

SCHEDULE 11

INSURANCE LIABILITY SCENARIOS

Claim	"local" Council staff	Shared Service staff	Rationale
Damage to buildings and contents (excluding ICT equipment).	Local Council claim where possible and cover residual liabilities (including excess).		Damage to buildings and general contents will be covered by Local Council as they hold the insurance.
Damage to locally owned Council equipment or property (not buildings)	Local Council claim where possible and cover residual liabilities (including excess).		Local Council employee causes damage to local equipment - is covered by local insurance or local risk. Where STS cause damage, they are acting as an in-house team so treated the same as if caused by local staff.
Damage to STS owned equipment.	LBB (STS) claim. Any residual liability is covered by the Council/s using the system/service affected.		Local Council employee causes damage to STS owned equipment is covered by STS insurance. Where claim not possible loss borne by affected Council/s Where STS cause damage, LBB(STS) claim with residual liability between the Council/s who use the system/service affected. note: LBB(STS) insure their (owned) equipment even where used at LBS or LBL locations.
Loss of data - accidental deletion by user or a failure to backup correctly	Loss is covered by the Council/s using the system/service affected.		We each individually cover loss caused by local staff. STS staff are essentially in-house team so cost is borne by the Council/s using the system/service affected.
Failure of equipment, etc which results in a loss of service to staff and/or public.	Loss is covered by the Council/s using the system/service affected.		STS staff are essentially in-house team so cost is borne by the Council/s using the system/service affected. Where the impact is local the affected Council bears the loss Where the impact is on shared systems or services we share cost in proportions set out in Schedule 8.
Failure of service following authorised work	Loss is covered by the Council/s using the system/service affected.		
Failure of service following unauthorised work	Loss is covered by the Council/s using the system/service affected.		
Failure of service as a result of negligence.	Loss is covered by the Council/s using the system/service affected.		

3rd party claims - such as IPR, licence infringement	Loss borne by Council/s using system/service	Where the impact is local the affected Council bears the loss Where the impact is on shared systems or services we share cost in proportions set out in Schedule 8.
Breach of intellectual property rights		
Breach of licence agreement		
Breach of procurement regulations		
Fines or other penalties arising from action or inaction ?		
Data Breach - ICO fine incurred	Each Council bears its own loss	We each individually cover loss caused by local staff. STS staff work are essentially an in-house service so we bear loss caused by them. Note that a Council could be liable for BOTH the Data Controller and Data Processor fines.
<p>* - Insured Status is either Insured (insured loss where level of claim is above excess level) OR uninsured (uninsured loss or insured but where claim is below excess level).</p> <p>STS - Shared Technology Services Staff</p>		