

WEBFILE TERMS AND CONDITIONS

The most recent version of the *WebFile* Terms and Conditions can be accessed online by logging in and clicking on “Manage my Profile”.

Terms and Conditions as of July 9th, 2009:

Terms and Conditions

These terms and conditions pertain to the Virginia Workers’ Compensation Commission’s hosted online system (“WebFile”). WebFile also supports Criminal Injuries Compensation Fund (CICF) claim entry. By using WebFile, you are expressly, without reservation, indicating your consent to the following terms and conditions. Failure to comply with these terms and conditions shall subject the user and his or her organization to termination of access to and use of WebFile as well as to other penalties.

MAKING FILINGS VIA WEBFILE

- A. **Time of Filing.** A record submitted to the Commission or CICF via WebFile is considered filed only when it is loaded onto the Commission’s servers. Thus, a record submitted at 11:59 p.m. on day 1, but loaded onto the servers at 12:00 a.m. on day 2, is considered filed on day 2. You will receive confirmation of a successful filing at the time of filing.
- B. **Maintenance and Repairs.** The Commission performs routine maintenance to its electronic systems as well as urgent repairs. In such situations, the system likely will be brought down and you will be unable to perform transactions. The Commission will make every effort to notify users in such situations, but ultimately the user is responsible for ensuring that any transaction was successfully performed. You will receive confirmation of a successful filing at the time of filing.
- C. **Accuracy of Information.** When the Commission acknowledges or confirms successful transmission of a record via WebFile, it is not thereby indicating that the information submitted is accurate, but simply that it was successfully transmitted to the Commission or CICF.
- D. **Electronic Signature.** By clicking “submit” or “file” or otherwise submitting information via WebFile, the user is indicating that he or she is the individual registered with and logged onto WebFile, that he or she attaches his or her signature to the submission, and that the record submitted is accurate and complete to the best of the user’s knowledge. If making a submission on behalf of an organization, the user is indicating that he or she is authorized to act on behalf of the organization making the submission. Where indicated, the user is certifying, under penalty of perjury, that the submitted document is true and correct.

USER ADMINISTRATION

- A. **WebFile User Account.** WebFile provides online access to users to access information and satisfy statutory reporting requirements under the Virginia Workers’ Compensation Act. WebFile also provides online access to submit CICF claims. By establishing a WebFile account with the Commission, you certify to the Commission that your use of the account is exclusively intended for these legitimate reasons. You agree to maintain the privacy of your account and not share your password or otherwise provide access to any other user, either directly or indirectly, and whether or not the other user has his or her own WebFile account.

You also agree to notify your Site Administrator, the Commission, or CICF to disable your account upon knowledge of unauthorized access.

- B. WebFile Site Administrator Account. As an administrator of your organization's WebFile account, you agree to maintain the privacy of your account and not share your password or otherwise provide access to any other user, whether or not the other user has his or her own WebFile account. You also agree to provide access to your organization's account with the Commission via WebFile only to individuals satisfying both of the following conditions: (1) employees of the organization; and (2) users with lawful reasons to have a WebFile account consistent with the purposes stated herein.

CICF CLAIM DATA SUBMISSIONS

- A. All CICF-related data submissions made via WebFile are made with the user's express agreement that he or she is authorized to submit this data. The user making the submission also is certifying that their organization has been approved to make CICF data submissions via WebFile.

PEO REGISTRATION AND REPORTING DATA SUBMISSIONS

- A. Professional Employer Organization (PEO) Registration and Reporting Data Submissions. All PEO data submissions made via WebFile are made with the user's express agreement that he or she is an employee of the organization that is making the submission or is authorized to act on behalf of the organization. The user making the submission also is certifying that the organization has been approved to make PEO data submissions via WebFile and that, as regards any particular submission, the organization is a PEO registered with the Commission or is authorized to act on behalf of the PEO.
- B. As of 7/13/2009, PEOs are required to file Registration and Reporting data with the Commission via the PEO module of WebFile.

GSIA MEMBER DATA SUBMISSIONS

- A. Group Self-Insured Association (GSIA) Member Data Submissions. All GSIA data submissions made via WebFile are made with the user's express agreement that he or she is an employee of the organization that is making the submission or is authorized to act on behalf of the organization. The user making the submission also is certifying that the organization has been approved to make GSIA Member data submissions via WebFile and that, as regards any particular submission, that the organization is a GSIA registered to do business in the State of Virginia or is authorized to act on behalf of the GSIA.
- B. As of 8/2/09, GSIA's are required to file Member Data with the Commission via the GSIA module of WebFile.

FROI/SROI SUBMISSIONS

- A. FROI/SROI Submissions. All FROI/SROI submissions made via WebFile are made with the user's express agreement that he or she is an employee of the organization that is making the FROI/SROI submission, authorized to act on behalf of the organization. The user making the submission also is certifying that the organization has been approved to make FROI/SROI submissions via WebFile and that, as regards any particular FROI/SROI submission, that the organization is either the insurer or employer of record in the case underlying the FROI/SROI submission or is authorized to act as the third-party Claim Administrator on behalf of the insurer or employer of record.
- B. FROI/SROI Implementation Guide. All users making FROI/SROI submissions via WebFile agree to comply with the Commission's Implementation Guide for EDI Reporting, available at www.vwc.state.va.us, in making all FROI/SROI submissions.
- C. Initiating a WebFile Series of Reports. Once a user is approved for WebFile FROI/SROI production, WebFile must be used to make required reports for all claims with dates of accidents on or after March 1, 2009. For all accidents occurring before March 1, 2009, non-WebFile reporting methods (i.e., paper) must continue to be used—do not use WebFile to make reports on such accidents.
- D. "Catch Up" FROI/SROI Reports. Organizations approved for WebFile must report all accidents dating back to March 1, 2009. If an organization is approved for WebFile production after March 1, 2009, you must use the Jurisdiction Claim Number, or JCN, supplied for any accidents reported between March 1, 2009, and the date you approved for production, and "catch up" these accidents in WebFile. These will typically begin with "VA01 . . ."
- E. "Fast-Filed" or "No Notification" Claims. After a user is approved for WebFile FROI/SROI production, in some instances an injured worker may file a claim with the Commission before the Claim Administrator files an accident report with the Commission. This may occur, for example, when the worker fails to notify the employer, the employer fails to notify the carrier, or the worker notifies the Commission more quickly than the Claim Administrator notifies the Commission. In such "fast filed" cases, the Commission will create a non-WebFile record for the worker's claim and will notify the parties and supply a Jurisdiction Claim Number, or JCN, for the claim. Claim Administrators approved for WebFile FROI/SROI production must report the "fast filed" claim on WebFile using the supplied JCN. These will typically begin with "VA01 . . ."

FEES AND SUPPORT

- A. Cost of use. There is no charge assessed by the Commission or CICF to connect to or submit data through WebFile. All costs to collect required information, input the data into WebFile, use the internet, maintain electronic mail accounts, and perform other associated functions and processes, are the sole responsibility of the user and not the Commission or CICF.
- B. Support. For non-CICF related accounts, the Commission will provide WebFile support only to an organization's Site Administrator. Each organization is allowed one administrator, and each administrator is allowed one alternate. Both shall be registered with the Commission. CICF will provide support for all CICF related accounts.

SECURITY AND CHANGES IN TERMS

- A. Privacy. All records maintained by the Commission and CICF, including records submitted to the Commission and CICF via WebFile, are protected from disclosure according to the Virginia law, including the Virginia Workers' Compensation Act.
- B. Security. WebFile is monitored by the Commission for security purposes to ensure that it remains available to all users and to protect information in the system. By accessing WebFile, you are expressly consenting to these monitoring activities.
- C. Changes in Service. The Commission and CICF provides WebFile as a service to its authorized customers, and may disable the service or change the service, including these terms and conditions, at any time and in its sole discretion. The Commission and CICF will make every effort to provide registered users advance notice of any service changes, but they are not responsible for any consequences of the failure to provide notice.

ACCESS TO INFORMATION

- A. Unauthorized Access to Records. Unless you are an authorized user of WebFile, you are prohibited from viewing, retrieving, or otherwise accessing records via WebFile. Unauthorized access is punishable by law.
- B. Official Record. For any particular Commission or CICF filing, the official record is that set of documents and filings submitted to the Commission or CICF and stored electronically. **You should not submit paper copies of any electronic filings made to the Commission via WebFile.**

