

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1117

Introduced by

Judiciary Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to create and enact a new section to chapter 26.1-02 of the North Dakota
2 Century Code, relating to confidentiality of consumer assistance records received by the
3 insurance commissioner.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 26.1-02 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Confidentiality of consumer assistance records.**

8 1. Personal, financial, or health information related to requests for consumer assistance
9 received by the commissioner is confidential unless the consumer gives written
10 permission to release the information except that any such information, including an
11 individual's social security number, may be used and disclosed:

12 a. In the administration of any program administered by the commissioner which
13 provides consumer assistance;

14 b. As specifically authorized by the rules of the commissioner; or

15 c. As permitted or required by other law.

16 2. As used in this section, "personal, financial, or health information" means information
17 collected from or on behalf of an individual requesting consumer assistance which
18 would reveal:

19 a. The individual's personal health condition, disease, or injury;

20 b. The existence, nature, source, or amount of the individual's personal income;

21 c. The existence, nature, source, or amount of the individual's personal expenses;

22 d. Records of or relating to the individual's personal financial transactions of any
23 kind;

- 1 e. The existence, identification, nature, or value of the individual's personal assets,
- 2 liabilities, or net worth;
- 3 f. A history of the individual's personal medical diagnosis or treatment;
- 4 g. The existence, identification, nature, value, or content of the individual's coverage
- 5 or status under any insurance policy;
- 6 h. The individual's personal contractual rights or obligations; or
- 7 i. Any social security number, file number, bank account number, or other number
- 8 used for identification of the individual or any account in which the individual has
- 9 a personal financial interest.
- 10 3. The name of a regulated entity that is the subject of a complaint or inquiry; is not
- 11 "personal, financial, or health information"; and is not subject to the restrictions in this
- 12 section.
- 13 4. Nothing in this section prohibits the commissioner from using personal, financial, or
- 14 health information in the furtherance of any regulatory or legal action brought as a part
- 15 of the commissioner's official duties.
- 16 5. This section does not create a private right of action.