Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1139

Introduced by

Representative Keiser

Senator Klein

A BILL for an Act to create and enact section 26.1-02-31 of the North Dakota Century Code, relating to confidentiality of insurance department records; and to amend and reenact section 26.1-02-30 of the North Dakota Century Code, relating to confidentiality of consumer assistance records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-02-30 of the North Dakota Century Code is amended and reenacted as follows:

26.1-02-30. Consumer assistance records - ~~Exempt~~Confidential.

1. Personal, financial, or health information related to requests for consumer assistance received by the commissioner is ~~an exempt~~a confidential record as defined in section 44-04-17.1.
2. As used in this section, "personal, financial, or health information" means information that would reveal:
   a. An individual's personal health condition, disease, or injury;
   b. The existence, nature, source, or amount of an individual's personal income;
   c. The existence, nature, source, or amount of an individual's personal expenses;
   d. Records of or relating to an individual's personal financial transactions of any kind;
   e. The existence, identification, nature, or value of an individual's personal assets, liabilities, or net worth;
   f. A history of an individual's personal medical diagnosis or treatment;
   g. The existence, identification, nature, value, or content of an individual's coverage or status under any insurance policy;
   h. An individual's personal contractual rights or obligations; or

i. Any social security number, date of birth, file number, bank account number, or other number used for identification of an individual or any account in which an individual has a personal financial interest.

3. The name of a regulated entity that is the subject of a complaint or inquiry~~;~~ is not "personal, financial, or health information"~~;~~ and is not subject to the restrictions in this section.

SECTION 2. Section 26.1-02-31 of the North Dakota Century Code is created and enacted as follows:

26.1-02-31. Confidentiality of complaint information - Exceptions.

1. A document, material, or other information, including the contents of a claim file, which is provided to, obtained by, created by, or disclosed to the commissioner in response to a consumer assistance request or a complaint is confidential and not subject to section 44-04-18, a subpoena to the department, or discovery request or admissible as evidence in a private civil action. However, the commissioner may disclose the subject matter of the assistance request or complaint, provide a general description of the disposition of the request or complaint, and use the document, material, or other information for a regulatory or legal action brought as a part of the official duties of the commissioner.

2. A privilege or claim of confidentiality in the document, material, or information is not waived as a result of disclosure to the commissioner under this section or as a result of providing or disclosing information to the commissioner.