

507F.12 Confidentiality.

1. Documents, materials, and other information in the control or possession of the commissioner that are furnished by a licensee, or by an employee or agent of the licensee acting on behalf of the licensee, or that are obtained by the commissioner in an investigation or examination, shall be confidential by law and privileged, shall not constitute a public record under [chapter 22](#), shall not be subject to subpoena or discovery, and shall not be admissible as evidence in a private civil action. The commissioner, however, shall be authorized to use the documents, materials, and other information in the furtherance of a regulatory or legal action brought as part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, and other information public without the prior written consent of the licensee.

2. The commissioner, or an individual who receives documents, materials, or other information under the authority of the commissioner, shall not be permitted or required to testify in a private civil action concerning any documents, materials, or other information subject to [subsection 1](#).

3. In order to assist in the performance of the commissioner's duties under [this chapter](#), the commissioner may:

a. Share documents, materials, and other information, including documents, materials, and other information subject to [subsection 1](#), with state, federal, and international regulatory agencies; the national association of insurance commissioners, its affiliates and subsidiaries; and with state, federal, and international law enforcement authorities, provided that the recipient certifies in writing that the recipient will maintain the confidentiality or privileged status of any documents, materials, or other information to which confidentiality or privileged status applies.

b. Receive documents, materials, and other information, including confidential and privileged documents, materials, and other information from the national association of insurance commissioners, its affiliates and subsidiaries; and regulatory and law enforcement officials of foreign and domestic jurisdictions. The commissioner shall maintain as confidential or privileged any document, material, or other information received by the commissioner that is confidential or privileged, or that is received with notice or the understanding that it is confidential or privileged, under the laws of the jurisdiction that is the source of the document, material, or other information.

c. Share documents, materials, or other information subject to [subsection 1](#) with a third-party consultant or vendor provided that the third-party consultant or vendor certifies in writing that the consultant or vendor will maintain the confidentiality and privileged status of the document, material, or other information.

d. Enter into an agreement governing the sharing and use of documents, materials, or other information that is consistent with [this subsection](#).

4. No waiver of an applicable privilege or claim of confidentiality in a document, material, or other information shall occur as a result of disclosure of the document, material, or other information to the commissioner under [this chapter](#), or as a result of the sharing of the document, material, or other information as authorized under [this section](#).

5. [This chapter](#) shall not prohibit the commissioner from releasing final, adjudicated actions that are open to public inspection pursuant to [chapter 22](#), to a database or other clearinghouse service maintained by the national association of insurance commissioners, or its affiliates and subsidiaries.

6. Documents, materials, and other information received by the commissioner under [this chapter](#) and shared pursuant to [subsection 3](#), shall be confidential by law and privileged, shall not constitute a public record under [chapter 22](#), shall not be subject to subpoena or discovery, and shall not be admissible as evidence in a private civil action.

7. Ownership of documents, materials, and other information shared under [this chapter](#) with the national association of insurance commissioners, its affiliates and subsidiaries, or a third-party consultant or vendor, remains with the commissioner, and use of the documents, materials, and other information by the national association of insurance commissioners, its

affiliates and subsidiaries, or a third-party consultant or vendor is subject to the direction of the commissioner.

[2021 Acts, ch 79, §12, 17](#)

Section effective January 1, 2022; 2021 Acts, ch 79, §17

NEW section