

Endorsement

CorporateGuard Employment Practice Liability

Endorsement Number

This endorsement, effective

Issued to

Issued by the **Insurer** and applicable to the following Section(s) only:

Privacy Event and Security Failure Exclusion

In consideration of the premium, the policy is amended as follows:

PRIVACY EVENT AND SECURITY FAILURE EXCLUSION

1. The following exclusion is added to Section 4, Exclusions:

Privacy Events and Security Failures

arising out of, based upon or attributable to any actual or alleged **Privacy Event** or **Security Failure**.

2. The following definitions are added to Section 2, Definitions:

Breach of Confidential Information

means the loss or unauthorised access to, modification, disclosure or transmission of **Confidential Information**.

Confidential Information

means **Corporate Information** and **Personal information** in a **Company's** or **Information Holder's** care, custody or control or for which a Company is legally responsible.

Computer System

means:

- (i) any computer hardware, software or any components thereof that are linked together through a network of two or more devices accessible through the internet or an intranet or that are connected through data storage or other peripheral devices which are owned, operated, controlled or leased by a **Company**;
- (ii) any of the foregoing computer hardware, software or components thereof which is part of an industrial control system, including a supervisory control and data acquisition (SCADA) system;

- (iii) any **Employee** "Bring Your Own Device" used to access any of the foregoing computer hardware, software or components thereof or **Data** contained therein; and
- (iv) any cloud service or other hosted computer resources, used by a **Company** and operated by a Third Party service provider under a written contract between such **Third Party** service provider and a **Company**.

Corporate Information

means a **Third Party's** items of information that are not available to the public (including trade secrets, data, designs, forecasts, formulas, practices, processes, records, reports and documents) which are subject to contractual or legal protection.

Data

means any electronically stored digital or digitised information or media. For the purposes of this endorsement, **Data** is not tangible property.

Data Protection Legislation

means the *Privacy Act 1988* (Cth), and any subsequent legislation that alters, repeals or replaces such legislation and all other equivalent laws and regulations relating to the regulation and enforcement of data protection and data privacy in any country.

Data Subject

means any natural person whose **Personal Information** has been either collected, stored, or processed by or on behalf of a **Company**.

Information Commissioner

means an Information Commissioner of the Office of the Australian Information Commissioner or position that replaces such a role under laws and regulations relating to the regulation and enforcement of data protection and data privacy in Australia and any equivalent position in any jurisdiction.

Information Holder

means a **Third Party** that:

- (i) a **Company** has provided **Personal Information** or **Corporate Information** to; or
- (ii) has received **Personal Information** or **Corporate Information** on behalf of a **Company**.

Personal Information

means any information relating to an identified or identifiable natural person. **Personal information** includes a natural person's name, online identifier, telephone number, credit card or debit card number, account and other banking information, tax file number, medical information, or any other information about a natural

person protected under **Data Protection Legislation**, including but not limited to “personal information” or “sensitive information” within the meaning of the *Privacy Act 1988* (Cth).

Privacy Event

means:

- (i) a **Breach of Confidential Information** by an **Insured** or an **Information Holder**; or
- (ii) a failure by a **Company** to notify a **Data Subject** or any **Regulator** of an unauthorised disclosure or transmission of **Personal Information** for which the **Company** is responsible in accordance with the requirements of any **Data Protection Legislation**.

Regulator

means an **Information Commissioner** or statutory or government body established pursuant to **Data Protection Legislation** in any jurisdiction and which is authorised to enforce statutory obligations in relation to the handling, use and disclosure of **Personal Information** (or, where relevant, **Corporate Information**).

Security Failure

means:

- (i) any intrusion of, unauthorised access (including an unauthorised person using authorised credentials) to, or unauthorised use of (including by a person with authorised access) a **Computer System**, including that which results in or fails to mitigate any:
 - (a) denial of service attack or denial of access; or,
 - (b) receipt or transmission of a malicious code, malicious software or virus;
- (ii) the loss of **data** arising from the physical theft or loss of hardware controlled by an **Insured**; or
- (iii) the unauthorised reprogramming or corruption of software (including firmware) which renders a **Computer System** or any component thereof non-functional or useless for its intended purpose.

Third Party

means any entity or natural person except:

- (i) any **Insured**; and
- (ii) any other entity or natural person having a financial interest in the operation of a **Company**.

All other terms, exclusions and conditions of this policy remain unaltered.