

New Technologies **(Autonomous Vehicles and Robots- Cyber Risks- New Technologies and Insurance Process)**

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I. DRIVERLESS/AUTONOMOUS VEHICLES AND VESSELS

1 Are there any specific laws already adopted in your jurisdiction, or proposals for laws, relating to liability in tort for injuries inflicted by the use of such vehicles or vessels? If so, please provide a short explanation.

Comment: answers may include the liability of drivers, producers of vehicles and the suppliers of satellite technology.

No, By the moment In Italy there aren't specific laws or law proposals on that subject.

2. Are there any specific laws already adopted in your jurisdiction, or proposals for laws, relating to compulsory insurance coverage for injuries inflicted by the use of such vehicles or vessels? If so, please provide a short explanation.

Comment: answers may relate to motor vehicle insurance and product liability insurance.

No, by the moment In Italy there aren't specific laws or law proposals on that subject.

3. How do you envisage the future of personal lines in motor vehicle insurance in the next 5-10 years in your jurisdiction?

Comment: you may wish to comment on the future of motor vehicle insurance and the plans being made by the industry for new products

The use of motor vehicle will change for sure insurance requirements. It will be necessary to cover the risks to property and the product liability , and not the responsibility of the owner/driver.

4. Driverless cars and autonomous vehicles apart, how do you assess the following technological developments that are expected to not only reshape the auto sector but also the insurance industry around it?

(a) connected cars (i.e., Internet enabled vehicles, (IEV));

Cars and vehicles are more and more often connected. For example, in Italy there are roadside assistance policy and control systems that allow to communicate with service centers ; furthermore cars can communicate with smart cities in order to avoid traffic or accidents.

(b) automated driver assistance systems (ADAS);

In Italy the phenomenon of automatic cars is not widely diffuse but assisted cars are increasing, specially to allow persons with disabilities to drive. The possibility of car accidents caused by automatic cars will move responsibility from the driver to the producer and the programmer and it will have ethical issues.

(c) car/ride sharing;

In Italy car sharing and are increasing. They reduce pollution and the insurers offer advantageous motor insurance policies like in case of the contractual condition “pay as you drive”.

Art. 5, l. 221 /2015 is about to increase sustainable mobility, such as car-pooling, car-sharing, bike-sharing from home to school. On the web site of the ‘Ministry of environment and the protection of territory and of the sea’ there is a part dedicated to the sustainable mobility which shows funding for the mobility system programs ordered: To reduce pollution and energy consumption, to increase the road safety, to reduce traffic, the Ministry of education, of University and research, according to the Ministry of environment, Ministry of infrastructure, should write guidelines to establish in each school a ‘mobility –manager’ who has to manage the mobility of students and school staff from home to school and vice versa, to increase the use of bikes and electric vehicles.

(d) alternative fuel vehicles.

In Italy automatic cars are increasing slowly also because there are few charging devices. We hope that the Government will encourage this alternative fuel vehicles.

An example of law about alternative fuel vehicle is L.221/2015, art. 1 which introduces incentive for the sensitization of the owners of polluting materials carried to sea. This law obliges the owners of inadequate ships to have an insurance for all the risks, including potential risks. The captain should have a copy of insurance and has to show it to the authorities when they ask for it.

This is also an example of the use of advanced standards for environment by the insurers.

Comment: answers may include identifying the legal and regulatory regime and provisions in your jurisdiction.

II. CYBER RISKS

5. Identify the concerns have emerged in your jurisdiction as a result of cyber risks. Is there any legislation in place or under consideration that might affect such risks?

Comment: possible matters include cyber-terrorism, hacking, computer or software failure and financial fraud.

No, By the moment in Italy there aren’t specific laws or law proposals on that subject.

6. How has the insurance industry responded to cyber risks? In particular:

(a) do property policies cover losses from cyber risks, or is special insurance required?

In Italy policies cover three types of damages.

- 1) Direct and indirect material damages: these are damages to pc, server etc. caused by natural events such as fire and earthquakes. They can be covered by an ‘all risks’ insurance, and it is unnecessary a specific policy about cyber risks.
- 2) Direct and indirect immaterial damages: they need a specific cyber risks policy. They are immaterial damages, such as a virus to a server which delete a database.
- 3) Insurance for legal expenses and legal assistance: if a service company is damaged by a cyber attack which stops the service to the clients, the clients could claim for damages. This type of damages need a specific cyber risks policy.

(b) is insurance and reinsurance readily available?

Yes. In Italy these are examples of those kinds of insurance coverages :

- 1) ‘Generali Italia’ offers an insurance called ‘connected family’. With a single contract a person can ensure his home, family and his goods. The insurance policy covers the damages caused by a fire to pc and its database, liability for injures to the privacy by the incorrect use of social network by minors. This insurance coverage offers a legal telephone consulting or a cancellation data.
- 2) ‘Allianz’ offers to the companies an insurance coverage called ‘cyber protect’ which covers the liability for damages to private and business data, protection to hacker attack to the companies’ computers or servers, the costs for the restoration of data after an hacker attack, and the liability in case of paymet.

- 3) 'Zurich' offers an insurance policy called 'cyber security and privacy' covering about hacker attacks, the loss of data, and liability.

(c) are there any special restrictions imposed on cyber risks, e.g. event limits or deductibles?

Insurance policies sometimes contains restrictions, such as the contract condition which says that the policy does not cover loss caused by the use of computer system 'as a means of inflicting harm'.

III. NEW TECHNOLOGIES AND THE INSURANCE PROCESS

7. To what extent have the availability of new technologies affected the way in which insurance policies are placed? In particular:

- (a) has there been any effect on the traditional use of agents and brokers?

An examples are roboadvisors and the use of social media in brokerage .

Roboadvisors are a special financial advice on line which recommend the adequate investment solution to the client who haven't enough money to be assisted by private banker or who are looking for a simple formula of investment. Behind roboadvisors there are people with financial skills to prevent that algorithms buy and sell titles . Roboadvisors can select investment solutions, create investment programs with an asset allocation for each client through a platform on line. The client has to give information about their age, income, and how they are able to take a chance, and the algorithm recommend what investment solution is suitable for them. Roboadvisors are a financial service on line, so they reduce the costs of the service , and everyone can use them, as opposed to cont a normal financial consultant .In Italy Money Farm is the first roboadvisor born in 2013 , by the moment it has 30000 followers .

Today Social media is able to find and fidelize a client, this system is called 'social selling' . Social media offers a lot of information free and quickly, because the clients give this information spontaneously. So it is easy to understand the needs of the client. Facebook, twitter, linked are examples of how social media can play an important role in brokerage.

- (b) has the underwriting process been affected by the availability of information, particularly big data, from sources other than the applicant for insurance?

Insurance companies use big data to create an algorithm able to check a client, the object of the insurance and the risk. Insurance companies have a new role, not preventing risk informing people about risks, but influencing the habits of the clients. In this way the risks are reduced and not only checked. This phenomenon is called 'insurtech'and it allows the companies to understand the needs of clients and found the best risks covered. But this phenomenon has the disadvantage of cyber risks for the client privacy.

- (c) has the means of providing information to policyholders changed significantly, e.g. are written documents provided or are policyholders directed to websites?

In Italy it is important the IVASS regulation 8/2015:

It has the purpose to simplify contractual relationships between insurance companies, intermediaries and client, using technological, electronic, and web systems.

Italian insurance companies and intermediaries are obliged to have a certified email, and they have to indicate in all their correspondence, and on their web site. They have to sign the insurances with an electronic signature, the policies could be in an electronic form . Insurance companies and intermediaries have to observe the privacy law, and they have on line and free payment systems.

Before the conclusion of the contract the insurance companies and the intermediaries could receive from client the consensus to sent the documents through the web in the pre-contractual or contractual moment. The consensus is about a specific contract or a future contract. This consensus is not about advertising. The client can revoke consensus with email or voice recording, and he has to pay for the documents he has received, and

he loses the previous discounts. Insurance companies and intermediaries have to preserve web documents with a strict regulation. Insurance companies and intermediaries don't ask for documents to their clients, in case of a new contract, in order to spare money if they already have it.

8. To what extent is genetic testing regarded as important by life and accident insurers? Is there any legislation in place or in contemplation restricting requests for genetic information, and are there any relevant rules on privacy that preclude its disclosure?

In Italy the solution is provided in dlgs 196/2003, 'Privacy Code' and General Authorization of the Privacy Authority¹.

Art. 90 dlgs 196/2003 regulates the use of genetic information. According to such norm the use of genetic information is possible only in case of an authorization of the Privacy Authority and with the consent of the Ministry of health and il Consiglio superiore di sanità¹. The authorization specifies the purpose and the results of the use of genetic information, and the right to opposite to the use of it.

General Authorization 8/2016 gives a description of what a genetic data is. This authorization is for technical consultant and private investigators and it is limited to defensive purposes. It can be used to defend the right of a person whose right is the same of the person to whom the data is referred. The data can be used for a limited period.

The authorization is issued for defensive investigation, only if the right to defend is the same as the one of the person to whom the data is referred, or is a personal right, inviolable right. The use of data is also about health information or family information.

No authorization is given to insurers regarding the genetic data of their insured persons.

9. Has the assessment of claims been affected by the availability of data. In particular, are there any industry-wide arrangements in place whereby insurers can share information on fraud?

In Italy there are database about frauds information. IVASS has to control the insurance companies and counteract frauds in insurance sector using database about road accidents (BDS) connected to information collected by IVASS. Database are introduced by laws and applied by IVASS regulations. BDS prevents and counteract frauds in case of mandatory motor insurance. BDS is accessible to people whose information are in the database, to insurance companies, and to authorities. People can access only to their data, and not to data about other people involved in the accident. The information about accidents are conserved in BDS for 5 years from the accident, after 5 years the information will be transferred on another platform and they will be shown only to authorities and to the people interested in it. After 10 years all the data will be deleted. The request to access should be in written form including ID card of the claimant, it should be sent to IVASS through pc, fax, email. When someone asks the access to private data, the access is guaranteed and IVASS control it. The access could be for defensive purposes.

10. Are there any other ways in which the new technologies have affected the insurance process in your jurisdiction?

An example is monitoring system about "green car" which have a reduction of the motor insurance premium. The black boxes control and influence the driver habit. In Italy some insurance companies offer eco-driving policies. Some insurance companies are providing systems to evaluate eco-driving habits of their customers in order to determine annual premium. It's possible to control eco-driving habits through a black box installed in the car and through car inspection. Eco driving techniques are maintenance servicing parameters, such as a proper tire pressure, wheel alignment, engine oil with low kinematic viscosity. The green car can reduce the amount of people, cargo, tools, and equipment carried in the vehicle (removing common unnecessary accessories). This type of cars keeps an efficient speed while travelling with no stops, at minimal throttle and with the transmission

¹ Non ho trovato modo di tradurlo

in the highest gear. The cars have optimal choice of gears in case of manual transmission. Experts recommend accelerating quickly and smoothly. The eco driver can anticipate the movement of other traffic users. For example, a driver who stops quickly, or turns without signaling, can reduce the options of another driver for maximizing his performance. It's suggested speeding up quickly and using air conditioning as required by the occupants and not continuously.

These techniques are registered by black boxes which can control and influence eco-driver habits. There could be problems regarding the privacy of the driver and the occupants. So the use of black boxes is generally permitted only for reconstruction of the accident dynamic.

IV. OTHER NEW TECHNOLOGY RISKS

11. Are there any other particular risks from new the new technologies that have been identified in your jurisdiction? If so, is there any legislation in place or under consideration to regulate them?

The dlgs 90/2017 implements The "Directive (UE) 2015/849 about prevention of using financial sistem to laudering criminal incomes and to support terrorism ". It is important also for insureres . The laudering risks was frequent for virtual coins , es.bitcoin, because the operators of these coins weren't recipients of the past law about recycleing ; they didn't register the data of clients, or verify client ,or denounce suspicious operation.

The new law is also for operators of virtual coin system, but also for the conversion from virtual value to normal value and vice versa .

The block chain is the system of bitcoin about on line services without a central authority or a intermediary.It allows to send, recive and memorize infomation on a ledger which is a database . This database is dislocated and it is impossibile to attack it, and it is shared with different and specific people. The virtual values based on block chain could support a P2P insurance system.