

§2268. Confidentiality

1. Materials held confidential. Documents, materials and other information in the control or possession of the bureau that are furnished by a licensee or an employee or agent acting on behalf of the licensee pursuant to section 2264, subsection 9 or section 2266, subsection 2, paragraph B, C, D, E, H, J or K or that are obtained by the superintendent in an investigation or examination pursuant to section 2267 are confidential by law and privileged, are not subject to Title 1, chapter 13, subchapter 1, are not subject to subpoena and are not subject to discovery or admissible in evidence in any private civil action; however, the superintendent is authorized to use the documents, materials and other information in the furtherance of any regulatory or legal action brought as a part of the superintendent's duties and to share them on a confidential basis in accordance with section 216, subsection 5.

[PL 2021, c. 24, §1 (NEW).]

2. Private civil action. Neither the superintendent nor any person who received documents, materials or other information while acting under the authority of the superintendent may be permitted or required to testify in any private civil action concerning any confidential documents, materials or other information subject to subsection 1.

[PL 2021, c. 24, §1 (NEW).]

3. Disclosure not waiver. Disclosure of information to the superintendent under this section or as a result of sharing as authorized in section 216, subsection 5 does not constitute a waiver of any applicable privilege or claim of confidentiality regarding the documents, materials or other information.

[PL 2021, c. 24, §1 (NEW).]

4. Final actions. This chapter may not be construed to prohibit the superintendent from releasing final, adjudicated actions that are open to public inspection pursuant to Title 1, chapter 13, subchapter 1 to a database or other clearinghouse service maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries or any successor organization.

[PL 2021, c. 24, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 24, §1 (NEW).

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