



TOKIOMARINE  
HCC

# Professional Risks

## Marketing, Advertising & Communications Proposal Form



## Important Notice

This proposal must be completed and signed by a principal, partner, director of the proposer/s. The person completing and signing the form should be authorised by the proposer to do so and should make all reasonable enquiries to enable all the questions to be answered.

All questions must be answered to enable a quotation to be given.

Completing and signing this proposal does not bind the proposers or insurers to enter a contract of insurance.

If there is insufficient space to answer questions, please use an additional sheet and attach it to this form (please indicate section number).

## General information

### 1. Please provide the following details (including all trading names and subsidiaries):

Name	Date of establishment

Website address

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### 2. Address/es, including postcode/s for all subsidiaries:

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### 3. Please supply details of all principals, directors, partners:

Name	Qualifications	How long with the company

### 4. Please state total numbers of:

Principals, directors, partners	Creative staff	Administration	Others

**5. Please state the name of any professional body or trade association of which you are a member:**

Professional body

Trade association

**6. Do you currently have a professional indemnity policy in place?**

Yes

No

If **YES**, please provide:

Name of current insurers

Name of your broker

Renewal date

Limit of indemnity

Premium

Excess

Retroactive date

**7. Do you or any of your principals, directors, partners have any association with or financial interest in any other practice, company or organisation?**

Yes

No

If **YES**, please provide details of the nature of the association, together with the name of the business and activities undertaken:

**8. Do you use consultants / sub-contractors?**

Yes

No

If **YES**:

a. What percentage of your turnover / fee income was paid to them in the last financial year?

%

b. What was the nature of the work undertaken?

c. Do you require cover for them under this policy?

Yes

No

d. Do you require them to carry professional indemnity insurance to a similar limit?

Yes

No

If **NO** to 8d, please provide details as to why not:

**9. Please complete the following:**

a. Financial year end date: / / 20

	Previous	Last complete	Current	Estimate
b. Total turnover / fee income:	£	£	£	£

c. Estimated percentage split of your turnover / fee income for:

Work carried out for UK clients	%	%	%	%
Work carried out for US / Canadian clients not subject to US / Canadian law	%	%	%	%
Work carried out for US / Canadian clients subject to US / Canadian law	%	%	%	%
Work carried out for clients anywhere else in the world – please give details of where	%	%	%	%
Operating profit	£	£	£	£

d. Do you enter into contracts that are not subject to UK / EU law?  Yes  No

If **YES**, please provide full details of which countries and jurisdiction:

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# Business activities

## 10. Split of turnover including fees in the past year or if a new firm your anticipated figures:

<b>Production of Advertisements:</b>		
a) Commercial TV		£
b) Other Media		£
<b>Media Spend</b> (whether purchased by you or by media independent relative to your creative work)		£
<b>Production of corporate/promotional videos</b>		£
<b>Post Production Services</b>		
<b>Printed literature / documents</b>		£
<b>Direct marketing</b>	Mail shots	£
	Postage costs	£
	Telemarketing	£
	Database management and list broking	£
<b>Sales promotion</b>		£
<b>Marketing consultancy including digital marketing</b>		£
<b>Market Research</b>		£
<b>Graphic Design</b>		£
<b>Corporate identity and brand development</b>		£
<b>Photographers/Videographers</b>		£
<b>Animator/Cartoonist/Illustrator</b>		£
<b>Creative Consultant including fashion design</b>		£
<b>Conference/Exhibition/Event Managers</b>		£
<b>Authors Agents</b>		£
<b>Talent Agents</b>		£
<b>Other work, please give details</b>		£
<b>Total turnover including fee income*</b>		£

\*Please note this figure should be as per answer to question 9b for the last complete year

## 11. If there are activities in question 10 where you have declared no income for the last financial year:

- a. Have you undertaken any of these activities in the past?  Yes  No
- b. Do you intend to undertake any of these activities in the future?  Yes  No

If YES to any of the above, please provide details, including nature of activities and income:

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**12. Please give details of your five largest contracts in the last five financial years (If new start-up, please complete question 16):**

**Largest contract:**

Start and end dates	
Nature of contract	
Name and business of client	
Total contract value	
Income to you	

**Second largest contract:**

Start and end dates	
Nature of contract	
Name and business of client	
Total contract value	
Income to you	

**Third largest contract:**

Start and end date	
Nature of contract	
Name and business of client	
Total contract value	
Income to you	

**Fourth largest contract:**

Start and end dates	
Nature of contract	
Name and business of client	
Total contract value	
Income to you	

13. Do you provide printing services or assume liability for printing?  Yes  No

If YES, please provide details, including client:

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14. Do you carry out any print only contracts?  Yes  No

If YES, what percentage of your turnover/ fee income in the last completed financial year relates to these? %

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### 15. Direct marketing

a. What is your largest mailing (by number of pieces mailed)?

b. What is your average size mailing?

c. Do you do 100% mailings (contracts where 100% of the client database must receive the mailing)?  Yes  No

If YES, please provide details:

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16. Do you have a structured process or procedure in place to ensure that your work does not infringe a third party's intellectual property rights and that you obtain all appropriate licences or permissions from copyright holders when you use any photographs, pictures, film clips, music or any other content?  Yes  No

If you have standard written procedures, please attach a copy.

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## Risk management

17. Are satisfactory written references obtained from former employers for at least three years prior to the engagement of any employee responsible for money, accounts or goods?  Yes  No

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18. Above what amount do payments require at least a two-stage sign-off? £

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19. Do you hold client funds, or do you have client authority to agree and/or effect transfers or payments on their behalf from client funds or accounts?  Yes  No

If YES:

a. Do you ever act solely on e-mail instructions to transfer funds or make payments from client accounts without taking steps to independently verify the authenticity of the instructions and integrity of any bank account details provided prior to execution?  Yes  No

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b. Do you undertake to immediately implement procedures to ensure that there is such an independent verification process in place for all future transactions?  Yes  No

c. What steps have you taken to ensure that the transaction has been completed successfully?

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**20. When entering into contracts please confirm:**

a. You carry out work only under your standard contract, signed by every client?  Yes  No

b. All contracts are vetted by a legally qualified person before being agreed?  Yes  No

If **NO**, please provide details as to why not:

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**21. Do you:**

a. Always have a written specification with your clients for each job, which includes campaign details, volume, quality, timings and sign off procedures?  Yes  No

b. Always report all deviations to the above contract specification?  Yes  No

c. Always use a purchase order, or equivalent, when employing subcontractors which mirror any client obligations for each contract?  Yes  No

d. Always obtain final client sign off before going to print?  Yes  No

If **NO**, please provide details:

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**22. Do you commit clients to contracts with third parties?**  Yes  No

If **YES**, do you always obtain clients written acceptance of the terms of contracts before committing them?  Yes  No

If **NO**, please explain why not:

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If **YES**, please provide details:

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23. Does your business obtain, record, store or otherwise process any personal data as defined under the General Data Protection Regulations (GDPR) / Data Protection Act 2018?  Yes  No

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If yes, please confirm;

a. How many personal data records are processed annually

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b. What proportion of data records processed contain a highly sensitive element (e.g. banking or saving account number, debit card number, health information, passport number)

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24. Are you involved in any communications to consumers, including by post, e-mail, telephone or SMS?  Yes  No

If yes, do you have appropriate policies and procedures in place to ensure that appropriate consent has been obtained or verified in compliance with the GDPR/Data Protection Act 2018, the Privacy and Electronic Communications Regulations 2003 and other applicable legislation?  Yes  No

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25. Do you seek explicit consent from all third parties before selling or sharing their personally identifiable data?  Yes  No

If no, please provide further details

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26. Has any proposal for similar insurance made on your behalf, any predecessor or any past or present principals, directors, partners ever been declined, cancelled, refused or had special terms applied?  Yes  No

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27. Is there any other information that you consider material to the insurance required?

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If YES, please provide details:

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28. For what limits of indemnity are quotations required?

- |                                     |                                     |                                      |
|-------------------------------------|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> £250,000   | <input type="checkbox"/> £500,000   | <input type="checkbox"/> £1,000,000  |
| <input type="checkbox"/> £2,000,000 | <input type="checkbox"/> £5,000,000 | <input type="checkbox"/> £10,000,000 |

# Claims

**29. In respect of any of the risks to which this application relates:**

a. Has any claim been made (whether successful or not) against you, any predecessor, any past or present principals, directors, partners?  Yes  No

b. Has any loss been suffered by you or any predecessor as a result of the dishonesty or malice of any past or present principals, directors, partners, employees or self-employed person?  Yes  No

If **YES** to any of the above, please provide details:

Date of claim / loss	Brief details of each claim / loss	Total cost of claim / loss paid	Estimated total cost of claim / loss

c. What steps have been taken to prevent a recurrence?

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**30. Are you, after full enquiry:**

a. Aware of any circumstance which is likely give rise to a claim or loss against you, any predecessor or any past or present principals, directors, partners?  Yes  No

- b. Aware of any shortcoming in your work for a client which is likely to give rise to a claim against you? This includes:  Yes  No
- i. A shortcoming known to you, but not your client, which you cannot reasonably put right?
  - ii. A complaint from your client about your work or anything you have supplied which cannot be immediately resolved?
  - iii. An escalating level of complaint from your client on a particular project?
  - iv. A client withholding payment due to you after any complaint?

If **YES** to any of the above, please provide details:

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**31. Do you have any grounds, after reasonable enquiry, for suspecting that any past or present principal, director, partner, employee or self-employed person has acted dishonestly or maliciously?**

Yes

No

If **YES**, please provide details:

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# Please read this paragraph carefully before signing the declaration

It is essential that every proposal, when seeking a quotation to take out or renew any insurance, discloses to the prospective Insurers all material facts and information (including all material circumstances) which might influence the judgement of an Insurer in deciding whether to accept the risk and on what terms. The obligation to provide this information continues up until the time that there is a completed contract of insurance. Failure to do so entitles the Insurers, if they so wish, to avoid the contract of insurance from inception and so enables them to repudiate liability thereunder. If you have any doubt as to what constitutes a material fact or circumstance please do not hesitate to ask for advice.

## Declaration

On behalf of the proposer/s, I/we declare that, after full enquiry, the contents of this proposal are true and that I/we have not misstated, omitted or suppressed any material fact or information. If there is any material alteration to the facts and information which I/we have provided or any new material matter arises before the completion of the contract of insurance, I/we undertake to inform the Insurer.

Signature of principal / director / partner:

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Date:

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## Data Protection Notice

Tokio Marine HCC respects your right to privacy. In our Privacy Notice (available at <https://www.tmhcc.com/en/legal/privacy-policy>) we explain who we are, how we collect, share and use personal information about you, and how you can exercise your privacy rights. If you have any questions or concerns about our use of your personal information, then please contact [DPO@tmhcc.com](mailto:DPO@tmhcc.com).

We may collect your personal information such as name, email address, postal address, telephone number, gender and date of birth. We need the personal information to enter into and perform a contract with you. We retain personal information we collect from you where we have an ongoing legitimate business need to do so.

We may disclose your personal information to:

- our group companies;
- third party services providers and partners who provide data processing services to us or who otherwise process personal information for purposes that are described in our Privacy Notice or notified to you when we collect your personal information;
- any competent law enforcement body, regulatory, government agency, court or other third party where we believe disclosure is necessary (i) as a matter of applicable law or regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your interests or those of any other person;
- a potential buyer (and its agents and advisers) in connection with any proposed purchase, merger or acquisition of any part of our business, provided that we inform the buyer it must use your personal information only for the purposes disclosed in our Privacy Notice; or
- any other person with your consent to the disclosure.

Your personal information may be transferred to, and processed in, countries other than the country in which you are resident. These countries may have data protection laws that are different to the laws of your country. We transfer data within the Tokio Marine group of companies by virtue of our Intra Group Data Transfer Agreement, which includes the EU Standard Contractual Clauses.

We use appropriate technical and organisational measures to protect the personal information that we collect and process about you. The measures we use are designed to provide a level of security appropriate to the risk of processing your personal information.

You are entitled to know what data is held on you and to make what is referred to as a **Data Subject Access Request ('DSAR')**. You are also entitled to request that your data be **corrected** in order that we hold accurate records. In certain circumstances, you have other data protection rights such as that of **requesting deletion, objecting to processing, restricting processing** and in some cases **requesting portability**. Further information on your rights is included in our Privacy Notice.

You can **opt-out of marketing communications** we send you at any time. You can exercise this right by clicking on the "unsubscribe" or "opt-out" link in the marketing e-mails we send you. Similarly, if we have collected and processed your personal information with your consent, then you can **withdraw your consent** at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent. You have the **right to complain to a data protection authority** about our collection and use of your personal information.

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## Contact Us

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[tmhcc.com](http://tmhcc.com)

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