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Your agency’s website is your “business card” to the world. Well managed, it can be the cornerstone of your operational and marketing strategy. If not, it can and will be used to strengthen a claimant’s E&O case against you.

The Swiss Re Corporate Solutions claims team has seen an increasingly emerging issue stemming from this evolving part of your business. Seemingly harmless content on your website, emphasizing competitive advantages or certain expertise, can very quickly and unintentionally increase the agency’s standard of care resulting in a higher duty than normally required. That can be detrimental to your defense in a claim situation. To help mitigate the risk of an increased standard of care, we consulted risk management professionals with expertise in this area. Their suggestions are shown below. We hope you find these useful in creating and reviewing your agency website’s content.

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| <p> Do clearly specify in which states the agency is licensed.</p> | <p> Don’t say the agency does things or provides services it does not do or provide.</p> |
| <p> Clearly state the lines of coverage the agency writes (or does not write). For example: not all P&C agencies handle <u>benefits lines</u>.</p> | <p> Don’t say that you can ensure that any claim will be fully covered.</p> |
| <p> Do clearly state that misstatements or omissions of relevant information by the client can lead to price variation or even declination or rescission of coverage.</p> | <p> Don’t use terms such as “expert”, “specialists”, “best price”, “most comprehensive”, “fully covered”, or “partner”.</p> |
| <p> Do clearly state that information requested to provide a quote or work on coverage will not be shared with carriers or with any other entity without the applicant’s permission.</p> | <p> Avoid terms promising absolutes such as “immediate response time”, “ALL lines of insurance”, “all risk”, “24/7”, “all carriers”, “addressing ALL of your coverage needs”, “constantly reviewing”.</p> |
| <p> Be clear: requesting coverage does not guarantee coverage can be provided. Coverage can begin only with specific statement by a licensed member of the agency staff.</p> | <p> Don’t include client testimonials that show the clients’ names and identifying information without being sure the testimonial is specific to their experience thus avoiding an increase in your standard of care. Be sure to have their express written permission, along with a procedure to remove their testimonial if they are no longer a customer.</p> |
| <p> Do clearly state by including a disclaimer that none of the information provided in the website is a guarantee that insurance will be provided or that the agency is obligated to procure insurance for the website visitor.</p> | <p> Don’t launch a website without carefully reviewing the language, with an E&O risk management eye. Template agency websites or advertising firms simply may not have E&O on their radar. Involve your legal counsel in reviewing the language.</p> |
| <p> Do obtain express written consent from your carrier(s) or any other entity(s) if you use their name or logo on your website.</p> | <p> Don’t have a quote mechanism (form-fill or Rater) and then fail to respond in a timely manner.</p> |
| <p> Do use a Privacy Statement on your website and be sure to encrypt any pages that collect Personal Identifying Information, such as an online quote form.</p> | <p> Don’t use open text boxes for customers to type messages to you unless adequately encrypted. You have no control over the information entered in the text box. If a breach occurs during transmission of that message, your agency may be held liable for the release of Personal Identifying Information.</p> |

REMEMBER: Risk Management starts before the sale



If you would like more information about websites and protecting your agency, as an IIABA member there are additional free member benefits available through the IIABA **Virtual University** and **Agency Council for Technology**. If you are also a Swiss Re Corporate Solutions/Westport Insurance Company policyholder, you have access to the premier risk management website, **E&O Happens**.

If you are interested in having your website reviewed for terms or phrases which could potentially increase your E&O risk, the list below shows agency E&O professionals you may want to contact:

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