

Your World First

C/M/S/

Law.Tax

Advising the insurance industry:
outsourcing, procurement,
information & communications
technology



A focus on your business

At CMS, we pride ourselves on putting the needs and wants of our clients first. Our clients benefit from our lawyers' in-depth knowledge of the insurance industry. Our deep-rooted insurance sector expertise enables us to deliver relevant, practical and commercially astute legal solutions to our clients.

Lawyers in our group cover a large range of contentious and non-contentious areas:

- Corporate
- Regulatory
- Commercial
- Competition
- Employment
- Real Estate
- Finance and lending
- Outsourcing and procurement
- Intellectual property
- Information technology and communications
- Tax
- Claims
- Product development

With over 2,800 lawyers, across 55 offices, CMS is the largest European law firm. Our insurance group is truly international and we have a great understanding of the cultural and business variations that apply across the territories that we cover. We combine strong local presence and capability with international delivery. This enables us to deliver services where our clients need it. Leading domestic and international organisations work

with us because of our legal expertise and industry sector knowledge, combined with our extensive geographical scope.

This document focuses on our capability in the fields of outsourcing, procurement and information and communication technology, and our ability to assist the insurance industry in these areas.

Our insurance industry services

Our award winning Technology and Sourcing team is recognised as one of the largest and most experienced in Europe.

With over 100 partners who advise on commercial arrangements, procurement, IT, communications and data privacy matters, we have the capability to offer a seamless multi-jurisdictional service in outsourcing, shared services and offshoring matters to clients both locally and across Europe. Our people are immersed in their local culture and understand the legal and regulatory landscape. It means our clients benefit from high quality expertise wherever they need it in Europe, delivered in the local insurance industry context. Above all else we aim to deliver practical solutions that solve legal challenges without compromising on commercial priorities.

Outsourcing, offshoring, insourcing, multisourcing, shared services and transitional services.

Data protection, security and privacy, including international data transfers and binding corporate rules.

Facilities management, back office processing, accounting, settlement and contact centre services.

Systems design, build & testing and systems integration and separation.

Standard terms and conditions, agency, distribution and reseller agreements, data services and other commercial arrangements.

Software development, licensing, maintenance and support, including open source software and mobile applications.

Advertising, broadcasting, digital and other content and media.

Cloud services.

e-commerce, website terms and conditions, online services, social media and cyber crime

Communications networks procurement and regulation; MVNO, VOIP and SMS messaging.

Intellectual property rights capture, commercialisation and protection.

Mobile payment and e-commerce solutions.

Our insurance sector focused team work seamlessly with other sector experts covering the full range of legal specialisms, including financial services regulatory, competition, employment, pensions, tax, dispute resolution and real estate, to deliver a seamless end-to-end service.



CMS has 'great commercial ability' and provides 'a very high-quality service'.

Chambers and Partners, 2013

Our track record

We have advised on a significant number of the highest value and most complex strategic business process and information and communications technology outsourcing projects. We have extensive experience of acting for insurers and other businesses operating in and suppliers to the insurance sector. We have experience of advising clients on outsourcing a vast range of functions including customer relationship management, finance and accounting, fund management, human resources, facilities management, administration, transaction settlement, payment processing and IT and communications.

As well as acting for major suppliers of equipment and outsourcing products and services, we also act for a significant number of the largest users of goods and services. Our experience gained from acting for each side in the process complements and informs our service to the other. Through this breadth of experience, we are able to provide commercial and constructive solutions and offer effective strategic advice. We are committed to understanding the unique needs of each client and the challenges they face in order to provide a tailored, focused and world-class service.

Our experience includes advising:

Business process outsourcing

- A major insurer on the offshoring of customer contact centres for sales and claim handling for consumer lines.
- A leading international insurance group on its managed outsourcing of consultancy and agency worker arrangements across EMEA.
- A leading international insurance group on its local services agreements across multiple jurisdictions under an EMEA-wide framework for facilities management services.
- A leading international insurance group on the structure and documentation for its pan-European shared services platform.
- Five insurers on structuring telesales offshoring and whether the providers required FSA authorisation.
- A major insurer on its standard intra-group outsourcing agreements.
- A leading international insurance group on the business process outsourcing of its life and pensions administration (including CRM), using a number of flexible service centres for multiple regulated business across the EMEA region, one of the largest outsourcings of its kind in the market.
- A leading insurer on the outsourcing of document management, print and policy and marketing distribution functions for its general and life insurance business.

IT outsourcing

- A leading international insurance group on implementation of Solvency II compliant outsourcing arrangements, including drafting precedent outsourcing agreements for IT and business process outsourcings.
- A leading international insurance group on the structure and documentation for its pan-European shared services platform.

- An insurer on the procurement of data warehousing services.
- An insurer on the business critical migration of its data and applications to a managed co-location data centre solution.
- A UK general insurance business on the procurement of applications support services.
- A UK life insurance business on the SYSC compliance of its major IT outsourcing arrangements.

Data protection and security

- A leading insurance group on various data protection issues, relating to its intra-group outsourcing agreements and on the outsourcing of sales and administration functions for health, motor and other general insurance products.
- A leading insurer on the rollout of its global innovative insurance product “Breach Response”. The product, one of the first to market outside North America, provides specialist data protection and intellectual property rights advice to the insured in the event of a data breach.
- A bulk annuity solutions provider on various data protection related work including trans-border data flows, preparing data flow contracts, binding corporate rules and the implications of being third party data processors.
- A leading wholesale reinsurance underwriter on an agreement for managed services (including managed data centre services, cloud services and security services).
- A leading global insurance group on a variety of complex multi-jurisdictional regulatory, data transfer and data processing/sub-processor issues relating to its EMEA outsourcing arrangement.
- A global insurance provider on its hosting arrangements and data security requirements.
- A leading insurance underwriter on the disclosure of customers’ personal data to brokers and intermediaries for marketing purposes.
- A global insurer on correspondence with the Information Commissioner’s Office in respect of a data protection complaint.
- A major insurance provider on the design and commercialisation of a hosted employee benefits portal, including all terms and conditions and privacy policies on direct marketing, data transfers and privacy policies, intra-group processing, management of customer data, data security and data protection, policies, procedures, compliance, breaches and investigations and risk management.

Technology and IP

- A leading international insurance group on the procurement and development of a mobile application for smart devices in support of certain of its health insurance products.
- A major insurer on its licensing and franchising templates for use intra-group and with third parties.
- A major consumer insurer on brand protection for its “look and feel” and the evolution of its brand strategy.
- A major UK insurance group on the IP implications of termination of a (branded) joint venture between itself and a Spanish partner.
- An insurance syndicate in defending a claim for breach of copyright for alleged copying of policy wording by a member of its syndicate.
- A major insurer in relation to an “IP audit” to identify its principal IP assets for commercialisation.
- An insurance group on its database rights policy, in particular to structure its investment and management of data to improve IPR protection.
- IPR enforcement advice for a number of major insurers.

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