

PROFESSIONAL & FINANCIAL RISKS // INFORMATION TECHNOLOGY LIABILITY //
TECHNICAL SPECIFICATIONS // AUSTRALIA

Technical Specifications: Information Technology Liability

Liberty Offers a Unique Solution for IT Organisations

The ever increasing reliance on technology by business and consumers has driven fantastic growth in the IT sector – but that reliance on technology means the companies that provide it are increasingly vulnerable to legal actions claiming non-performance, failure to deliver and a whole host of other liabilities.

Below is a list of the covers provided by Liberty's **Errors & Omissions Liability (E&O) Policy for IT Organisations**. Liberty's Combined General & Products Liability (CGL) Policy for IT Organisations is also available and provides complimentary cover for a range of closely related exposures.

Important: Covers itemised in this document are general subject headings which may not describe key exclusions or qualifications. You must read the policy.

So What's Covered? Key Features Tailored to the IT Industry

- ▶ **Defence Costs Paid in Advance** - prior to final resolution of a valid claim
- ▶ **Contractual Liability** - loss the insured is legally liable to pay under an indemnity and/or hold harmless term of a contract to the extent that such loss results from an act error or omission of the insured
- ▶ **Implied Warranties & Conditions** - for claims alleging breach of warranty or condition implied in a contract under common law and TPA
- ▶ **Limitation of Liability Contracts** - the insured's right to claim under our policy will not be prejudiced by commercial contracts and agreements with other parties that limit their liability
- ▶ **Statutory Compensation Orders** - compensation payable in civil penalty proceedings brought under Australian or New Zealand legislation arising from claims covered under the policy
- ▶ **Contractors & Consultants** - cover for persons or companies with no more than two employees in respect of IT services or products provided for or on behalf of the named insured
- ▶ **Intellectual Property Rights** - unintentional breaches excluding North America
- ▶ **Breach of Confidentiality** - for liability at law for breaches of confidentiality.
- ▶ **Interference with Privacy** - for unlawful interference with privacy.
- ▶ **Replacing or Restoring Documents** - first party cover for replacement and restoration costs

- ▶ **Exemplary & Punitive Damages** - the exemplary or punitive damages the insured is legally liable to pay under Australian or New Zealand law arising from claims covered under the policy
- ▶ **Loss Mitigation & Rectification (Optional)** - direct costs and expenses incurred in taking action to rectify or mitigate the effects of any act, error or omission that would otherwise result in a claim covered under the policy

Other Extensions Include:

- | | | |
|-----------------------|--------------------------|--------------------------------------|
| ▶ Defamation | ▶ Fraud & Dishonesty | ▶ Inquiry Costs |
| ▶ Trade Practices Act | ▶ New Subsidiaries | ▶ Spouses, Estates & Representatives |
| ▶ Joint Ventures | ▶ Continuous Cover | ▶ Reinstatement (Optional) |
| ▶ Vicarious Liability | ▶ Extended Policy Period | |

Other Conditions & Extensions

- ▶ **Allocation** - senior counsel clauses apply to disputes regarding decisions to defend claims and allocation between covered and uncovered matters
- ▶ **Change in Control** - if a change in control occurs during the policy period, the policy will only provide cover for acts, errors or omissions prior to the effective date of the change in control
- ▶ **Severability of Proposal & Non-Imputation** offers protection for innocent insureds
- ▶ **Insured** - the definition of insured includes subsidiaries which were a subsidiary of the named insured prior to the commencement of the policy period
- ▶ **Information Technology Products & Information Technology Services** - both expressions are broadly defined which expands the scope of cover and reduces the potential for disputes over whether a claim involves a "service" or a "product"

Our Capacity

For IT Organisations

Errors & Omissions Liability

- ▶ Up to \$25,000,000 capacity

General & Products Liability

- ▶ Up to \$25,000,000 capacity

For IT Projects

Errors & Omissions Liability

- ▶ Up to \$15,000,000 capacity
- ▶ Maximum policy period 72 months
- ▶ Maximum project development period 36 months

Global reach. Financial strength. Local authority.

Distinct, complex and constantly evolving – every business is as unique as its insurance needs. To confidently progress in the face of risk and uncertainty requires a level of security you can only achieve through working with specialists.

Liberty Specialty Markets offers a breadth of world-class insurance and reinsurance services to brokers and insured clients. We bring value and solutions to more than 26,000 of Asia Pacific's most significant business and government organisations – helping protect what they earn, build and own.

We're part of the global Liberty Mutual Group, a Fortune 100 company that's been in business since 1912 with a Standard and Poor's 'A' rating.

 [View our office locations](#)

 [Meet our Professional & Financial Risks team members](#)



Connect and join the Liberty conversation

Liberty is not authorised to provide financial product advice. The information in this document does not take into account your objectives, financial situation or needs. Always consider the applicable policy wording and other relevant documents before deciding to acquire a financial product. This information is current as at April 2024. **Liberty** means Liberty Specialty Markets, a trading name of Liberty Mutual Insurance Company, Australia Branch (ABN 61 086 083 605; AFSL No. 530842 (for claims handling and settling services only)) incorporated in Massachusetts, USA (the liability of members is limited); Liberty Specialty Markets Hong Kong Limited (UBI 66395065); Liberty Specialty Markets Singapore Pte Limited (UEN 201538069C); and Liberty Specialty Markets Singapore Pte Limited, Labuan Branch (Company No. LF12903), a licensed insurer under the Labuan Financial Services and Securities Act 2010 (Licence No. IS2016162).