

CYBER SECURITY LIABILITY APPLICATION - MONTANA

COVERAGES E., F., AND G. ARE CLAIMS MADE AND REPORTED COVERAGES.

DEFENSE WITHIN LIMITS: The amount of money available under the policy to pay settlements or judgments will be reduced and may be exhausted by defense expenses, including but not limited to fees paid to attorneys to defend you.

PLEASE READ THE ENTIRE POLICY CAREFULLY.

Certain terms have specific meaning as defined in the policy form and noted in **bold**. Throughout this Application the words "you" and "your" refer to the **Named Insured** shown in the Declarations, and any other person or organization qualifying as a **Named Insured** under the proposed policy.

SECTION I – GENERAL INFORMATION

Name of Applicant

Address:

City:

State:

Zip:

Phone:

Website: www.

Risk Management Contact:

Phone:

Email:

Please provide a brief description of operations:

Please list all subsidiaries for which coverage is requested under this policy:

To enter more information, please use the Additional information page attached to this application.

	US / Canada	Other Countries	Total
Total number of employees			
Annual sales or revenue	\$	\$	\$
Annual revenue from online sales or services	\$	\$	\$

- Does the Applicant collect, store or process any of the following types of Personally Identifiable Information (PII)? Yes No
Please check all that apply:

Bank Account Information	Protected Health Information / Medical Records
Credit Card Numbers	Social Security Numbers
Driver's License Information	Other: (please specify)
- Please estimate the total number of Personally Identifiable Information records held:

SECTION II - COVERAGE SELECTION

CURRENT CARRIER	EXPIRATION DATE	ANNUAL PREMIUM	LIMITS	DEDUCTIBLE	RETROACTIVE DATE
		\$	\$	\$	
Insuring Agreement		Requested Limit		Requested Deductible	
A. Loss of Digital Assets		\$		\$	
B. Non-Physical Business Interruption & Extra Expense		\$		(N/A – Time Retention Applies)	
C. Cyber Extortion Threat		\$		\$	
D. Security Event Costs		\$		\$	
E. Network Security & Privacy Liability		\$		\$	
F. Employee Privacy Liability		\$		\$	
G. Electronic Media Liability		\$		\$	
H. Cyber Terrorism Coverage		\$		\$	

SECTION III - LOSS EXPERIENCE

(Explain any "Yes" responses, including corrective actions and damages incurred on the ADDITIONAL INFORMATION page below)

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| 1. During the past three (3) years whether insured or not, has the Applicant sustained any losses due to unauthorized access, unauthorized use, virus, denial of service attack, electronic media liability, data breach, data theft, fraud, electronic vandalism, sabotage or other similar electronic security events? | Yes | No |
| 2. Within the past three (3) years, has the Applicant experienced any network related business interruption exceeding eight (8) hours other than planned maintenance? | Yes | No |
| 3. During the last three (3) years, has anyone alleged that the Applicant was responsible for damage to their computer system(s) arising out of the operation of the Applicant's computer system(s)? | Yes | No |
| 4. During the last three (3) years, has the Applicant received a complaint or other proceeding (including an injunction or other request for non-monetary relief) arising out of intellectual property infringement, copyright infringement, media content, or advertising material? | Yes | No |
| 5. During the last three (3) years, has anyone made a demand, claim, complaint, or filed a lawsuit against the Applicant alleging invasion of, or interference with rights of privacy, or the inappropriate disclosure of personally identifiable information (PII)? | Yes | No |
| 6. During the last three (3) years, has the Applicant been the subject of an investigation or action by any regulatory or administrative agency for privacy-related violations? | Yes | No |
| 7. Is the Applicant aware of any circumstance that could reasonably be anticipated to result in a claim being made against them for the coverage being applied for? | Yes | No |

SECTION IV – RISK CONTROLS

- | | | |
|---|-----|----|
| 1. Does the Applicant have a firewall?
a. How often does the Applicant review the rules within the firewalls?
b. When was the last time a rule was removed / deactivated? | Yes | No |
| 2. Does the Applicant require their Information Technology Department or outsourced third party vendors/providers to adhere to a software update process, including software patches and anti-virus software definition upgrades? | Yes | No |
| 3. Does the Applicant perform virus scans of emails, downloads, and portable devices? | Yes | No |
| 4. Does the Applicant restrict access to sensitive client, customer, employee or other third party information? | Yes | No |

5. Does the Applicant have a process for managing user accounts, including the timely revocation of access for terminated employees and the removal of outdated accounts? Yes No
6. Does the Applicant have physical security controls in place to restrict access to their computer systems and sensitive paper records? Yes No
7. Does the Applicant have role-based controls or other procedures that address user access to critical and sensitive computer systems, applications, or records? Yes No
8. Does the Applicant have a written business continuity/disaster recovery plan that includes procedures to be followed in the event of a disruptive computer or network incident? Yes No
9. Are system back-up and recovery procedures tested for all mission-critical systems and performed at least annually? Yes No
10. Does the Applicant have a designated individual or group responsible for information security and compliance operations? Please specify below by checking all that apply:
 Risk Management Department
 Chief Information Officer / Chief Information Security Officer
 Other: (please specify)
11. Is all sensitive customer, client and employee data:
 a. encrypted at rest? Yes No
 b. encrypted in transit? Yes No
 c. accessible via mobile devices, laptops or other portable storage media? Yes No
 If yes, are the mobile devices, laptops or other storage media encrypted? Yes No
12. How long would it take to restore the Applicant's operations after a computer attack or other loss/corruption of data? 0-12 Hours 12-24 Hours 24 Hours
13. Are mission-critical transactions and security logs reviewed periodically for suspicious activity?
 If yes, how frequently? Yes No
14. Has the Applicant undergone an information security or privacy compliance evaluation?
 If yes, identify who performed the evaluation, the date it was performed, the type of evaluation, and attach a copy of it. Yes No

Were all recommendations implemented and deficiencies corrected?
 If no, please explain on the ADDITIONAL INFORMATION page) Yes No

15. Does the Applicant outsource critical components of their network/computer system or internet access/presence to others? Yes No

If yes, check all that apply and name the service provider for each category:

TECH-RELATED SERVICE			
Internet Service Provider	Backup, co-location and data recovery	Financial Services and Payment Processing	Other: "cloud", ASP, SAAS, Etc.
Comcast	AT & T	ADP	Amazon
Verizon	Mozy	Authorize.net	Microsoft
Time Warner	HP	Blackbaud	Google
AT & T	IBM	BA Merchant Services	Go Daddy
Optimum / Cablevision	Iron Mountain	First Data	IBM
Cox	Rackspace	Fiserv	Media Temple
Century Link	Sunguard	Global Payments	Endurance/Bluehost
Windstream	TierPoint	Heartland	Rackspace
Charter	In House	Metavente	Akamai

Road Runner	Other:	Paymentech	Verizon
Level 3		Paypal	SoftLayer
Other:		Square	HostGator
		Stripe	VMWare/Dell/EMC
		Verisign	Salesforce
		Other:	Other:

- | | | |
|--|-----|----|
| 16. Does the Applicant have a program in place to periodically test their data security controls? | Yes | No |
| 17. Does the Applicant have written contracts in place to enforce their information security policy and procedures with third party service providers? | Yes | No |
| 18. Do such contracts contain hold harmless or indemnification clauses in the Applicant's favor? | Yes | No |
| 19. Does the Applicant audit all vendors and service providers who handle or access their data and require them to have adequate security protocols? | Yes | No |
| 20. Does the Applicant have a document destruction and retention policy? | Yes | No |
| 21. Does the Applicant monitor their network in real time to detect possible intrusions or abnormalities in the performance of the system? | Yes | No |

SECTION V – PRIVACY CONTROLS

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|---|-----|-----------------------|-----|
| 1. Has the Applicant achieved compliance with the following: (check all that apply) | | | |
| PCIDSS (Payment Card Industry Data Security Standard) | Yes | No | N/A |
| GLBA (Gramm-Leach-Bliley Act) | Yes | No | N/A |
| HIPAA (Health Insurance Portability and Accountability Act) | Yes | No | N/A |
| 2. Does the Applicant's hiring process include the following for all employees and independent contractors (check all that apply): | | | |
| Drug testing | | Work history checks | |
| Criminal background checks | | Credit history checks | |
| Educational background | | Other (specify): | |
| 3. Does the Applicant have a current enterprise-wide computer network and information security policy that applies to employees, independent contractors, and third-party vendors? | Yes | No | |
| If yes, is the information published within the company (e.g. corporate intranet, employee handbook, etc.)? | Yes | No | |
| 4. Are all employees periodically instructed on their specific job responsibilities with respect to information security, such as the proper reporting of suspected security incidents? | Yes | No | |
| 5. Does the Applicant have a formal written privacy policy? | Yes | No | |
| If yes, has the policy been reviewed and approved by legal counsel? | Yes | No | |
| 6. Are the Applicant's information systems and supporting business procedures prepared to honor customer preferences concerning the opt-out of sharing of non-public, personal information to non-affiliated third parties? | Yes | No | |
| 7. Does the Applicant require the transmission of personal customer information such as credit card numbers, contact information, etc., as part of their internet-based services? | Yes | No | |

SECTION VI – MEDIA LIABILITY CONTROLS

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|---|-----|----|
| 1. Does the Applicant have a process to review content or materials (including meta tags) before they are published, broadcasted, distributed, or displayed on their website for the following: | | |
| Defamation (Slander or Libel)? | Yes | No |
| Right to privacy or publicity? | Yes | No |
| Copyright, trademark or domain name? | Yes | No |
| 2. Has the Applicant’s products or services been the subject of copyright, patent or trademark infringement allegations? | Yes | No |
| 3. Does the Applicant’s organization use social media? | Yes | No |
| a. Do they monitor postings? | Yes | No |
| b. Are there formal procedures for complaints? | Yes | No |
| c. Is content reviewed by legal counsel? | Yes | No |

ADDITIONAL INFORMATION

This page may be used to provide additional information to any question on this application. Please identify the question number to which you are referring.

Signature

Date

FRAUD STATEMENT AND SIGNATURE SECTIONS

The Undersigned states that they/ them are an authorized representative of the Applicant and declares to the best of their knowledge and belief and after reasonable inquiry, that the statements set forth in this Application (and any attachments submitted with this Application) are true and complete and may be relied upon by Company * in quoting and issuing the policy. If any of the information in this Application changes prior to the effective date of the policy, the Applicant will notify the Company of such changes and the Company may modify or withdraw the quote or binder.

The signing of this Application does not bind the Company to offer, or the Applicant to purchase the policy.

*Company refers collectively to Philadelphia Indemnity Insurance Company and Tokio Marine Specialty Insurance Company

VIRGINIA APPLICANT: READ YOUR POLICY. THE POLICY OF INSURANCE FOR WHICH THIS APPLICATION IS BEING MADE, IF ISSUED, MAY BE CANCELLED WITHOUT CAUSE AT THE OPTION OF THE INSURER AT ANY TIME IN THE FIRST 60 DAYS DURING WHICH IT IS IN EFFECT AND AT ANY TIME THEREAFTER FOR REASONS STATED IN THE POLICY.

FRAUD NOTICE STATEMENTS

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 THAT PERSON TO CRIMINAL AND CIVIL PENALTIES (IN OREGON, THE AFOREMENTIONED ACTIONS MAY CONSTITUTE A FRAUDULENT INSURANCE ACT WHICH MAY BE A CRIME AND MAY SUBJECT THE PERSON TO PENALTIES). **(NOT APPLICABLE IN AL, AR, CA, CO, DC, FL, KS, KY, LA, ME, MD, NJ, NY, OH, OK, PA, RI, TN, VA, VT, WA AND WV).**

APPLICABLE IN AL, AR, LA, MD, RI AND WV: ANY PERSON WHO KNOWINGLY (OR WILLFULLY IN MD) PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR WHO KNOWINGLY (OR WILLFULLY IN MD) PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND/OR CONFINEMENT IN PRISON (IN ALABAMA, MAY BE SUBJECT TO RESTITUTION FINES OR CONFINEMENT IN PRISON, OR ANY COMBINATION THEREOF).

APPLICABLE IN CALIFORNIA: FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM. ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT INFORMATION TO OBTAIN OR AMEND INSURANCE COVERAGE OR TO MAKE A CLAIM FOR PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

APPLICABLE IN COLORADO: 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.

APPLICABLE IN DISTRICT OF COLUMBIA: 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.

APPLICABLE IN FLORIDA ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD, OR DECEIVE ANY INSURER FILES A STATEMENT OF CLAIM OR AN APPLICATION CONTAINING ANY FALSE, INCOMPLETE, OR MISLEADING INFORMATION IS GUILTY OF A FELONY OF THE THIRD DEGREE.

APPLICABLE IN KANSAS: AN ACT COMMITTED BY ANY PERSON WHO, KNOWINGLY AND WITH INTENT TO DEFRAUD, PRESENTS, CAUSES TO BE PRESENTED OR PREPARES WITH KNOWLEDGE OR BELIEF THAT IT WILL BE PRESENTED TO OR BY AN INSURER, PURPORTED INSURER, BROKER OR ANY AGENT THEREOF, ANY WRITTEN, ELECTRONIC, ELECTRONIC IMPULSE, FACSIMILE, MAGNETIC, ORAL, OR TELEPHONIC COMMUNICATION OR STATEMENT AS PART OF, OR IN SUPPORT OF, AN APPLICATION FOR THE ISSUANCE OF, OR THE RATING OF AN INSURANCE POLICY FOR PERSONAL OR COMMERCIAL INSURANCE, OR A CLAIM FOR PAYMENT OR OTHER BENEFIT PURSUANT TO AN INSURANCE POLICY FOR COMMERCIAL OR PERSONAL INSURANCE WHICH SUCH PERSON KNOWS TO CONTAIN MATERIALLY FALSE INFORMATION CONCERNING ANY FACT MATERIAL THERETO; OR CONCEALS, FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO.

APPLICABLE IN KENTUCKY: ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSONS FILES AN APPLICATION FOR INSURANCE 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.

APPLICABLE IN MAINE: 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.

APPLICABLE IN NEW JERSEY: ANY PERSON WHO INCLUDES ANY FALSE OR MISLEADING INFORMATION ON AN APPLICATION FOR AN INSURANCE POLICY IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES.

APPLICABLE IN NEW MEXICO: 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.

APPLICABLE IN OHIO: 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.

APPLICABLE IN OKLAHOMA: 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.

APPLICABLE IN PENNSYLVANIA: 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.

APPLICABLE IN TENNESSEE, VIRGINIA AND WASHINGTON: 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.

APPLICABLE IN VERMONT: ANY PERSON WHO KNOWINGLY PRESENTS A FALSE STATEMENT IN AN APPLICATION FOR INSURANCE MAY BE GUILTY OF A CRIMINAL OFFENSE AND SUBJECT TO PENALTIES UNDER STATE LAW.

APPLICABLE IN NEW YORK: 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. THIS APPLIES TO AUTO INSURANCE.

NAME (PLEASE PRINT/TYPE)

TITLE
(MUST BE SIGNED BY THE PRESIDENT, BOARD CHAIR,
CEO OR EXECUTIVE DIRECTOR)

SIGNATURE

DATE

SECTION TO BE COMPLETED BY THE PRODUCER/BROKER/AGENT

PRODUCER
(If this is a Florida Risk, Producer means Florida Licensed Agent)

AGENCY

PRODUCER LICENSE NUMBER
(If this a Florida Risk, Producer means Florida Licensed Agent)

ADDRESS (STREET, CITY, STATE, ZIP)