

## §994. Confidentiality

**1. Statement of actuarial opinion.** The statement of actuarial opinion under section 993, subsection 1 must be provided with the annual statement under section 423 in accordance with the appropriate NAIC property and casualty annual statement instructions and is a public record subject to disclosure pursuant to Title 1, chapter 13.

[PL 2009, c. 511, Pt. B, §2 (AMD).]

**2. Documents in possession of bureau.** The confidentiality of documents in the possession of the bureau is governed by this subsection.

A. Documents, materials or other information in the possession or control of the bureau that are considered an actuarial report, work papers or actuarial opinion summary provided in support of the opinion, as described in section 993, and any other material provided by the property and casualty insurance company to the superintendent in connection with the actuarial report, work papers or actuarial opinion summary are confidential and not subject to disclosure pursuant to Title 1, chapter 13. [PL 2007, c. 281, §2 (NEW); PL 2007, c. 281, §3 (AFF).]

B. This subsection may not be construed to limit the superintendent's authority to release documents to the Actuarial Board for Counseling and Discipline or successor organization as long as the material is required for the purpose of professional disciplinary proceedings and the Actuarial Board for Counseling and Discipline establishes procedures satisfactory to the superintendent for preserving the confidentiality of the documents. This section may not be construed to limit the superintendent's authority to use the documents, materials or other information in furtherance of any regulatory or legal action brought as part of the superintendent's official duties. [PL 2007, c. 281, §2 (NEW); PL 2007, c. 281, §3 (AFF).]

[PL 2007, c. 281, §2 (NEW); PL 2007, c. 281, §3 (AFF).]

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

[PL 2007, c. 281, §2 (NEW); PL 2007, c. 281, §3 (AFF).]

**4. Sharing of documents.** In order to assist in the performance of the superintendent's duties, the superintendent may:

A. Share documents, materials or other information, including confidential and privileged documents, materials or information subject to subsection 2, with other state, federal and international regulatory agencies, with the NAIC and its affiliates and subsidiaries and with state, federal and international law enforcement authorities, as long as the recipient agrees to maintain the confidentiality of the document, material or other information and has the legal authority to maintain confidentiality; [PL 2007, c. 281, §2 (NEW); PL 2007, c. 281, §3 (AFF).]

B. Receive documents, materials or information, including otherwise confidential and privileged documents, materials or information, from the NAIC and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions. The superintendent shall maintain as confidential any document, material or information received with notice or the understanding that it is confidential under the laws of the jurisdiction that is the source of the document, material or information; and [PL 2007, c. 281, §2 (NEW); PL 2007, c. 281, §3 (AFF).]

C. Enter into agreements governing sharing and use of information consistent with this subsection and subsections 2 and 3. [PL 2007, c. 281, §2 (NEW); PL 2007, c. 281, §3 (AFF).]

[PL 2007, c. 281, §2 (NEW); PL 2007, c. 281, §3 (AFF).]

**5. Waiver.** No waiver of a claim of confidentiality in the documents, materials or information may occur as a result of disclosure to the superintendent under this section or as a result of sharing as authorized in subsection 4.

[PL 2007, c. 281, §2 (NEW); PL 2007, c. 281, §3 (AFF).]

#### SECTION HISTORY

PL 2007, c. 281, §2 (NEW). PL 2007, c. 281, §3 (AFF). PL 2009, c. 511, Pt. B, §2 (AMD).

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