

§2211. Correction, amendment or deletion of recorded personal information

1. Action by regulated insurance entity. Within 30 days after receiving a written request from an insurance consumer to correct, amend or delete any recorded personal information within its possession about the consumer, a regulated insurance entity or insurance support organization shall:

A. In the case of recorded personal information contained within a consumer report, provide the consumer with the name and address of the consumer reporting agency that furnished the report and notify the consumer of the rights under 15 United States Code, Section 1681i governing the correction of inaccurate personal information contained in a consumer report; or [PL 2013, c. 588, Pt. D, §5 (AMD).]

B. In the case of other recorded personal information, either:

(1) Correct, amend or delete the portion of the recorded personal information in dispute; or

(2) Notify the consumer of its refusal to make the requested correction, amendment or deletion; the reasons for the refusal; and the consumer's right to file a statement as provided in subsection

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

[PL 2013, c. 588, Pt. D, §5 (AMD).]

2. Notice to others. If the regulated insurance entity or insurance support organization corrects, amends or deletes recorded personal information in accordance with subsection 1, paragraph B, the regulated insurance entity or insurance support organization shall notify the consumer in writing and furnish the correction, amendment or fact of deletion to:

A. Any person specifically designated by the consumer who may have, within the preceding 2 years, received that recorded personal information; [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

B. Any insurance support organization whose primary source of personal information is insurance carriers, if the insurance support organization has systematically received recorded personal information from the carrier within the preceding 7 years. However, the correction, amendment or fact of deletion need not be furnished if the insurance support organization no longer maintains recorded personal information about the consumer; and [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

C. Any insurance support organization that furnished the personal information that has been corrected, amended or deleted. [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. Consumer statement. When a consumer disagrees with a regulated insurance entity's or insurance support organization's refusal to correct, amend or delete recorded personal information, or when the regulated insurance entity or insurance support organization has not made all relevant recorded personal information available for verification by the consumer, the consumer must be permitted to file with the regulated insurance entity or insurance support organization:

A. A concise statement setting forth what the consumer thinks is the correct, relevant or fair information; and [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

B. A concise statement of the reasons why the consumer disagrees with the regulated insurance entity's or insurance support organization's refusal to correct, amend or delete recorded 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).]

4. Filing of statement. In the event a consumer files a statement as described in subsection 3, the regulated insurance entity or insurance support organization shall:

A. File the statement with the disputed personal information and provide a means by which anyone reviewing the disputed personal information will be made aware of the consumer's statement and have access to it; [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

B. In any subsequent disclosure by the regulated insurance entity or insurance support organization of the recorded personal information that is the subject of disagreement, clearly identify the matter or matters in dispute and provide the consumer's statement along with the recorded personal information being disclosed; and [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

C. Furnish the statement to the persons and in the manner specified in subsection 2. [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

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

5. Applicability. This section does not apply to a consumer reporting agency except to the extent that this section imposes more stringent requirements on a consumer reporting agency than other state or federal law.

[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 2013, c. 588, Pt. D, §5 (AMD).

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