

IFEA Webinar Series

Proactive Approach To: Claims, Incident Reports & Festival Cyber Liability Risks

Presented by
Andrew Vandepopulier
Haas & Wilkerson



We Have A Claim, NOW WHAT???

- How can we best protect ourselves against future claims?
- Once you have a patron or volunteer claiming to have an injury or damage what do you do?
- What type of information do I need to retain for our insurance company?
- Who should be handling the claims reports for our team?
- What is a Cyber Claim???
- How do I protect myself against Cyber Claims?

Claims: What Causes Them?

- The majority of claims come from trip and falls. These can occur indoors or outdoors and make up 80-85% of our claims volume.
- Other major sources of claims at festivals are golf carts and gators. These claims tend to be more severe than the trip and fall and can result in higher settlements.
- Other areas that we see causing claims at festivals include:
 - Vendors-Food and Merchandise
 - Outside Contractors
 - Entertainers

How Can We Avoid These Claims?

- Trip and Falls- Do a pre-event walk through and daily checks for hazards. Have more than one person complete this as the more eyes the better.
 - Once you have identified the hazard make sure to either remedy the issue or mark it with paint and cones. You need to have a clear line of communication regarding discovered issues and responsibility of resolving the hazards.
 - If you are leasing the facility work with the owner to correct the issue.
 - Make sure to leave enough time after setup to resolve any issues that may arise from inspection.
 - Make sure to document that all hazards have been repaired.

Document, Document, Document!

How Can We Avoid These Claims?

- Golf Carts and UTV's-It is key to have a set of rules and regulations for drivers
 - Drivers must be over 16 years of age.
 - Drivers should be required to attend a golf cart safety session.
 - Only use carts during non-festival hours. If you must use them during festival time, restrict them to designated paths. Handcarts may be necessary.
 - Utilize a check-out/check-in system on a daily basis.
 - Only essential persons should be driving carts. Use a checkout system for the carts daily.
 - It should not be a reward system for board member, dignitaries, and other non-essential personnel.
 - Keep all keys on your person and do not leave them in the carts.

How Can We Avoid These Claims?

- Claims that involve vendors, contractors and entertainers are not always avoidable but you can protect against them contractually.
 - Always collect a certificate of insurance from these groups naming your event as **ADDITIONAL INSURED**.
 - Maintain a standard contract that includes hold harmless and indemnification clauses in your favor.
 - Perform daily checks around vendor booths to confirm they are keeping a tidy and safe space.

Incident Reporting

- When you have a claim it is best to follow these guidelines:

DOCUMENT DOCUMENT DOCUMENT!

Remember only the facts are necessary

Complete an Incident Report that should include:

- Who was involved? Names and Contact info of all parties involved.
- Get names and Contact info of witnesses as well.
- When and where did the incident occur?
- Was medical attention needed? If so attach a copy of their incident form for your record.
- Photograph the area in question in as much detail as possible. The cameras in our phones are invaluable.
 - Use an item to scale the photos.

Incident Reporting Cont'd

The insured's responsibility to cooperate in the event of a claim does not cease with the initial notice. They will participate in the investigation whenever requested by the carrier's claims department including, but not limited to:

- (a) making site available for inspection
- (b) furnishing requested documents
- (c) locating and securing assistance of employees or volunteers

Reporting Forms



4300 Shawnee Mission Parkway, Fairway, KS 66205
 913-432-4400 • 877-747-5449 • Fax 913-676-9364
 Web Site: www.hwins.com

GENERAL LIABILITY ACCIDENT REPORT

DATE OF REPORT

INSURED																																																																							
NAME AND ADDRESS			CONTACT PERSON:																																																																				
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BODILY INJURY? <input type="checkbox"/> PROPERTY DAMAGE? <input type="checkbox"/> DESCRIBE:																																																																							
CONDITION OF GROUNDS/WEATHER A FACTOR? DESCRIBE:																																																																							
PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO																																																																							
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Cyber Liability Exposures

- What Cyber exposures do Festivals face?

Personally Identifiable Information-information which can be used to distinguish or trace an individual's identity, such as their name, social security number, date and place of birth, mother's maiden name, and more

- Exposure of Financial Transactions

- Credit Cards Onsite, Online Ticketing, Employee Finances

- Exposures of Internal Personnel Information

- Social Security, Health Info, Payroll, Personal HR Info

- Exposures of Social Media

- Facebook, Twitter, Instagram, YouTube, Website

Cyber Liability Coverages

Cyber Liability is broken down into 4 categories: Errors and Omission's, Media, Network Security and Privacy.

While each of these are important, Media and Privacy pose the greatest risk to festivals.

Cyber Liability Coverages Cont'd

Media	Privacy
Infringement of Intellectual Property	Data Exposed By: Hackers
Advertising and Personal Injury	Lost Devices Rogue Employees/Volunteers Physical Records

Costs of a Cyber Liability Breach

- Breach Costs

- Notification to breached parties \$57-\$85 per account on file
- Credit monitoring and rebuild Average \$221 per customer
- Legal Defense- \$100,000-\$1,000,000
- Settlements, Damages and judgements-Varies by Infraction
- Liability to banks reissuing credit/debit cards \$10-\$25 per card
- Cost of responding to regulatory inquiries- Depends on Severity
- Regulatory fines and penalties-Varies by Infraction
- Costs of confidence with your customer base- Priceless

What Cyber Coverage Do I Need?

Cyber Coverage needs to be tailored to your specific exposures. For this reason you should be working with your insurance professional to review your exposures and what coverages would best fit your unique requirements.

It is best to review this annually as technology & exposures change daily and the sophistication of hackers is increasing exponentially.

Thank You for Attending our Webinar

If you have any further questions please don't hesitate to call or email.

Andrew Vandepopulier

AndrewV@hwins.com

913.676.9232



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