

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**~~**Consumer assistance records - Exempt.**

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~~an exempt record as defined in section
16 44-04-17.1.

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

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

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

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

23 d. Records of or relating to the individual's personal financial transactions of any
24 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.~~