

ORC Ann. 3965.06

Current through File 21 of the 135th General Assembly (2023-2024).

Page's Ohio Revised Code Annotated > Title 39: Insurance (Chs. 3901 — 3999) > Chapter 3965 Cybersecurity framework. (§§ 3965.01 — 3965.11)

§ 3965.06 Protected documents, materials, and other information.

(A)

(1) Any documents, materials, or other information in the control or possession of the department of insurance that are furnished pursuant to divisions (H)(1) and (I) of section 3965.02 and divisions (B)(1)(b), (c), (d), (e), (h), (j), and (k) of section 3965.04 of the Revised Code, or that are obtained by, created by, or disclosed to the superintendent of insurance in an investigation or examination pursuant to section 3965.05 of the Revised Code:

(a) Shall be confidential by law and privileged;

(b) Are not public records for the purposes of section 149.43 of the Revised Code and shall not be released;

(c) Shall not be subject to subpoena;

(d) Shall not be subject to discovery or admissible in evidence in any private civil action.

(2) Notwithstanding division (A)(1) of this section, the superintendent may use the documents, materials, or other information described in division (A) of this section in furtherance of any regulatory or legal action brought as a part of the superintendent's duties.

(B) Neither the superintendent nor any person who received documents, materials, or other information described in division (A) of this section while acting under the authority of the superintendent shall be permitted or required to testify in any private civil action concerning any documents, materials, or information subject to division (A) of this section.

(C) In order to assist in the performance of the superintendent's duties under this chapter, the superintendent may do any of the following:

(1) Notwithstanding division (A) of this section, share documents, materials, or other information, including those subject to division (A) of this section, with all of the following if the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information:

(a) Other state, federal, and international regulatory agencies;

(b) The national association of insurance commissioners and its affiliates and subsidiaries;

(c) State, federal, and international law enforcement authorities.

(2) Receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the national association of insurance commissioners and its affiliates and subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions. The superintendent shall maintain as confidential or privileged any document, material, or information 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 information.

(3) Share documents, materials, or other information subject to division (A) of this section with a third-party consultant or vendor if the consultant or vendor agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information;

(4) Enter into agreements governing sharing and use of information consistent with this section.

(D) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the superintendent under this section or as a result of sharing as authorized in division (C) of this section.

(E) Nothing in this chapter shall prohibit the superintendent from releasing decisions related to final, adjudicated actions that are open to public inspection pursuant to section 149.43 of the Revised Code to a database or other clearinghouse service maintained by the national association of insurance commissioners or its affiliates or subsidiaries.

(F) Any documents, materials, or other information described in division (A) of this section that are in the possession or control of the national association of insurance commissioners, or any vendor, third-party consultant to the national association of insurance commissioners, or a third-party service provider:

(1) Shall be confidential by law and privileged;

(2) Are not public records for the purposes of section 149.43 of the Revised Code and shall not be released;

(3) Shall not be subject to subpoena;

(4) Shall not be subject to discovery or admissible in evidence in any private civil action.

History

2018 sb273, § 1, effective March 20, 2019.