

Fifty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2127

Introduced by

Industry, Business and Labor 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 prohibiting disclosure by an insurer of nonpublic personal information;  
3 and to amend and reenact section 26.1-03-11.3 of the North Dakota Century Code, relating to  
4 the insurance commissioner sharing confidential information with other state agencies.

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

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

8 **Disclosing nonpublic personal information.** An insurance company, nonprofit health  
9 service corporation, or health maintenance organization may not disclose nonpublic personal  
10 information contrary to the provisions of title V of the Gramm-Leach-Bliley Act [Pub. L. 106-102;  
11 113 Stat. 1436]. The commissioner may adopt rules as may be necessary to carry out this  
12 section. The rules must be consistent with and not more restrictive than the model regulation  
13 adopted by the national association of insurance commissioners entitled "Privacy of Consumer  
14 Financial and Health Information Regulation". This section does not create a private right of  
15 action.

16 **SECTION 2. AMENDMENT.** Section 26.1-03-11.3 of the North Dakota Century Code  
17 is amended and reenacted as follows:

18 **26.1-03-11.3. Confidentiality.** The commissioner shall maintain, as confidential, any  
19 confidential documents or information received from the national association of insurance  
20 commissioners or state or federal regulatory or law enforcement officials of this state and other  
21 states or jurisdictions. The information may not be disclosed by the department and is exempt  
22 from section 44-04-18. The commissioner may share information that is confidential under the  
23 laws of this state with the national association of insurance commissioners and with state or

- 1 federal regulatory or law enforcement officials from this state and other states or jurisdictions
- 2 providing that the officials are required, under their law, to maintain its confidentiality.