

MARKET BULLETIN

REF: Y5013

Title	Economic Capital Assessment (ECA) Process for 2017 Underwriting Year of Account
Purpose	To set out the ECA process for the 2017 underwriting year, including basis of calculation, and arrangements for distribution of the Member Modelling Software ('Member Modeller')
Type	Scheduled
From	Richard Rodriguez, Head, Market Reserving and Capital Contact details: 0207 327 5235 richard.rodriquez@lloyds.com
Date	27 July 2016
Important dates	<ul style="list-style-type: none"> • See timetable at Appendix 1 for LCR and SBF submission dates • 19 August 2016 – First 2017 release of Member Modelling Software • 30 August 2016 – Webinar Presentation

Key Points to Note

- *The first formal SBF and LCR submissions are due in September.*
- *Initial Member Modeller release based on rolled forward 2016 data, scaled to reflect proposed changes in aggregate premiums - highly indicative.*
- *Member capital requirements for 2017 set using syndicate Solvency Capital Requirements on an ultimate basis (uSCRs), augmented by the Economic Capital Uplift (ECU) (35%)*
- *Member participation Auctions moved to November, after private member capital finalised. The 4th Auction can, therefore, be dropped.*
- *Member ECA requirements used in the September 2016 Release Test will be adjusted for exchange rate movements between 31 December 2015 and 30 June 2016, to ensure consistency with FAL valuation used in the test. This update has not been done in previous years.*
- *Developments to the Member Modeller since last year are outlined in Appendix 2. The key development is the full implementation of life member modelling including a base Lloyd's participation set.*

Introduction

This Bulletin confirms the process for setting and modelling member capital for the 2017 underwriting year, during calendar years 2016/17. Practical arrangements are described herein and a summarised business timetable and a description of key modelling and functional improvements are provided in the appendices.

Syndicate and member capital requirements are based on the syndicate ultimate SCR (uSCR). The uSCR should take account of one year of new business in full, attaching to the next underwriting year (using Inception Date Accounting), and the risks over the lifetime of the liabilities ("to ultimate") assessed at 1:200 confidence level. Managing agents are also required to prepare an SCR for each managed syndicate that meets the one-year balance sheet to balance sheet Solvency II regulatory test at the 99.5th percentile (SCR1).

SCR Submission Requirements

The uSCR and SCR1 are submitted via the Lloyd's Capital Return (LCR). Requirements for managing agents to submit the LCR pro-forma, an analysis of change document (describing the reasons for any movements to the previous submission), the supplementary questionnaire and a methodology document for 2017 have been set out in the SCR instructions on Lloyds.com. (<http://www.lloyds.com/The-Market/Operating-at-Lloyds/Solvency-II/Information-for-managing-agents/Guidance-and-workshops/Internal-Model-SCR>).

Lloyd's has removed the reporting requirements for the July 2016 LCR submission. Agents retain the option to submit an early version of the LCR, plus any relevant supporting documentation, as the 2017 LCR will be made available from 07 July 2016 on the Core Market Returns (CMR) system. Lloyd's Market Reserving & Capital (MRC) team will endeavour to provide verbal feedback in respect of any apparent material issues, but neither formal review nor communication will be made on any early LCR submissions.

The first formal submission must be made by 1 pm on 13 September. This data will then be assessed by the Capital and Planning Group (CPG).

Managing agents applying for approval of 'Major Model Changes', at any time during the year, should contact their MRC Analyst and provide the appropriate documentation to enable an assessment of the changes. Managing agents are required, in any case, to submit a year on year analysis of change in SCR by 16 September.

Managing agents are required to submit a full validation report in support of their SCRs by 23 September. The validation report should be sent to the Solvency II mailbox (SCRReturns@lloyds.com) and copied to the MRC Analyst responsible for the managing agent.

Syndicate Business Plan Submissions

Managing agents are required to submit a final SBF by 06 September. The final LCR (due by the 13 September) must be based on this final SBF. Although the requirement for a full July SBF submission has been removed, managing agents have submitted summary

information by 06 July and this will be used to estimate the rollover position, which will be reflected in the August Member Modeller release.

Syndicates will be required to re-submit their SBF and dependant LCR where whole account ultimate loss ratios (ULRs) are more than 5 percentage points below Lloyd's view. Lloyd's will accept differences below 2 percentage points. Where the difference is below 5 but above 2 percentage points, Lloyd's will accept the SBF (provided it is acceptable under the business plan review), and, for capital, accept any of the following actions using Lloyd's view of loss ratios:

1. Re-submission of the LCR after a full re-run of the model using the Lloyd's advised net ULRs. This will need to be reviewed, by the CPG, before it can be accepted.
2. A re-run of the model based on Lloyd's advised ULRs, but without the re-submission of the LCR. The results of the re-run would still be provided to Lloyd's, but outside of a formal LCR submission. If the number is accepted by the CPG, then the difference to the submitted SCR will be reflected as a capital loading.
3. A bottom line adjustment to the SCR based on the difference in whole account net ULRs multiplied by the net premium volume. No further resubmission of the LCR would be required, as the calculation would be performed centrally by Lloyd's, and capital would be loaded accordingly. This adjustment is expected to give an equivalent result to the first two options.

Please also review the 'Year End Adjustments' section for further information on the submission of SBF's post November CIL.

The Capital Setting Process for the 2017 Year of Account

The ECA Member Modelling Software ('Member Modeller') will be made available to registered users from 19 August 2016. The Member Modeller will be updated in accordance with the business capital timetable, reflecting SBF and uSCR submissions, Capacity Auctions and Coming into Line (CIL) deadlines. See Appendix 1 for further details.

All existing users (members' agents, managing agents and members) will be able to continue accessing the software with their current password. Additional users can be added by making a request to Lloyds-MRC-Help@lloyds.com. The software can be accessed via: <http://www.lloyds.com/The-Market/Tools-and-Resources/Tools-E-Services/Member-Modeller>

Current Year (2016) capital requirements, i.e. members' mid-year CIL and release test ECA requirements, can be viewed through the current year version of the Member Modeller (accessible via drop down selection on 'Home' page). From here, it will also be possible to model member participations on new syndicate current year start-ups and mid-year pre-emptions. Details of these arrangements, if they arise, will be included on the home page noticeboard and will also be e-mailed to members' agents as they are updated. It should be noted that the ECA requirements used in the September 2016 Release Test will be updated to reflect the 30 June 2016 exchange rate and this will be updated in the Member Modeller in early August 2016.

Member Modeller Releases

August: Member Modeller Test Release

Unlike in recent years it is not possible to base the initial release, due by 19 August, on full July submitted 2017 LCR and SBF data. However, assumptions will be applied to the 2016 data to reflect an indicative 2017 position to aid Members' Agents and other users when assessing the effects of adding the extra year of account. Anyone viewing this release should be aware that the data is highly indicative and should only be used to give an early view, and is unlikely to reflect the final capital position. It will enable users to gain familiarity with new functionality and features, and to set up modelling sets, which give a broad view of capital and diversification impacts of certain arrangements.

September: Member Modeller Update

Actual LCR pro-forma and SBF submissions will be reflected in this release of the Member Modeller made available by 30 September. It should be noted that neither business plans nor LCRs have been reviewed at this stage and are subject to change.

October: Non-Aligned Member Modeller Update

The Member Modeller will be updated in the first week of October to reflect participations after syndicate pre-emptions and de-emptions have been taken into account. The Member Modeller will be updated again on 24 October to reflect the final CIL capital requirements for non-aligned members. Member participations for non-aligned members will be based on the latest Lloyd's Stamp System, and, for aligned members, on SBF participation information (form 420). Members' Agent Pooling Arrangement (MAPA) participations are based on notifications from members' agents and are not guaranteed to be up-to-date. Members' agents can model the latest participations themselves, together with MAPA constitution changes.

November:

Two or three further updates will be made to the Member modeller that will reflect updated participations and changes to aligned syndicates. The first by 10 November will include final SBFs and agreed uSCRs for aligned syndicates that have third party capital providers, more than one member supporting the syndicate or have any dependency on a Members' Agent for CIL. The final scheduled update by 25 November will include final SBFs and agreed uSCRs for all aligned syndicates, plus updated Member participations, based on the latest Lloyd's Stamp System, which will be updated following the capacity auctions in November (potentially in separate earlier release around 18 November).

Further Releases of the Software

In addition to the key release dates detailed above, Lloyd's may make more regular updates to the Member Modeller as required. This would be by agreement with members' agents and outside of the stated timetable (Appendix 1). Such updates will be advised, with details and reason, on the home page notice board. We will also post warnings via the messaging function, giving advanced notice of any times when it is necessary to make the system unavailable. The downtime for updates will generally be no longer than 1 hour and would normally be performed outside of core working hours.

Notification of Syndicate ECA

Lloyd's will issue to members' agents, at the time of each major data release, a schedule of the latest syndicate ECA requirements (uSCR + economic uplift) for non-aligned syndicates. We will not comment on the make-up of that ECA, nor whether it has been adjusted.

Life Syndicates

Capital for members on life syndicates will be set based on their share of the life syndicate's agreed ECA. These life syndicate ECAs and ECA% will be included in the above members' agents' notification. For life members with a spread across more than one life syndicate, their capital will need to be calculated by the members' agent using the Member Modeller. The calculation has been improved slightly this year to reflect member exposure to all open years of account, but is still calculated on a simple weighted average basis and there is no additional diversification credit.

Economic Capital Uplift (ECU)

The allocation of capital to members operates in a similar fashion to previous years, in that the syndicate benchmark is scaled to equal the agreed uSCR requirement, after uplift for economic capital.

Lloyd's will continue to apply an uplift to the minimum regulatory capital requirements to derive ECAs at member level. The uplift of 35% has been subject to normal annual review by the Franchise Board, taking into account current circumstances, and is reconfirmed for 2017.

The standard 40% minimum FAL requirement remains in force, although it is being proposed that the reduced 25% minimum, for members writing predominantly (85%) EU personal lines business, be removed, as it is very seldom triggered and not viewed to be relevant in the current environment. This will be consulted on as part of the Membership & Underwriting Requirements Review, soon to be issued.

Summary of the Coming into Line "equation"

The available assets to meet capital requirements will be the sum of net syndicate balances at 30 June 2016 on a Solvency II basis and the valuation of FAL at that date. The net syndicate balances will be based on the Solvency II balance sheet submissions (submitted via the Quarterly Monitoring Report C (QMC) on 01 September), subject to supporting review opinions from syndicate auditors and Lloyd's review.

The syndicate capital requirement will be the sum of the final SCR on an ultimate basis for the 2017 year of account and the ECU.

For example:

- a) Net Solvency II balance at aggregated syndicate level £10m, FAL valued at £130m, gives available assets of £140m.
- b) SCR to ultimate £120m, ECU (at 35%) £42m gives a 2017 capital requirement of £162m (£120m plus £42m).
- c) Net new capital required £22m (£162m less £140m).

The release of margins to ensure the Solvency II technical provisions are on a best estimate basis means that full recognition is effectively provided for the margin in the net syndicate balance in the June balance sheet. Lloyd's review of the submitted balance sheets and assessment of reserve risk will take this into account.

Managing agents should note, when preparing their Solvency II technical provisions for QMC, that Lloyd's does not expect the impact of the release of reserve margins in the UK GAAP technical provisions to be greater than the amount of the reserve margin reported in the Statement of Actuarial Opinion (SAO). Lloyd's will review the impact of these adjustments having regard to the information reported in the SAO. Where Lloyd's considers the 'release' reflected in the QMC to be excessive in this regard, Lloyd's will either ask the managing agent to resubmit the QMC, or to increase the syndicate's uSCR by the 'excess' amount. This would impact directly on the capital requirements for the member(s) supporting that syndicate.

Treatment of Reinsurance Contract Boundaries Change

As for the 2016 year of account, an adjustment will be made to remove the impact of the change to consideration of reinsurance contract boundaries. The change and nature of the adjustment is described in the latest SCR guidance.

The adjustment will no longer be made centrally by Lloyd's, as LCR form 309 now includes the adjustment to be applied and the SCR submitted should incorporate this. The method of derivation of the figure to be used in the LCR is included in the supplementary questionnaire and takes account of any movement to both the SCR and the Q2 technical provisions as provided in the QMC.

For the mid-year CIL exercise in 2017 the necessary adjustment is expected to be reported in the Q4 QMC and will be made centrally by Lloyd's. Where an LCR resubmission is made, the adjustment is expected to be the same.

Exchange Rates

All LCR submissions should be based on 30 June SBF exchange rate. Resubmissions of the LCR, made in March 2017, should be based 31 December 2016 year end rates of exchange. Movement in exchange rates will be kept under review and Lloyd's will consult and advise of any proposed action due to material changes.

Also note earlier mentioned change in respect of September Release Test and see below for details of exchange rate adjustments at year end.

Year End Adjustments

Syndicates are required to keep under review the business plan and uSCR agreed for November CIL. If circumstances change, leading to a material change in SBF and/or uSCR, by the end of February 2017, then a resubmission of relevant returns must be made by 02 March 2017. This review should cover comparison of actual technical provisions on a Solvency II basis against projections, actual volumes and terms and conditions achieved in respect of business written against plan and material reinsurance arrangements placed,

compared to plan. A material change is considered to be any movement that would change the bottom line uSCR by more than 10% before any FX, risk margin or reinsurance contract boundaries adjustment.

Should a resubmission be made, the LCR must be modelled using the 31 December 2016 exchange rate, and we would expect the risk margin total (in the technical provisions) to match that submitted in the December QMC. The resubmission, where agreed, will be reflected in mid-year CIL capital setting, and any subsequent changes should be picked up in the following full year capital setting process, although material changes to the 2017 SBF should be submitted throughout the year, as they become known. These requirements are, however, subject to the early recapitalisation principles set out below. The existing requirement that, following a major loss of capital, members can be required to refresh capital sooner than the CIL timetable requires, continues to apply, subject to Lloyd's discretion.

Where there is a change in year-end exchange rate compared to the SBF 'final rate' (30 June), Lloyd's will adjust the final ECA requirements for mid-year CIL. This ensures that capital requirements are exchange rate matched against the available capital and reserves. Members should note that where they provide additional FAL for December CIL, or start up FAL, in the case of new members, it will be valued at the prevailing rate at the date it is lodged. New members in particular should, therefore, be aware that the year end re-evaluation for FAL may differ to that applied to the ECA, which could lead to additional FAL being required at mid-year CIL. Lloyd's will also normally make an adjustment for the final risk margin, as reported in the December QMC Return. Re-submitted March LCRs, if acceptable, will not be included in this process, as they will already reflect the year end position.

A capital letter detailing the capital adjustments processed by Lloyd's, as part of the mid-year CIL exercise, will be sent to managing agents in early April 2017.

Market Changing Events

In the event of significant late-occurring insured or economic events, it may be necessary for some syndicates to re-submit the LCR after the September deadline to reflect the impact of such events on their SCR. Lloyd's will seek to adopt a pragmatic approach, but action and timetable will depend on the materiality and timing of any such event and the constitution of the syndicate's stamp. If required, instructions and revised timetable will be communicated at that time.

Recapitalisation outside of bi-annual CIL exercise

In relation to our approach on the timing of recapitalisation outside of the bi-annual June and December CIL dates, Lloyd's will require a more rapid re-capitalisation where a member's free funds fall, at any time, below their solvency requirement (Solvency Capital Requirement (SCR)) or if, at the market level, the level of shortfalls place an undue burden on the Central Fund. Similarly, where there has been a material increase in risk (following for example a new mid-year business plan requiring agreement, or a change in modelling approach) then the members with large exposures should expect to be required to capitalise to the revised ECA prior to agreement / implementation of the new plan.

Responsibilities

MRC continues to be responsible for the member capital setting process, comprising the Syndicate Benchmark, Member Capital Allocation Tool (MCAT) and Member Modelling Software. This responsibility extends to recommending capital requirements for new syndicates. The syndicate benchmark and MCAT software continue to be supported by Lloyd's High Performance Computing (HPC) team.

The Relationship Management Department will facilitate the authorisation of new syndicates and should be approached by agents requiring information on the admission process. They will provide an application pack including a 3 year business plan template, which must also be submitted to neil.wells@lloyds.com in order to obtain indicative new syndicate capital requirements, and a catastrophe risk template to Lloyd's Exposure Management Department, who will liaise directly with managing agents where they require additional information.

The CPG is responsible for approving the following:

- syndicate business plans,
- mid-year pre-emptions,
- syndicate LCR submissions,
- new syndicate capital requirements.

Member Modeller Software Requirements

Application Form

Any agents accessing the software for the first time only, will need to print and complete Appendix 3, which is a conditional requirement of agents using the member modelling software. Agents that have previously completed the form are not required to repeat the process, unless a change is made to the firm's name. The form needs to be signed by a Director on behalf of the firm and returned to Lloyd's as part of the registration process.

The form can be scanned and sent electronically to the email address listed above or sent by post to: Kevin Barnes (MRC/G5), Lloyd's of London, One Lime Street, London, EC3M 7HA. The application form can also be sent out electronically, should you require it, and requests should be made by email to the help desk for a word version of the form.

This is a one-off requirement, per firm, to acknowledge that the firm agrees to be bound by the user Terms and Conditions that are accepted by individual users upon access to the software. Users will be required to accept the Terms and Conditions as part of the initial login process (a copy of the terms and conditions is attached at Appendix 4 for information only).

All forms and guidance can be accessed via the following link:

<http://www.lloyds.com/The-Market/Tools-and-Resources/Tools-E-Services/Member-Modeller>

System Requirements

Users are advised to access the software, via Lloyds.com, through Internet Explorer 7/8 (and above) or Firefox 3.5.3 (and above). Other portals may be used, but have not been tested by Lloyd's and may result in a loss of user functionality or performance.

Internet Explorer users are advised to add the member modeller software to their list of trusted sites in the Internet Options section. This allows exporting and importing of data to be completed without pop-up blockers and delays occurring. From within the site select the following:

"Tools" → "Internet options" → "Security" → "Trusted Sites" → "Sites" → "Add"

Training and Support

An e-mail help mailbox will be in operation to deal with queries on the ECA process and software, and with other ECA related questions. Agents with a Market Mail connection should access "Lloyds-MRC-Help"; the full e-mail address is: Lloyds-MRC-Help@lloyds.com

All users are advised to review the Member Modeller user manual and Frequently Asked Questions (FAQ), both of which have been updated for new developments, detailed in Appendix 2, on Lloyds.com before directing queries to Lloyd's.

All agent queries should be co-ordinated through your agency's Administrator, to improve the efficiency of the support function. If the Administrator is unable to resolve the query, the initial first line of support is the e-mail help mailbox.

There will be a Webinar presentation on 30 August, demonstrating Member Modeller changes for this year and giving users the opportunity to raise any questions on use of the software. Meeting Details:

Meeting number (access code): 846 346 102

Password: MMWebinar

If you would like further details and reminders please notify us of your interest to Lloyds-MRC-Help@lloyds.com

Any user that would like some additional training on use of the Member Modeller should also contact MRC via the mailbox and we can discuss the best way to meet those needs.

If you require any more information regarding the capital setting process and Member Modeller, please contact one of the following:

Neil Wells (ext. 6034) neil.wells@lloyds.com

Kevin Barnes (ext. 5683) kevin.barnes@lloyds.com

Richard Rodriguez
Head,
Market Reserving & Capital

Economic Capital Assessment Timetable

Deadline	Topic	Activity
19-Aug-16	ECA	Provisional Member Modelling Software release, which includes indicative rollover information only .
06-Sep-16 (1pm)	SBF	Managing agents to submit final 2017 SBFs for all syndicates, via core market returns website.
13-Sep-16 (1pm)	LCR	Managing Agents to submit final LCR pro forma for all syndicates, based on the final 2017 SBF submission. The LCR submission should include full documentation on parameterisation and methodology, plus the supplementary questionnaire. The analysis of change document can be submitted by the 16 September.
30-Sep-16	ECA	Indicative Member Modelling Software update based on final submitted 2017 YOA Lloyd's Capital Return (LCR) and Syndicate Business Forecast (SBF) of ALL syndicates.
21-Oct-16	SBF	SBF approval deadline for non-aligned syndicates.
24-Oct-16	ECA	Pre-Auction Member Modelling Software update, based on agreed SCR's for syndicates involved in the auction process (A follow-up release will be made during this week to include pre-emption and de-emption update to stamp data).
01-Nov-16*	Auction 1	Day one of Lloyd's capacity auction: number one.
08-Nov-16*	Auction 2	Day one of Lloyd's capacity auction: number two.
10-Nov-16*	ECA	Member Modelling Software update based on latest agreed SCR's for aligned syndicates only (no change to be made to non-aligned data without prior approval).
15-Nov-16*	Auction 3	Day one of Lloyd's capacity auction: number three.
18-Nov-16*	ECA	Member Modelling Software update including Auction participation update
21-Nov-16	SBF	SBF approval deadline for aligned syndicates.
25-Nov-16*	ECA	Member Modelling Software update based on agreed SCR's for the December CIL exercise.
01-Dec-16	CIL	Deadline for active members to ensure they are in line with 2016 capital funding requirements.
02-Mar-17*	LCR	Managing Agents to re-submit an LCR pro-forma where there has been material change to syndicate ultimate SCR from that agreed for December CIL, based on year end exchange rate and latest QMC risk margin (process TBC).

* denotes provisional dates that may be subject to change, as regulatory approval is currently being sought for the changes proposed. So this document should only be used as a guide. Please refer to Lloyd's.com for the latest information and full business timetable:

<http://www.lloyds.com/the-market/business-timetable>

Software Updates

We have made a few improvements to the Member Modeller software. Below we have listed those which represent the more significant changes to functionality and usability:

Subject	Description
Life ECA modelling	Life Member Participation data will now be included in the release of the Member Modeller therefore creating a Lloyd's participation set for life members. Like general members, this is based on Lloyd's latest information, which may not be as current as the user's understanding and hence the system will still allow creation of participation sets either by import or manual input.
Extracts	Currently, while running an extract in MRC's internal version of the Member Modeller, all users are prevented from producing reports in either the PY or CY modeller type. This unnecessary restriction has now been removed, reducing system down-time
Horizontal scroll bar on View Members page	In response to feedback from users the horizontal scroll bar has now been replaced by vertical scroll bar making scrolling through members more seamless. In addition alphanumeric sorting links have been added that allow for quick filtering and navigation of the member list; you will also notice that the search box has been moved outside of the list to ensure that it is visible while navigating through the entire member list.
Calculating ECA's	Currently, users are not notified when the system completes calculating ECA. This results in users having to navigate the respective member details page or the members listed in the table to check on the status of calculations. Going forward, a banner will be displayed at the top of the page, notifying users when the ECA calculations are complete.
Member report	Improvements have been made to a number of reports; this includes the creation of the new Active Set ECA and Agent Summary Reports which contain Life OPL and Life ECA (%) columns. These are prefixed with "Extended". We have maintained existing reports for continuity and these are prefixed with "Abridged". We will consult later this year on whether we can remove these. In addition to this we have also amended the Existing Conversions Reports to make it more useful.

Application Form**MEMBER MODELLING SOFTWARE
APPLICATION FORM**

In order to be provided with access to the Member Modelling Software, please ask a Director (or equivalent) to complete and send this form to Kevin Barnes, Market Reserving and Capital, Lloyd's, One Lime Street, London EC3M 7HA. Electronic copies will be accepted (please send to Lloyds-MRC-Help@lloyds.com).

Members' / Managing Agents Details:

Firm's name:	
Address:	
City:	
Postcode:	

I certify that I am authorised on behalf of the Firm named above to execute this application form. I further certify and confirm that the Firm will be bound by the Member Modelling Software User Terms and Conditions (attached) as amended from time to time.

Signed		Role	
Print name		Date	

This form should be completed by:

1. A Firm using the Member Modelling Software for the **first time** (only one form is necessary per Firm).
2. A Firm that has changed their name.
3. A Firm that has changed the Director who provided the Authorisation previously.

Wording of User Terms & Conditions

MEMBER MODELLING SOFTWARE USER TERMS AND CONDITIONS

IMPORTANT: THESE TERMS AND CONDITIONS (“TERMS”) APPLY TO THE MEMBER MODELLING SOFTWARE (“THE SOFTWARE”), AVAILABLE ON THE LLOYD’S WEBSITE (www.lloyds.com). YOU WILL BE ASKED TO READ AND ACCEPT THESE TERMS BEFORE ACCESSING THE SOFTWARE. THESE TERMS ARE ISSUED BY LLOYD’S.

1. Definitions and Interpretation

1.1 In these Terms:

“**Applicable Regulations**” means all applicable legislation, laws, regulations, rules, codes of practice with which a Firm or User must comply when using the Software;

“**Firm**” means a Lloyd’s Managing Agent or Members’ Agent that has been given permission by Lloyd’s to access and use the Software;

“**Firm User**” means an individual registered at Lloyd’s to use the Software on behalf of a Firm;

“**Individual User**” means a Member of Lloyd’s registered to use the Software;

“**Information**” means any data submitted to the Software by a User;

“**Intellectual Property Rights**” means all rights including but not limited to trade marks, names, logos, copyright, database rights, patents and know-how;

“**Software**” means the Member Modelling Software;

“**User**” means a Firm User or an Individual User;

a clause or schedule, unless the context otherwise requires, is a reference to a clause of or a schedule to these Terms;

the singular includes the plural and vice versa, unless the context otherwise requires.

2. Terms and conditions of use

2.1 By completing and signing the Member Modelling Software Application Form, the Firm agrees that it is bound by these Terms.

2.2 By accessing the Software, Users accept and are bound by these Terms.

2.3 A Firm or User who has neither accepted nor been deemed to have accepted these Terms has any right to enforce them.

2.4 Lloyd’s reserves the right to grant, restrict or revoke access of Users or prospective Users to the Software at any time.

2.5 Lloyd's or its agents or suppliers may monitor usage of a User's username and password and unusual patterns of use may be investigated.

3. Firm Responsibilities

3.1 A Firm is responsible for:

3.1.1 providing Lloyd's with details of Firm Users who will have access to the Software in accordance with these Terms;

3.1.2 ensuring persons are appropriate to be added as Firm Users and that the level and nature of the access rights granted are appropriate to the Firm User's role and normal business activities;

3.1.3 ensuring that Lloyd's is notified immediately so that the Firm User's username and password can be disabled to prevent them from accessing the Software if a Firm User ceases to be authorised by the Firm to use the Software for any reason, including but not limited to change of function, termination, departure or any other action which ought to prevent them from having access to the Software; and

3.1.4 monitoring Firm Users' conduct to ensure that they comply with these Terms.

4. Use of the Software

4.1 Users must only use the Software in accordance with these Terms.

4.2 Users must not provide any other individual or company with their user names and passwords.

4.3 A Firm User must only use the Software for the purpose of calculating indicative funds at Lloyd's ratios on an economic capital assessment basis for Members of Lloyd's for which the Firm acts and Individual Users for themselves. Users may for these purposes download data from the Software.

4.4 Users must comply with the Applicable Regulations within the jurisdiction from which they are accessing the Software.

4.5 Users must not:

4.5.1 use the Software for any purpose that is unlawful or prohibited by any applicable law, regulation, rule or legislation;

4.5.2 post, transmit or disseminate any information on or via the Software which is or may be harmful, obscene, defamatory or otherwise illegal;

4.5.3 use the Software in a manner which causes or may cause an infringement of the rights of Lloyd's and/or any other person;

4.5.4 use any software, routine or device to interfere or attempt to interfere electronically or manually with the operation or functionality of the Software including but not limited to uploading or making available files containing corrupt data or viruses via whatever means;

- 4.5.5 deface, alter or interfere with the “look and feel” of the Software or the underlying software code;
 - 4.5.6 take any action that imposes an unreasonable or disproportionately large load on the Software or related infrastructure;
 - 4.5.7 obtain or attempt to obtain access, via whatever means, to any part of the Software or the Lloyd’s networks for which it is not authorised.
- 4.6 Lloyd’s reserves the right to remove, modify or alter any data submitted to the Software by a User in breach of clause 4.5 but this shall not affect any other remedy which may be available to Lloyd’s.
- 4.7 Firms and Individual Users undertake to put systems in place to minimise the risk of viruses being transmitted or distributed over the Software including the use of and regular updating of commercially available virus detection software.

5. Intellectual Property

- 5.1 All Intellectual Property Rights in the Software, including but not limited to the underlying software code existing now or in the future shall be and remain the property of Lloyd’s.
- 5.2 The content published on the Software and all Intellectual Property Rights in it are owned by Lloyd’s or that content is made available to Lloyd’s under licence from third parties.
- 5.3 All Intellectual Property Rights in the Information shall remain in the ownership of the Firm or Individual User and the Firm or Individual User grants Lloyd’s a perpetual licence to use the Information for its lawful business purposes.

6. Updates

- 6.1 Lloyd’s may make improvements or changes to the Software. Changes or improvements that are material will be notified to Firms and Individual Users by Lloyd’s.
- 6.2 Lloyd’s may also modify these Terms at any time and such modification shall be effective immediately upon posting of the modified Terms on www.lloyds.com. Accordingly, continued access or use of the Software is deemed to be acceptance of the modified Terms. Material modifications to the Terms as determined in Lloyd’s sole discretion will be notified to Firms and Individual Users by Lloyd’s.

7. Data Protection

- 7.1 Where any personal data, as defined in the Data Protection Act 1998 (“the Act”), is provided by a Firm or a Firm User to Lloyd’s, the Firm confirms that:
- 7.1.1 it has the consent of the owner of the personal data to provide such data to Lloyd’s; and
 - 7.1.2 it has complied with its obligations as set out in the Act.
- 7.2 Lloyd’s will process any personal data provided by a Firm or User in accordance with the Privacy and Security Statement attached to these Terms.

8. Security

- 8.1 Lloyd's will use all reasonable endeavours to ensure that the Software is secure. Details of the security measures for the Software are set out in the Lloyd's Website Security Statement attached to these Terms. Lloyd's cannot guarantee that information displayed on the Software has not been interfered with.
- 8.2 If a Firm or User chooses to send any electronic communications to Lloyd's (whether by email or otherwise), they do so at their own risk. Lloyd's cannot guarantee that such communications will not be intercepted or changed or that they will reach the intended recipient safely.

9. Warranties

- 9.1 The Software is provided "as is" and Lloyd's gives no warranties in respect thereof. Specifically, but without limitation, Lloyd's does not warrant that:
- 9.1.1 Firms or Users will be able to use the Software or that the Software will continue to be made available in its current or any other form;
- 9.1.2 the Software or any software or material of whatever nature available on or downloaded from it will meet a Firm's or User's data processing requirements, be uninterrupted or free from errors, defects or viruses, or compatible with a Firm's or User's equipment or fit for any purpose. It is the Firm's and the Individual User's responsibility to use suitable anti-virus software and to ensure compatibility with its equipment; or
- 9.1.3 any content or information published on the Software is accurate or complete.
- 9.2 Any warranties which would otherwise be implied by law (including, without limitation, warranties as to satisfactory quality, fitness for purpose or skill and care) are hereby excluded.

10. Content warranty

- 10.1 Whilst Lloyd's and other third parties may provide certain data and information on the Software, Firms and Users shall be entirely responsible for the content and accuracy of data and information on the Software.

11. Liability

- 11.1 Lloyd's accepts no responsibility or liability for any loss of or corruption of data or information, unauthorised access to, alteration of, or use of any records, programs or files on the Software, the Firm's or Users' use of or inability to use the Software, out-of-date or inaccurate or incomplete data or information held on the Software or any communications, missed or delayed or otherwise, between the Firm or Users and Lloyd's.
- 11.2 Lloyd's shall not be liable for any failure or delay in performing its obligations under these Terms that arises as a result of circumstances beyond its reasonable control.

- 11.3 Lloyd's shall not be liable to the Firm or a User whether for negligence, breach of contract, misrepresentation or otherwise, for (i) any direct loss or damage; (ii) loss or damage arising from third party claims; (iii) loss of profit or goodwill suffered by the Firm or a User; or (iv) indirect or consequential loss or damage suffered by the Firm or a User.
- 11.4 Except as set out in these Terms, all conditions, warranties and representations, whether express or implied by statute, common law or otherwise are expressly excluded.
- 11.5 Nothing in these Terms shall operate to limit Lloyd's liability for (i) fraud, or (ii) death or personal injury caused as a result of negligence on the part of Lloyd's or its employees.

12. Termination

- 12.1 Lloyd's reserves the right to terminate at any time the Firm's or a User's access to the Software immediately for any reason, including but not limited to, the Firm and/or Users' abuse or misuse of the Software as determined by Lloyd's in its sole discretion.
- 12.2 Termination of these Terms will not affect any obligations that accrue before such termination.

13. Severability and inconsistency

- 13.1 If any provision in these Terms shall be unlawful, void or for any reason unenforceable, that provision shall be deemed severable from the rest of the Terms and shall not affect the validity and enforceability of the remaining provisions of these Terms.

14. Entire Agreement

- 14.1 These Terms constitute the whole agreement between the parties and supersede all previous agreements between the parties relating to their subject matter. Each party acknowledges that, in entering into these Terms, it has not relied on, and shall have no right or remedy in respect of, any statement, representation, assurance or warranty (whether made negligently or innocently) other than as expressly set out in these Terms.

15. Notices

- 15.1 Notices which may be required to be given under these Terms by either party to the other shall be in writing and sent by email, facsimile or by prepaid first class post, to the following addresses:

Lloyd's: Market Reserving & Capital, Lloyd's, One Lime Street, London EC3M 7HA;
and

Firm or User: the address of the registered office or such other addresses as may be notified to Lloyd's in writing from time to time.

In the case of a notice sent by email or facsimile it shall be confirmed by sending a copy of such notice by first class post. Any notice sent by email or facsimile shall be deemed to be received on the same day of despatch, and any notice sent by prepaid

first class post shall be deemed to be received three (3) days after the date of posting.

16. Governing Law and Jurisdiction

- 16.1 These Terms and all matters arising from or in connection with them shall be governed and construed in accordance with English law and the parties hereby irrevocably submit to the exclusive jurisdiction of the courts of England and Wales.

17. Third Party Rights

- 17.1 No person who is not a party to these Terms shall have any right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of these Terms.

18. Enforcement

- 18.1 The failure by either party to enforce any provision of these Terms shall not be deemed as a waiver of the right to enforce such term or condition.

PRIVACY & SECURITY STATEMENT

Lloyd's has taken steps to safeguard the confidentiality of information which identifies the Users ('personal information') against unauthorised access, amendment or deletion and to ensure access is only granted to authorised Users and only to the extent necessary. This Privacy and Security Statement covers our treatment of the personal information we collect when Users are registered for or visit the Software.

1 Information collection and use

When Users register, Lloyd's may ask for their name, email address and other contact details, as well as details about their status and role as an insurance professional. When Users use the Software they are not anonymous to Lloyd's.

Lloyd's may also automatically receive and record information on our server logs from Users' browser, including their IP address and the page they requested. Lloyd's may set and access Lloyd's cookies on Users' computers.

2 Information sharing and disclosure

Lloyd's will not sell Users' personal information to anyone.

Lloyd's may disclose personal information about Users to its business associates and other professional advisers, Lloyd's employees and agents, suppliers and providers of goods or services, financial organisations and advisers, ombudsmen and regulatory authorities, and as required by law or regulation.

Users' personal information may be transferred to the above individuals and organisations located in countries which may not provide legal protection of information equivalent to that in the United Kingdom or the jurisdiction from which Users are visiting the Software. Details of the individuals, organisations and countries involved in a particular User's case will be provided on request.

Lloyd's only retains personal information for as long as is necessary for the purposes described above.

3 Getting in touch with us

If you have any questions or concerns about privacy and security or your dealings with us, please contact Lloyd's, One Lime Street, London, EC3M 7HA, UK, or email: infosecurity@lloyds.com.

LLOYD'S WEBSITE SECURITY STATEMENT

In order to provide Users of the Software with a personalised and secure experience, Lloyd's requires all Users to authenticate to the Software using a unique user ID and password. Once authenticated, all information passed over the Internet between the User and the Software is protected by Secure Socket Layer encryption technology.

Lloyd's continually reviews its systems and processes to ensure that the Software provides the highest practicable level of protection. All information submitted to the Software is passed to Lloyd's secure internal servers for processing and the following security measures are in place to ensure its protection:

- Comprehensive firewalling to shield Lloyd's internal computer systems from external threats
- System monitoring to identify any unusual activity
- Data processing and storage facilities sited in secure locations to prevent unauthorised access
- Data stored and handled at all times in a manner that maintains its confidentiality, integrity and availability.

If you have any questions or concerns or would like further information please contact Lloyd's Information Protection & Continuity team at infosecurity@lloyds.com.