

R590. Insurance, Administration. (Effective 1-11-01)

R590-205. Privacy of Consumer Information Compliance

Deadline.

R590-205-1. Authority.

This rule is promulgated pursuant to Subsections 31A-2-202(1), 31A-2-201(2) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce Title 31A, to perform duties imposed by Title 31A and to make administrative rules to implement the provisions of Title 31A. Furthermore, Title V, Section 505, 15 U.S.C. 6805, empowers the Utah Insurance Commissioner to enforce Subtitle A of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6820. Title V, Section 505, 15 U.S.C. 6805(b)(2), authorizes the commissioner to issue rules to implement the requirements of Title V, Section 501(b) of the federal act.

R590-205-2. Purpose.

The purpose of this rule is provide an extension to persons and entities under the jurisdiction of the Utah Insurance Department that are required to adopt policies, procedures, and controls to prevent the unauthorized disclosure of personal nonpublic information relating to their customers under Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827. The extension would give such persons and entities time to comply with the requirements of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827.

A further purpose of the rule is to avoid the application of Title V, Sec. 505(c) of the Gramm-Leach-Bliley Act of 1999 that provides that if a state fails to adopt regulations to implement Title V of the federal act, the State shall not be eligible to override any federal insurance customer protections prescribed by a Federal Banking Agency.

R590-205-3. Applicability and Scope.

This rule shall apply to all insurers, producers, and other persons licensed or required to be licensed or required to be authorized, registered or required to be registered or domiciled in Utah pursuant to the Utah Insurance Code. It also applies to unauthorized insurers who accept business through a licensed surplus line broker in Utah, if the surplus line placements are placed pursuant to 31A-15-103.

R590-205-4. Definitions.

For the purposes of this rule the commissioner adopts the following definitions:

(1) "Utah Insurance Code" means Title 31A of the Utah Code.

(2) "Licensee" means all insurers, producers, and other persons licensed or required to be licensed or required to be authorized, registered or required to be registered or domiciled in Utah pursuant to the Utah Insurance Code, including but not limited to unauthorized insurers who accept business through a licensed surplus line broker in Utah, if the surplus line placements are placed pursuant to 31A-15-103.

R590-205-5. Enforcement

Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827 shall be enforced by the commissioner with respect to all licensees of the department.

R590-205-6. Compliance Date.

In order to provide sufficient time for licensees to establish policies, procedures and controls relating to the use and disclosure of personal nonpublic information of their customers and to comply with the requirements of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827, effective November 13, 2000, the commissioner extends the time for compliance for all licensees to July 1, 2001.

R590-205-7. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such validity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: insurance law privacy

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