



TOTSCo Bulletin No 38
Date: 28 November 2023
Subject: User Agreement v1.1

TOTSCo is pleased to announce the release of the User Agreement v1.1.

For ease of reference, both documents are available in 'clean' and 'marked up' formats on [our website](#), allowing those familiar with the earlier versions to easily spot the changes.

Key updates in the User Agreement v1.1:

- There is one material change (to the benefit of our customers) in clause 13)f), explaining that the potential recovery for data protection indemnity claims from our technology supplier is not limited to 200% of the charges we pay our technology supplier per calendar year, but instead is limited to 150% of the charges we have paid to our technology supplier since contract signature (including pre-launch development costs), subject to a £25 million ceiling; and
- there are a number of non-material, non-adverse drafting changes to ensure clarity:
 - References to '*clauses*' have been changed to '*paragraphs*' for consistency; and
 - Some uses of '*to*' have been changed to '*from*' in clause 13)f) as a more appropriate description of how claims are recovered.

Signing the User Agreement

We will shortly be inviting our customer to electronically sign our User Agreement.

TOTSCo
November 2023