

Information Technology Insurance Specialists P/L

Agreement of Confidentiality

This agreement made between David Fisk of Information Technology Insurance Specialists P/L of Level 1, 51-53 Chandos Street, St Leonards NSW Australia and[name] of Pty Limited,[address] provides for the exchange of confidential information between the undersigned parties and the non-disclosure thereof to third parties without permission of the other party.

1. "Confidential Information" means all or any part of the information disclosed from time to time by the parties hereto to the other and includes but is not limited to any product information, technical information, specifications, quotations, submissions and programs developed or marketed by Information Technology Insurance Specialists P/L.
2. The parties respectively agree:-
 - (i) to hold the Confidential Information disclosed by one to the other in strict confidence indefinitely and not to disclose such Confidential Information to any third party except with the prior written consent of the other party;
 - (ii) Except with the prior written consent of the other party, that they will not use the Confidential Information for any other than the purpose set out in Schedule A;
 - (iii) To take all reasonable care to keep Confidential Information in a secure place and to take all reasonable precautions to ensure that the employees of each of the respective parties will not disclose Confidential Information without the authority of the other party other than in accordance with subclause (i) above.
3. This agreement shall not apply to Confidential Information that:-
 - (i) becomes generally known to the public other than by breach of Clause 2 (i) above;
 - (ii) is independently developed by the other party;
 - (iii) is obtained by either of the parties from any third party without any restriction as to further disclosure being imposed by any such third party.
4. It shall not be a breach of this Agreement if either party discloses any Confidential Information to any government body or other authority pursuant to a lawful requirement of any such authority or body as required by law.
5. The parties each respectively warrant in favour of the other that the party disclosing the Confidential Information is entitled to disclose same and that without prejudice to any other rights or remedies, both parties have the right to seek an immediate injunction restraining any breach of this Agreement by the other of them.
6. The parties respectively agree that no charge is payable in respect of supply of Confidential Information from one party to the other.
7. The rights and obligations of either party to this Agreement are not assignable.

8. Each of the parties undertakes that it will, on request by the other party or upon fulfilment of the Purpose, return all documents and other materials in its possession relating to or containing the Confidential Information (whether or not such documents were created by that party) and undertakes not to retain any copies or replicas of such documents or materials.
9. Subject to the terms of this Agreement, the obligations of the parties with respect to the Confidential Information shall terminate when all the Confidential Information enters the public domain through general public knowledge but shall survive any other termination or purported termination of this Agreement.
10. This Agreement shall be governed by the law of the State of New South Wales and each party hereby submits to the jurisdiction of the Courts of New South Wales.

SCHEDULE A Purpose for which Confidential Information is disclosed by one party to the other.

This Confidential Information is disclosed for the purpose of receiving insurance advice.

Date of Return

SIGNED for and on behalf of
Information Technology Insurance Specialists P/L

SIGNED for and on behalf of
.....
Pty Limited (Authorised Rep)

By David Fisk [name]

By.....[name]



.....[Signature]

General Manager
10th October 2003

.....[Position]
.....[Date]

in the presence of: Darren Wedge [name]

in the presence of.....



.....[Signature]

Information Technology Insurance Specialists Pty Ltd have always valued the privacy of personal information provided to our organisation. From 21 December 2001, we adhere to the Privacy Act 1988 (CTH), which sets out standards for collection, use, disclosure and handling of personal information. Our full Privacy Policy is attached.

Information Technology Insurance Specialists

Privacy Policy

Our Privacy Policy:

ITIS have always valued the privacy of personal information provided to our organisation. From 21 December 2001, we adhere to the Privacy Act 1988 (CTH), which sets out standards for the collection, use, disclosure and handling of personal information.

ITIS means Information Technology Insurance Specialists Pty Ltd (ACN 089 084 962), (ABN 26 089 084 962)

This Privacy Policy outlines how we manage personal information. It applies to any personal information you provide to us and any personal information we collect, use, disclose or handle about individuals from other sources. This policy does not apply to our employees records, which are not subject to the Act.

For any updates to our Privacy Policy please visit our website at www.informationtechnology.com.au or contact our office.

Why We Collect Personal Information:

We collect personal information either directly from the relevant individuals or indirectly from third parties to offer, provide, manage and administer the many financial services and products we are involved in. These include insurance broking and claims management, risk management consulting, other forms of insurance services (including underwriting of insurance products and reinsurance), employee benefits, superannuation and investment advisory services.

If you would like more information on the services and products available, please contact our office.

We also collect personal information to be able to develop and identify products and services that may interest you, conduct market and customer satisfaction research, develop, establish and administer alliances and other arrangements with other organisations in relation to the promotion, administration and use of our respective products and services.

The usual type of information collected includes your name, postal or e-mail address, date of birth, financial details, etc. We may also need to collect sensitive information about you in relation to life, general and workers compensation insurance, information about your membership of professional to trade associations, health information, sexual preferences and criminal record.

If you do not provide the information requested, we or those involved with the provision of the service or product, may not be able to provide the appropriate type or level of service or product.

How We Collect Personal Information:

We collect personal information directly from the individual in most situations but we may need to collect personal information about an individual from third parties.

For example, an insured may not only provide us with information on themselves for the purpose of obtaining our services but also on other insureds that they represent. We may also obtain personal information from past insurers, witnesses to claims, health care workers and publicly available sources, etc.

Who We Disclose Personal Information To:

We have a duty to maintain the confidentiality of our client's affairs, including their personal information. Our duty of confidentiality applies except where disclosure of personal information is with our client's consent or where we are compelled by law.

We disclose personal information to third parties who we believe are necessary to assist us in providing, managing and administering the services we provide and the products we are involved in. For example:

- our related companies and alliance partners who may wish to tell you about their services, products or promotional opportunities, which may be to your benefit, unless you tell us not to.
- your representatives such as your lawyers, accountants, financial advisers, etc.
- for insurance broking and life and general insurance products –insurers, reinsurers, other insurance service providers, insurance reference bureaus, medical service providers, fraud detection agencies, our advisers such as loss adjusters, lawyers and accountants, and others involved in the claims handling process.

What We Expect of You And Third Parties We Deal With:

When you provide us with personal information about other individuals, we rely on you to have made them aware that you will or may provide their information to us, the purpose we use it for, the types of third parties we disclose it to and how they can access it (as described in this document). If it is sensitive information we rely on you to have obtained their consent to the above. **If you have not done either of these things, you must tell us before you provide the relevant information.**

If we give you personal information, you and your representatives must only use it for the purpose we agreed to. Where relevant you must meet the requirements of the National Privacy Principles set out in the Privacy Act 1988, when collecting, using, disclosing and handling personal information on our behalf. You must also ensure that your agents, employees and contractors meet the above requirements.

Security of Your Personal Information:

Your personal information may be stored in hard copy documents, as electronic data, or in our software or systems. We endeavour to protect any personal information that we hold from misuse and loss, and to protect it from unauthorised access, modification and disclosure.

For example – We maintain physical security over our paper and electronic data stores and premises, such as locks and security systems. We also maintain computer and network security; for example, we use firewalls (security measures for the internet) and other security systems such as user identifiers and passwords to control access to computer systems.

Transfer of Information Overseas:

We may transfer your personal information overseas where it is necessary to provide our service. For example, we sometimes use the internet to collect and process information. In addition, some insurers or reinsurers are based overseas and we need to provide your personal information to them to arrange your cover.

Keeping Information Up to Date and Accessing It:

We take reasonable steps to ensure that your personal information is accurate, complete, and up to date whenever we collect, disclose or use it.

We will on request, provide you with access to information we hold about you, unless there is an exception which applies under the National Privacy Principles. Things that may affect a right to access information include:

- access would pose a serious threat to the life or health of any individual.
- access would have an unreasonable impact on the privacy of others.
- a frivolous request.
- the information relates to a commercially sensitive decision making process.
- access would be unlawful or denying access is required or authorised by law (for example – We have a duty to our clients to keep information confidential and providing information would breach that duty)
- access would prejudice enforcement activities relating to criminal activities and other breaches of law, public revenue, security functions, negotiations with individuals.
- legal dispute resolution proceedings.

In the event we do not provide you with access to personal information, we will provide you with reasons for refusal and inform you of any exceptions we relied upon.

You can also gain access to information for the purpose of correcting or updating that information.

If you require personal information contact your Relationship Manager at Information Technology Insurance Specialists or visit our website to get a Request Form for Personal Information. We will deal with your request within a reasonable time and costs involved with the request may be recovered from you.

Opting Out:

If we send you any information about our services or products, or you do not want us to disclose your personal information to any other organisation (including related bodies corporate) you can opt out by writing to our Privacy Officer confirming you wish to opt out.

How to Contact Us:

If you wish to gain access to your personal information, or you want us to correct or update it, or you have a complaint about a breach of your privacy, or any other query relating to our Privacy Policy, contact our Privacy Officer during normal business hours on:

Telephone:	(02) 8436 6262
Facsimile:	(02) 9436 3588
Email:	admin@informationtechnology.com.au
Mail:	P.O. Box 678, Crows Nest NSW 1585

You can obtain a Request Form for Personal Information at www.informationtechnology.com.au