

Harbour Underwriting  
4<sup>th</sup> Floor  
8 Waterloo Place  
London  
SW1Y 4BE



# Proposal Form

Harbour Underwriting Limited

**Statement of Confidentiality & Ownership**

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## After-the-Event (“ATE”) Insurance Proposal Form

In making this application for insurance, you are required to make a fair presentation of the risk which **discloses** every **material circumstance** which you **know**, or **ought to know** relating to the risk to be insured.

**Disclosure:** The disclosure you give must be made in a manner which would be reasonably clear and accessible to a prudent insurer.

**A circumstance is material** if it would influence the judgment of a prudent insurer in determining whether to provide insurance for the risk and, if so, on what terms.

**What you know:** If you are not an individual, the scope of what you know extends to what is known or ought to be known to key individuals in your organisation and who may be a part of your senior management team and/or responsible for the matter for which you are seeking insurance, or any parties that are responsible for arranging your insurance (including but not limited to your brokers).

**What you ought to know:** You are expected to know any information that should reasonably have been revealed by a reasonable search of information available to you (whether the search is conducted by making enquiries or by other means). This could include any information held within your organisation or by any other person.

Every material representation of a fact disclosed must be substantially correct and every material representation as to a matter of expectation or belief must be made in good faith.

If you are in doubt as to whether something constitutes a material fact, you should disclose it.

Failure to comply with the duty of fair presentation could mean that the policy is void or that insurers are not liable to pay all or part of your claim(s) made under the policy.

A check list of the supporting documentation required is given in section 8.

The papers submitted will not be used for any purpose or disclosed to any third party unconnected with this application for ATE insurance unless agreed with you.

By signing this Proposal Form you confirm that you have read and agree with the terms of the “Fair Processing Notice” attached here to and consent to your Personal Data being processed in accordance with the Fair Processing Notice and our Privacy Policy. Our Privacy Policy can be found on our website or send an email to [enquiries@harbourunderwriting.com](mailto:enquiries@harbourunderwriting.com) for a copy of our Privacy Policy.



## PLEASE COMPLETE ALL SECTIONS

If there is insufficient space to fully answer any question, please continue on the Additional Information sheet after Section 10 and clearly identify the section and question to which the additional information relates. You can also use the Additional Information sheet to provide other information which you consider to be relevant which is not specifically covered in the proposal form.

Please send your completed proposal form and supporting documentation to [enquiries@harbourunderwriting.com](mailto:enquiries@harbourunderwriting.com)

<b>Section 1: Potential insured's details</b>	
Full name of each potential insured	
Domicile of each potential insured, including their address/registered office	
Date of birth (if applicable)	
Whether claimant/ applicant, or defendant/ respondent or funder of the claimant/ defendant	

  

<b>Section 2: Legal adviser's details</b>	
Firm's name	
Address	
Solicitor acting	
Supervising partner	
File reference	
Your Exempt Professional Firm registration number	
Date instructed	
Counsel's name (if instructed)	
Date Counsel instructed	

  

<b>Section 3: Opponent's details</b>	
Full name of each opponent	
Law firm representing each opponent	

  

<b>Section 4: The case – outline of the case</b>	
Type of case	
Does the claim or defence raise any element of fraud or crime?	
Date of cause of action	
Jurisdiction – if jurisdiction is in dispute, please provide details	
Forum (County Court, High Court, Arbitration etc.)	
Full value of claim	
Is any non-monetary relief sought? If so, what relief is claimed?	



Is a counterclaim expected? If so, on what basis and for what amount?	
Has counsel advised on the merits? If so, what is the date of the latest opinion?	
What does counsel consider to be the percentage prospects of succeeding at trial against each opponent?	

#### Section 4: The case – the current state of the case

Has a letter of claim been sent?	
Have proceedings been commenced?	
If proceedings have not been commenced, when will the limitation period expire?	
What is the current stage of the proceedings?	
When is the next hearing or court direction to be complied with?	
Is a preliminary issue trial anticipated or listed?	
What is the trial/arbitration date, or trial window (if fixed)?	

#### Section 4: The case – interim applications

Have any applications been issued, or threatened, by any party? If yes, please provide details	
Are any applications for security for costs anticipated by any party? If yes, please provide details	

#### Section 4: The case – attempts to settle

Please provide details of all settlement offers made or anticipated by any party	
Has any form of ADR occurred or been suggested? If yes, please provide details	
What is your settlement strategy?	
What, in your view, would be a reasonable settlement?	

#### Section 5: Costs – the retainer

Please provide details of the firm's retainer (if a CFA, please state percentage of hourly rate at risk)	
Date of the firm's retainer	
Please provide details of counsel's retainer (if a CFA, please state percentage of hourly rate at risk)	
Date of counsel's retainer	
Have either your firm's or counsel's retainer changed since you were instructed, or is it anticipated that the retainer may change? If so, please provide details	



Section 5: Costs – funding	
How is the claim being funded (e.g. own resources, insurance, etc)?	
Do you require, or anticipate requiring, third party funding or external funding?	
If so, how much funding is required?	

Section 6: Cover required (if cover is not required, please enter “n/a” in the boxes in this section)				
<b>Own firm’s costs</b>	Own costs incurred to date	£	plus VAT of	£
	Budgeted own costs from now to trial	£	plus VAT of	£
<b>Own disbursements</b>	Own disbursements incurred to date	£	plus VAT of	£
	Budgeted own disbursements from now to trial	£	plus VAT of	£
<b>Opponent’s costs</b>	Estimated costs incurred by the opponent to date	£	plus VAT of	£
	Estimated opponent’s costs from now to trial	£	plus VAT of	£
	Total limit of indemnity requested	£	plus VAT of	£

Section 7: Details of applications for ATE insurance, third party funding or other funding	
Have you approached any other party (such as another ATE insurance provider or third-party funder) in respect of this case, either directly or through a broker?	
If yes, please list the entities approached and the stage and/or outcome of your discussions with each	

Section 8 – Documentation supporting this application for ATE insurance		
<i>Before submitting your proposal, please indicate below which of the suggested documents have been enclosed with this application</i>		
Documentation provided	YES	NO
Case summary (if counsel’s opinion is not available)		
Copies of all counsel’s opinion obtained (or attendance note if counsel advised in a conference)		
Pleadings, including applications and court orders relating to case management and costs management		
Cost budget (with no less detail than would be given in Precedent H)		
Witness statements		
Expert reports		
Relevant correspondence between the parties		
Retainer details		
Other – please specify in the box below		



<b>Section 9 – General questions</b>		
<b>Have any of the potential insureds:</b>	<b>YES</b>	<b>NO</b>
(i) ever been convicted of or charged (but not yet tried) with any criminal offence other than road traffic offences?		
(ii) ever been declared bankrupt or entered into an individual voluntary arrangement, or if a company, gone into liquidation, administration, receivership, administrative receivership, or entered into a company voluntary arrangement or creditors scheme of arrangement?		
(iii) ever been a director or partner of a company that went into liquidation, administration, receivership, administrative receivership, or entered into a company voluntary arrangement, or a creditors scheme of arrangement or was dissolved?		
(iv) ever been the subject of a County Court or High Court judgment?		
(v) ever been a director of a company that has received a County Court or High Court judgment against it?		
(vi) ever been disqualified under the Company Directors Disqualification Act 1986 or any subsequent legislation from holding office as a director of a company?		
<b>If 'Yes to any of the above, please provide full details in the box below</b>		

<b>Section 10: Declaration</b>	
I/We declare that the information contained in this proposal form and the supporting documentation represents a fair presentation of the risk.	
Potential insured's signature	
Name of potential insured	
Title	
Date	
Authority to sign (if signing other than as an individual)	
Solicitor signature	
Name of solicitor	
Date	



**Additional information**

Empty text area for providing additional information.



## Fair Processing Notice

Harbour Underwriting Limited (HUL) is committed to protecting and respecting your privacy.

This fair processing notice sets out how and why we collect and use ("**process**") your personal data, if:

1. you are applying for an insurance policy
2. you are an existing policy holder

This notice also describes your rights under data protection law.

We will only process your personal data as set out in this notice. If we need to use your data for any other purpose, we may do so if that purpose is compatible with this notice, and we will inform you before we use it in such a manner unless we are prohibited from notifying you by law.

### Who are we?

HUL is authorised to quote for, issue and manage After the Event (ATE) Insurance on behalf of Hamilton Insurance DAC. HUL is authorised and regulated by the Financial Conduct Authority.

Depending on how you are introduced to us and your relationship with other professionals, HUL may act as either a data controller or processor. The details of all the entities associated with HUL, which may control and/or process your personal data (in accordance with this notice), are listed in Schedule 1.

### Why do we process your personal data?

We need to collect and use personal data to carry out our business, which is that of quoting for, issuing and managing ATE Insurance. There are various reasons why we process personal data.

Primarily we process personal data to:

- Consider and make decisions on applications for ATE insurance, including reviewing potential evidence to evaluate the merits of a legal claim and seeking opinions and advice from advisors
- Provide quotes for an ATE insurance policy
- Invoice for and collect premiums
- Issue ATE insurance policies
- Manage ATE insurance policies
- Assess and administer the payment of any claim

We also process personal data to:

- Communicate with you in connection with an application for a new or an existing ATE insurance policy
- Prevent and detect money laundering, fraud, terrorist financing, bribery, corruption, tax evasion, breaches of economic and trade sanctions and other illegal activity, including by carrying out due diligence and reporting suspicions of illegal activity
- Cooperate with law enforcement authorities and fraud prevention agencies
- Cooperate with and comply with the requirements of regulatory bodies and other competent authorities
- Improve our business and ensure its proper and efficient functioning, including by utilising business intelligence, conducting statistical analysis, consulting with external advisors and carrying out audits
- Ensure the security of the HUL network, offices and individuals on-site
- Report to internal boards and committees (including Harbour group boards and committees)
- Complete accounting and auditing activities
- Promote our business
- Enforce our rights and protect HUL, including by obtaining advice and pursuing legal action
- Provide your contact details to selected third parties in respect of relevant direct marketing communications

### Where do we obtain your personal data from?

Primarily the data we process on you has been obtained directly from you, from your employer, your representative, your legal adviser, an associated third party, a litigation funder or a broker/introducer. Where applicable, we may utilise public records, such as company and regulator registers and third-party vendors to verify information and conduct





anti-money laundering/know your customer screening. Third-party vendors may collate publicly available information into an easily searchable format.

If you provide personal data to us about someone else (such as one of your directors or employees, someone with whom you have business dealings or are a party to legal proceedings) you must ensure that you are entitled to disclose that personal data to us and that, without our taking any further steps, we may collect, use and disclose that personal data as described in this Fair Processing Notice and our Privacy Policy. In particular, you must ensure the individual concerned is aware of the various matters detailed in this Fair Processing Notice and our Privacy Policy.

Our Privacy Policy can be found on our website or send an email to [enquiries@harbourunderwriting.com](mailto:enquiries@harbourunderwriting.com) for a copy of our Privacy Policy.

### **What personal data do we process?**

We may process personal data:

- which you provide us with
- which we gather from other sources (as explained above)

#### **Identity & contact information**

- Name
- Sex
- Date of Birth
- Nationality
- Signature
- Postal address
- Registered address
- E-mail address
- Telephone number
- Legal domicile
- Place of Birth

#### **Marital status and/or financial associations**

- Marital status
- Family member's name (spouse, minors, etc.) and other beneficiaries as requested by you

#### **Work Details**

- Department
- Role

#### **Financial details/ circumstances**

- Bank account details
- Taxation details
- Source of Funds & Source of Wealth
- Investment Data
- Information about investment, savings and assets

#### **Special Categories (Sensitive categories)**

- Passport Number
- Tax ID
- Nationality
- Photograph
- Relevant or Incidental Health Information as provided by you
- Sanction screening and adverse media searches

#### **Other**

- Telephone recordings
- Details of your legal representatives
- Information about civil proceedings you have been involved in



In addition, we process personal data which we do not obtain directly from you, namely:

- Information about whether you are subject to any sanctions
- Information about the merits of your legal proceedings
- Information about you which is found in the media
- Information about other parties linked to your legal proceedings
- Information about civil and criminal proceedings you have been or are involved in, including the outcome of such proceedings.

Please note that we will carry out searches of publicly available sources such as internet searches for adverse media references and searches of public data bases such as company listings and registers maintained by regulators.

Personal data can only be processed if the processing is permitted by law. We process your personal data on the basis of the following justifications (or "legal bases"):

- the processing is necessary for performing a contract with you or in order to take steps which are required to enter into such a contract
- the processing is necessary for compliance with a legal obligation which we are subject to
- the processing is necessary for our legitimate interests or the legitimate interests of another person if we consider that such legitimate interests are not overridden by your rights and freedoms

The data we process can also include data which is considered to be "**special category data**". Special category data means information which reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health and data concerning sex life or sexual orientation. Stricter conditions apply to the processing of special category data and we only process such data if these conditions are satisfied. Special category data that we process may include:

- Relevant or Incidental Health Information as provided by you

In addition, we may need to process information about **criminal offences, convictions and proceedings** you are or were involved in. This is done in order to assess legal proceedings which are being considered for ATE insurance, to assess any reputational risks to HUL or to manage existing policies.

#### **Who can access your personal data?**

HUL may provide your details to other parties, including:

- **The associated entities**, which are listed in Schedule 1.
- **The shareholders of HUL**
- **Litigation Funders who are funding your legal proceedings**
- **Our regulators and supervisory authorities**
- **Professional advisors and consultants** we may engage:
  - legal advisors
  - tax advisors
  - financial advisors
  - PR consultants
  - Placing Agents
  - Insurance brokers
  - Auditors of our business
  - Consultants
- **Other insurance providers**
- **Service providers** we contract with to perform certain functions on our behalf, such as providers of
  - Data hosting
  - Telecommunications
  - IT services
  - Software support and development
  - Computer maintenance contractors
  - Printing companies
  - Document storage and destruction companies
  - Archiving service providers



- Background checking
- **Fraud prevention agencies and law enforcement authorities** such as the police, the UK National Crime Agency. We may notify the competent authorities if we suspect fraud or other illegal activity. This may involve disclosing personal data to such authorities.
- **Other recipients.**
  - Buyers and prospective buyers of our business or assets

If you have any questions or concerns about the sharing of your personal data as described above, please contact us using the contact details provided in this fair processing notice.

#### **What countries is your data transferred to?**

In most circumstances data will be processed within the European Economic Area (EEA). However, depending on the location of the legal proceedings and the key parties to these proceedings, we may transfer, store and process your personal data, if required for the purposes described above, in countries which do not provide the same level of protection as the UK or EEA. This may also include your personal data being processed by staff operating outside the UK or EEA who work for us or for one of our suppliers.

We will ensure that:

- prior to undertaking any such transfers HUL will ensure that adequate safeguards have been put in place such as Intra-Group processing agreements, EU/UK Model Contracts and Standard Contractual Clauses
- any such international transfers are made subject to appropriate or suitable safeguards as required by the UK General Data Protection Regulation (UK-GDPR) and General Data Protection Regulation (GDPR) or other relevant laws

Third parties with whom we share personal data, in accordance with this notice may also transfer personal data outside the UK/EEA. More information about this can be obtained from the third parties directly and we are not responsible for such transfers which they make.

#### **What security measures do we have in place?**

We are committed to ensuring that your information is secure. To prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect and hold.

#### **How long will we retain your data?**

Your personal data will be deleted when it is no longer reasonably required for the purposes outlined above or if you withdraw your consent (where applicable) and we are not legally required or otherwise permitted to continue storing such data.

#### **What are your rights?**

Under Data Protection Regulations you have a number of rights in relation to the way we process your Personal Data. These include the right to:

- request a copy of the personal data, subject to certain legal conditions, which we hold
- have any inaccurate personal data corrected
- object to or restrict the use of your personal data
- request that your personal data is erased where you suspect that your personal data is processed without a legitimate reason or where you believe we no longer have grounds to process your personal data
- make a complaint if you have a concern about our handling of your personal data
- request not to receive our communications any longer
- withdraw your consent to process your personal data

The above is only a summary of your rights as a data subject. These rights are subject to various conditions and exceptions which are provided for by law. If you would like more information on your rights or if you would like to exercise any of your rights please contact us using the contact details provided in this fair processing notice.

Please note that we are under no obligation to rectify or delete your personal data where to do so would prevent us from meeting our legal or regulatory obligations.



If you have any concerns regarding our processing of your personal data, or are not satisfied with our handling of any request by you in relation to your rights, you also have the right to make a complaint to a supervisory authority. A list of the supervisory authorities in the UK and European Union and the European Free Trade Area, including their contact information, can be accessed here:

[http://ec.europa.eu/newsroom/article29/document.cfm?action=display&doc\\_id=50061](http://ec.europa.eu/newsroom/article29/document.cfm?action=display&doc_id=50061)

#### Changes to this notice

We may update this notice from time to time. We will notify you of the changes where required by law to do so

#### How to contact us

Address: Harbour Underwriting Limited  
4<sup>th</sup> Floor  
8 Waterloo Place  
London SW1Y 4BE

Telephone: +44 20 3829 9400

Email: [info@harbourunderwriting.com](mailto:info@harbourunderwriting.com)

SCHEDULE 1: LIST OF HUL ASSOCIATED ENTITIES			
Country	Name of Harbour Group entity and Registration	Controller/Processor	Address
UK	Harbour Underwriting Limited	Controller/Processor	4 <sup>th</sup> Floor, 8 Waterloo Place, London, SW1Y 4BE
UK	Hamilton Insurance DAC	Processor	Hamilton Managing Agency, 8 Fenchurch Place, London, EC3M 4AJ
Ireland	Hamilton Insurance DAC	Processor	2 Shelbourne Buildings, Shelbourne Rd, Ballsbridge, Dublin 4
Switzerland	Swiss Re	Processor	Mythenquai 50, 8002 Zurich, Switzerland
Germany	Swiss Re	Processor	Arabellastrasse 30, 81925 München, Germany



Harbour Underwriting Limited is authorised and regulated by the Financial Conduct Authority (Firm reference number 939803).

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