

HOUSE BILL NO. 1139

Introduced by

Representative Keiser

Senator Klein

1 A BILL for an Act to create and enact section 26.1-02-31 of the North Dakota Century Code,
2 relating to confidentiality of insurance department records; and to amend and reenact section
3 26.1-02-30 of the North Dakota Century Code, relating to confidentiality of consumer assistance
4 records.

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

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

8 **26.1-02-30. Consumer assistance records - ~~Exempt~~Confidential.**

- 9 1. Personal, financial, or health information related to requests for consumer assistance
10 received by the commissioner is ~~an exempt~~ confidential record as defined in section
11 44-04-17.1.
- 12 2. As used in this section, "personal, financial, or health information" means information
13 that would reveal:
- 14 a. An individual's personal health condition, disease, or injury;
 - 15 b. The existence, nature, source, or amount of an individual's personal income;
 - 16 c. The existence, nature, source, or amount of an individual's personal expenses;
 - 17 d. Records of or relating to an individual's personal financial transactions of any
18 kind;
 - 19 e. The existence, identification, nature, or value of an individual's personal assets,
20 liabilities, or net worth;
 - 21 f. A history of an individual's personal medical diagnosis or treatment;
 - 22 g. The existence, identification, nature, value, or content of an individual's coverage
23 or status under any insurance policy;
 - 24 h. An individual's personal contractual rights or obligations; or

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

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

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

9 **26.1-02-31. Confidentiality of complaint information - Exceptions.**

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

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