

La. R.S. § 22:2503

Current through the 2024 First Extraordinary Session and Act 22 of the Second Extraordinary Session.
Revisions of the Louisiana State Law Institute now current through all titles received as of February 1,
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*LexisNexis® Louisiana Annotated Statutes > Louisiana Revised Statutes > Title 22. Insurance (Chs. 1 — 22)
> Chapter 21. Insurance Data Security (§§ 22:2501 — 22:2511)*

§ 22:2503. Definitions

As used in this Chapter, the following definitions apply:

- (1) “Authorized individual” means a natural person known to and screened by a licensee and determined to be necessary and appropriate to have access to the nonpublic information held by a licensee and its information systems.
- (2) “Consumer” means a natural person who is a resident of this state and whose nonpublic information is in a licensee’s possession, custody, or control.
- (3)
 - (a) “Cybersecurity event” means an event resulting in unauthorized access to or disruption or misuse of an information system or nonpublic information stored on an information system.
 - (b) “Cybersecurity event” shall not include either of the following:
 - (i) The unauthorized acquisition of encrypted nonpublic information if the encryption, process, or key is not also acquired, released, or used without authorization.
 - (ii) An event with regard to which the licensee has determined that the nonpublic information accessed by an unauthorized person has not been used or released and has been returned or destroyed.
- (4) “Encrypted” means the transformation of data into a form that has a low probability of assigning meaning without the use of a protective process or key.
- (5) “Information security program” means the administrative, technical, and physical safeguards that a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle nonpublic information.
- (6) “Information system” means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic nonpublic information. “Information system” shall include any specialized system such as industrial or process controls systems, telephone switching and private branch exchange systems, and environmental control systems.
- (7)

- (a)** “Licensee” means any person licensed, authorized to operate, or registered or required to be licensed, authorized, or registered pursuant to the insurance laws of this state.
- (b)** “Licensee” shall not include either of the following:
- (i)** A purchasing group or a risk retention group chartered and licensed in a state other than this state.
 - (ii)** A person that is acting as an assuming insurer that is domiciled in another state or jurisdiction.
- (8)** “Multi-factor authentication” means authentication through verification of at least two of the following types of authentication factors:
- (a)** Knowledge factors, such as a password.
 - (b)** Possession factors, such as a token or text message on a mobile phone.
 - (c)** Inherence factors, such as a biometric characteristic.
- (9)** “Nonpublic information” means electronic information that is not publicly available information and is any of the following:
- (a)** Any information concerning a consumer which because of name, number, personal mark, or other identifier can be used to identify a consumer, in combination with any one or more of the following data elements:
 - (i)** Social Security number.
 - (ii)** Driver’s license number or nondriver identification card number.
 - (iii)** Financial account number or credit or debit card number.
 - (iv)** Any security code, access code, or password that would permit access to a consumer’s financial account.
 - (v)** Biometric records.
 - (b)** Any information or data, except age or gender, in any form or medium created by or derived from a healthcare provider or a consumer, that can be used to identify a particular consumer, and that relates to any of the following:
 - (i)** The past, present, or future physical, mental, or behavioral health or condition of any consumer.
 - (ii)** The provision of health care to any consumer.
 - (iii)** Payment for the provision of health care to any consumer.
- (10)** “Person” means any natural person or any nongovernmental juridical person.
- (11)** “Publicly available information” means any information that a licensee reasonably believes is lawfully made available to the general public when all of the following occur:
- (a)** The information is available to the general public from any of the following sources:
 - (i)** Federal, state, or local government records.
 - (ii)** Widely distributed media.

- (iii) Disclosures to the general public required to be made by federal, state, or local law.
- (b) A licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine all of the following:

 - (i) That the information is of a type that is available to the general public.
 - (ii) That a consumer who can direct that the information not be made available to the general public has not done so.
- (12) “Risk assessment” means the risk assessment that each licensee is required to conduct pursuant to R.S. 22:2504(C).
- (13) “Third-party service provider” means a person, not otherwise defined as a licensee, who contracts with a licensee to maintain, process, store, or otherwise have access to nonpublic information through its provision of services to the licensee.

History

Acts 2020, No. 283, § 1, effective August 1, 2020.

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