

§2206. Notice of insurance information practices

The following requirements apply to notices provided by regulated insurance entities. [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

1. Written notice. A regulated insurance entity shall provide a written notice of information practices to the applicant, policyholder or claimant in connection with all consumer insurance transactions in accordance with the following.

A. In the case of an application for insurance, the notice must be provided no later than:

- (1) The time of the delivery of the insurance policy or certificate when personal information is collected only from the applicant or from public records;
- (2) The time the collection of personal information is initiated when personal information is collected from a source other than the applicant or public records; or
- (3) The time of initial notification to the consumer when the insurance transaction is not initiated by the consumer and the consumer was selected based on specific criteria derived from personal information obtained from any source. [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

B. In the case of a policy renewal, if a change has been made in the regulated insurance entity's information practices, the notice must be provided no later than the policy renewal date, unless:

- (1) Personal information is collected only from the policyholder or from public records; or
- (2) A notice meeting the requirements of this section has been given within the previous 24 months. [PL 2017, c. 36, §1 (AMD).]

C. In the case of a policy reinstatement or change in insurance benefits, if a change has been made in the regulated insurance entity's information practices, the notice must be provided no later than the time the request for reinstatement or change in benefits is received by the carrier, unless personal information is collected only from the policyholder or from public records. [PL 2017, c. 36, §1 (AMD).]

[PL 2017, c. 36, §1 (AMD).]

2. Required provisions. The notice must state:

A. Whether personal information may be collected from persons other than the insurance consumer or consumers proposed for coverage; [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

B. The types of personal information that may be collected and the types of sources and investigative techniques that may be used to collect such information; [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

C. The types of disclosures that may be made without prior authorization under section 2215 and the circumstances under which any such disclosures may be made without prior authorization, except that only those circumstances need be described that occur with such frequency as to indicate a general business practice; [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

D. A description of the rights established under sections 2210 and 2211 and the manner in which those rights may be exercised; [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

E. That information obtained from a report prepared by an insurance support organization may be retained by the insurance support organization and disclosed to other persons; and [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

F. A description of the types of persons who may have access to the insurance consumer's personal information. [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

3. Abbreviated notice. In lieu of the notice prescribed in subsection 2, the regulated insurance entity may provide an abbreviated notice informing the applicant or policyholder that:

A. Personal information may be collected from persons other than the insurance consumer or consumers proposed for coverage; [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

B. Information described in paragraph A as well as other personal information subsequently collected by the regulated insurance entity may in certain circumstances be disclosed to 3rd parties without authorization pursuant to section 2215; [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

C. A right of access and correction exists with respect to all personal information collected; and [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

D. The notice prescribed in subsection 2 will be furnished to the applicant or policyholder upon request. [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

4. Satisfaction by other carrier, producer or administrator. The notice requirements imposed by this section upon a regulated insurance entity may be satisfied by a carrier, producer or administrator authorized to act on the entity's behalf.

[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

5. Standard notice forms. All carriers shall develop and use standard notice forms, but are not required to use the same form as other carriers.

[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

SECTION HISTORY

PL 1997, c. 677, §3 (NEW). PL 1997, c. 677, §5 (AFF). PL 2017, c. 36, §1 (AMD).

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