



TOKIOMARINE
HCC

Professional Risks

Multimedia: Publishers and Broadcasters 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
<input type="text"/>	<input type="text"/>

Website address

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

<input type="text"/>
<input type="text"/>
<input type="text"/>

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

Name	Qualifications	How long with the company
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

4. Please state total numbers of:

Principals, directors, partners	Creative staff	Administration	Others
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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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 sub-contractors?

Yes

No

If **YES**:

a. What percentage of your turnover was paid to sub-contractors in the last financial year?

 %

b. What is the nature of work undertaken by sub-contractors?

c. Do you require cover for them under this policy? Yes No

d. Are sub-contractors required to carry errors and omissions 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 including fee income:	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>

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

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

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:

10. Approximately what percentage of income is derived from advertising revenue? %

Business activities

11. Broadcasting: If you do not undertake broadcasting activities tick here and move to **Question 12**

a. Split of turnover including fees in the last complete financial year. If a new start-up, please anticipate your figures:

Radio	<input type="text"/>	%
Television	<input type="text"/>	%
Other work – please specify	<input type="text"/>	%
Total		100%

b. Approximate split of the type of programmes you broadcast:

Type of Programme	Total broadcasting time	Programmes produced by you	Programmes produced by others
i. Discussion, phone-in, live unscripted	<input type="text"/>	<input type="text"/>	<input type="text"/>
ii. Current affairs/ documentaries	<input type="text"/>	<input type="text"/>	<input type="text"/>
iii. Sport / comedy / plays / drama / light entertainment	<input type="text"/>	<input type="text"/>	<input type="text"/>
iv. Films	<input type="text"/>	<input type="text"/>	<input type="text"/>
v. Reality television shows	<input type="text"/>	<input type="text"/>	<input type="text"/>
vi. Music	<input type="text"/>	<input type="text"/>	<input type="text"/>
vii. Children / religious	<input type="text"/>	<input type="text"/>	<input type="text"/>
viii. News	<input type="text"/>	<input type="text"/>	<input type="text"/>

c. Approximate split of your last year's turnover in the following:

Broadcasting / programme sales	<input type="text"/>	%
Advertising	<input type="text"/>	%
Publishing / merchandising	<input type="text"/>	%
Other work – please specify	<input type="text"/>	%
Total		100%

d. Name(s) of broadcasting station(s):

e. How many hours per week do you broadcast?

f. Can you confirm that you obtain contractual indemnities from third party suppliers of programmes?

Yes No

g. If you broadcast any live phone-in and unscripted material please confirm:

i. A delay device is used during all live phone-ins

Yes No

ii. All guests or callers who are speaking unscripted are vetted and informed of what they can or cannot say on air

Yes No

h. Please confirm that you do not supply any programmes to other broadcasters:

Yes No

If you have answered **NO** to any of **10f - 10h** please provide details:

12. Publishing: If you do not undertake publishing activities tick here and move to **Question 13**

a. Please provide a list of publications:

Name of publications	Description	Format	Frequency	Annual Circulation	Countries circulated to
<input type="text"/>					
<input type="text"/>					
<input type="text"/>					
<input type="text"/>					

b. For all publications published by you, please provide a percentage split of your revenue as follows:

Genre	% of revenue	Genre	% of revenue
Children	<input type="text"/> %	Poetry	<input type="text"/> %
Educational	<input type="text"/> %	Social / political	<input type="text"/> %
Legal / finance	<input type="text"/> %	Celebrities	<input type="text"/> %
Medical	<input type="text"/> %	Religious	<input type="text"/> %
Investigative / expose	<input type="text"/> %	History	<input type="text"/> %
Biography and autobiography	<input type="text"/> %	Classic	<input type="text"/> %

Technical	<input type="text"/> %	DIY books	<input type="text"/> %
Trade	<input type="text"/> %	Academic	<input type="text"/> %
Scientific	<input type="text"/> %	Lifestyle	<input type="text"/> %
Fiction	<input type="text"/> %	Other (please specify)	<input type="text"/> %
		Total	100%

Please attach a copy of your current publication catalogue to this application

c. For all your publications, please provide a percentage split between original titles and reprint:

Original titles % Reprints %

d. Are standard contracts utilised in all cases with authors or third party contributors? Yes No

e. Do contracts contain an indemnity in your favour? Yes No

Please provide a copy of your standard contract

13.

a. Are all editors / reporters or presenters familiar with current libel law Yes No

b. Is a disclaimer issued with respect to technical information or advice? Yes No

c. In any of your publications or broadcasts do you use literature, music, film, photography or other images for which you have to acquire the rights? Yes No

d. Do you engage in investigative / expose reporting, e.g.: hidden cameras or undercover investigations? Yes No

If **YES** please provide details:

e. Please advise procedures in place to ensure appropriate clearance rights are obtained prior to publication / broadcast:

f. What editorial control / procedures do you have in place for checking content prior to publication / broadcast?

g. Is any potential contentious material referred to external lawyers for review? Yes No

If **NO**, please provide explanation:

If **YES**, who is responsible for making the decision to refer?

h. Please provide details of lawyers utilised:

Name of law firm:

Address:

Risk management

14. 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

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

16. 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

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?

17. 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, to any of the above, please explain why not:

18. When entering into contracts do you always:

a. Exclude liability for consequential, special or indirect damages, loss of profits and liquidated damages? Yes No

b. Cap your overall liability at a reasonable level? Yes No

c. Work to a written specification with your clients outlining the scope of each job? Yes No

d. Ensure that changes to the scope of work are reflected in a written variation of the contract? Yes No

e. Contain an indemnity in your favour in all cases with authors or third party contributors? Yes No

If NO, to any of the above, please explain why not:

19. 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:

20. 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

If **YES**, please provide details:

21. Is there any other information that you consider material to the insurance required? Yes No

If **YES**, please provide details:

22. For what limits of indemnity are quotations required?

- £250,000
- £500,000
- £1,000,000
- £2,000,000
- £5,000,000
- £10,000,000
- Other

Claims

23. 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
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

24. 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:

<input type="text"/>
<input type="text"/>

25. 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:

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:

Date:

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.

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.

Contact Us

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