

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 482 Department or Agency Department of Insurance\*

Rule No. Chapter 482-1-104

Rule Title: Confidential Treatment of Information

New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? N/A\*

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? N/A\*

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A\*

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? N/A\*

Is the increase in costs, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A\*

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? N/A\*

\*\*\*\*\*

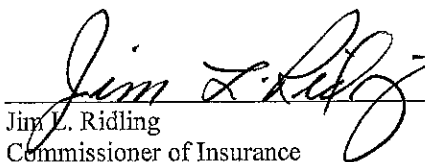
Does the proposed rule have an economic impact? N/A\*

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Sections 27-2-17 and 27-7-43, Code of Alabama 1975, and that it complies with all applicable filing requirements of the Alabama Insurance Code.\*

Signature of certifying officer   
Jim L. Ridling  
Commissioner of Insurance

Date: June 17, 2015

\*Note: The Alabama Department of Insurance is exempt from the Alabama Administrative Procedures Act pursuant to Section 41-22-2(e), Code of Alabama 1975.

Alabama Department of Insurance

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Department of Insurance

**RULE NO. & TITLE:** Chapter 482-1-104: Confidential Treatment of Information.

**INTENDED ACTION:** Repeal existing chapter.

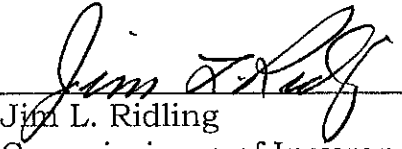
**SUBSTANCE OF PROPOSED ACTION:** The Commissioner of Insurance is proposing to repeal adopt an existing chapter that is no longer necessary as all procedures are now set forth in statute with recent changes to Section 27-2-24, Code of Alabama 1975.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Interested persons may submit data, views, or arguments in writing at any time prior to August 5, 2015, to the Alabama Department of Insurance, Attention: Legal Division, Post Office Box 303351, Montgomery, Alabama 36130-3351, or orally by appearing at the public hearing, Suite 502, RSA Tower, 201 Monroe Street, Montgomery, Alabama, beginning at 10:00 AM, August 12, 2015.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

August 5, 2015

**CONTACT PERSON AT AGENCY:** Reyn Norman  
General Counsel

  
\_\_\_\_\_  
Jim L. Ridling  
Commissioner of Insurance

ALABAMA DEPARTMENT OF INSURANCE  
INSURANCE REGULATION

CHAPTER 482-1-104

CONFIDENTIAL TREATMENT OF INFORMATION

TABLE OF CONTENTS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

Page

482-1-104-.01	Purpose and Scope. ....	2
482-1-104-.02	Authority. ....	2
482-1-104-.03	Confidential Information. ....	2
482-1-104-.04	Access to Confidential Information. ....	3
482-1-104-.05	Effective Date. ....	3

1 ~~482-1-104-.01 Purpose and Scope.~~ Pursuant to Section ~~27-2-24(c)~~,  
2 Code of Alabama 1975, any examination or investigative report may be  
3 withheld from public inspection for so long as the commissioner  
4 deems it "necessary to protect the person examined from unwarranted  
5 injury or to be in the public interest." Likewise, any and all  
6 supporting documents received by the commissioner or that this  
7 department may generate in preparing such reports may also be  
8 withheld from public inspection. Nevertheless, it may be necessary  
9 to share this information with other state, federal, and  
10 international regulatory agencies, with the NAIC, its affiliates or  
11 subsidiaries, and with state, federal, and international law  
12 enforcement authorities. The purpose of this chapter is to  
13 generally set forth the appropriate procedures for the distribution  
14 and protection of such information.

15 **Author:** Commissioner of Insurance

16 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17, 27-2-24(c),  
17 27-2-23

18 **History:** New July 5, 1994, Effective July 15, 1994; Revised  
19 November 29, 2006; Effective December 9, 2006; Repealed \_\_\_\_\_, 2015;  
20 Effective \_\_\_\_\_, 2015.

21 ~~482-1-104-.02 Authority.~~ This chapter is promulgated by the  
22 Commissioner of Insurance pursuant to Section ~~27-2-17~~, Code of  
23 Alabama 1975.

24 **Author:** Commissioner of Insurance

25 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17, 27-2-24(c),  
26 27-2-23

27 **History:** New July 5, 1994, Effective July 15, 1994; Repealed \_\_\_\_\_,  
28 2015; Effective \_\_\_\_\_, 2015.

29 ~~482-1-104-.03. Confidential Information.~~

30 ~~(1) Any work papers, recorded information, documents or copies~~  
31 ~~thereof produced by, obtained by or disclosed to the Commissioner or~~  
32 ~~any other person in the course of any financial or market conduct~~  
33 ~~examination conducted pursuant to Section ~~27-2-23~~, Code of Alabama~~  
34 ~~1975, may be withheld from public inspection if necessary, in the~~  
35 ~~opinion of the Commissioner, to protect the person examined from~~  
36 ~~unwarranted injury or to be in the public interest. The market~~  
37 ~~conduct annual statement filings made with the Department shall be~~  
38 ~~confidential and not subject to public disclosure.~~

1 ~~(2) Any such information shall be clearly marked "confidential"~~  
2 ~~and shall be maintained by the department separate and distinct from~~  
3 ~~all other records which are available for public inspection.~~

4 **Author:** Commissioner of Insurance

5 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17, 27-2-24(c),  
6 27-2-23

7 **History:** New July 5, 1994, Effective July 15, 1994;  
8 Revised December 19, 2007; Effective January 1, 2008; Repealed  
9 \_\_\_\_\_, 2015; Effective \_\_\_\_\_, 2015.

10 ~~**482-1-104-.04 Access to Confidential Information.** While~~  
11 ~~unavailable for public inspection, such confidential information may~~  
12 ~~nevertheless be shared with other state, federal, and international~~  
13 ~~regulatory agencies, with the NAIC, its affiliates or subsidiaries,~~  
14 ~~and with state, federal, and international law enforcement~~  
15 ~~authorities. The party seeking the confidential information must,~~  
16 ~~prior to receiving the information, agree in writing to provide the~~  
17 ~~same confidential treatment as required by this chapter, unless the~~  
18 ~~prior written consent of the person examined has been obtained.~~

19 **Author:** Commissioner of Insurance

20 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17, 27-2-24(c),  
21 27-2-23

22 **History:** New July 5, 1994, Effective July 15, 1994; Revised  
23 November 29, 2006; Effective December 9, 2006; Repealed \_\_\_\_\_, 2015;  
24 Effective \_\_\_\_\_, 2015.

25 ~~**482-1-104-.05 Effective Date.** This chapter shall become effective~~  
26 ~~ten (10) days from the date of certification that the properly~~  
27 ~~executed chapter was delivered to the Secretary of State.~~

28 **Author:** Commissioner of Insurance

29 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17, 27-2-24(c),  
30 27-2-23

31 **History:** New July 5, 1994, Effective July 15, 1994; Repealed \_\_\_\_\_,  
32 2015; Effective \_\_\_\_\_, 2015.