

4.5 Are verbal reports or advice always confirmed in writing? Yes No

4.6 Are written disclaimers included with any advice that you give? Yes No

4.7 What percentage of your professional services is subcontracted to others? _____ %

4.8 What services are subcontracted?



- 4.9 Does your subcontractor contractually agree to hold you harmless for liability caused by the subcontractor's acts? Yes [] No []
4.10 Do you contractually agree to waive any legal rights you may have against your subcontractors, consultants or agents? Yes [] No []
4.11 Do you ask for verification that the subcontractor carries professional liability insurance? Yes [] No []
4.12 Please identify the quality control procedures in place? [] written quality control programs [] vendor certification guidelines [] prototype development guidelines [] beta testing
4.13 Are formal customer acceptance procedures in place? Yes [] No []
4.14 Are formal written system or software development methodologies in place? Yes [] No []
4.15 Do contracts or statement of work include performance milestones which are acknowledged and accepted with signoffs by both you and the customer? Yes [] No []
4.16 Are final acceptance letters or signoffs required from each customer? Yes [] No []
4.17 Do you have an Internal Audit process in place? Yes [] No []

5. Insurance History

5.1 Do you currently have similar insurance? If yes, please provide details Yes [] No []

Table with 5 columns: Period of Insurance, Insurer, Policy Limit, Excess, Retroactive Date. Includes 'RM' entries under Policy Limit and Excess.

5.2 Has any application for similar insurance been refused, or has any similar insurance ever been rescinded or cancelled? If yes, please provide details Yes [] No []

Empty rectangular box for providing details for question 5.2.



6. Claims Experience

- 6.1 Have any claims ever been made, or lawsuits been brought against you, your predecessors in business, or any current or former Principals, Partners, Directors, employees, or any other person or entity applying to be insured under this proposed contract of insurance? Yes [] No []
6.2 Are any of the Principals, Partners, Directors or employees aware, after inquiry, and as of the date of signing this application, of any errors, omissions, offences, circumstances or allegations which might result in a claim being made against you or any person or entity applying to be insured under this proposed contract of insurance? Yes [] No []
6.3 Have you, your predecessors in business, or any current or former Principals, Partners, Directors, or employees ever been the subject of disciplinary action or investigation by any authority or regulator or professional body? Yes [] No []

If Yes to any of the questions in this section, please provide full details and the status of each claim, lawsuit, allegation or matter, including:

- the date of the claim, suit or allegation
• the date you notified your previous insurers
• the name of the claimant and the project
• the allegations made against you
• the amount claimed by the claimant
• whether the status is outstanding or finalised
• the amounts paid for claims and defence costs to date

[Empty box for providing details of claims]

Additional Information to Send with Your Application

Table with 2 columns: Attach a copy of the following: and Included? (Yes/No checkboxes). Rows include Corporate profile, financial statements, contracts, resumes, and business plan.

Declaration



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- We have read and understood the Important Notices contained in this application.
- We agree that this proposal, together with any other information or documents supplied, will form the basis of any contract of insurance.
- We acknowledge that if this application is accepted, the contract of insurance will be subject to the terms and conditions as set out in the policy wording as issued or as otherwise specifically varied in writing by ACE Jerneh.
- We declare, **after inquiry**, that the statements, particulars and information contained in this application and in any documents accompanying this application are true and correct in every detail and that no other material facts have been misstated, suppressed or omitted.
- We undertake to inform ACE Jerneh of any material alteration to those facts before completion of the contract of insurance.



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This form **must** be reviewed, signed and dated by a duly authorised Principal, Partner or Director.

Signed, Principal/Partner/Director:

Name of signatory:

Date: