

---

SENATE BILL 5776

---

State of Washington

57th Legislature

2001 Regular Session

By Senators Prentice, Winsley, Gardner and Costa; by request of Insurance Commissioner

Read first time 02/02/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to protecting the confidentiality of information  
2 relating to insurance; adding a new section to chapter 48.02 RCW; and  
3 adding a new section to chapter 42.17 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.02 RCW  
6 to read as follows:

7 (1) Documents, materials, or other information as described in  
8 subsection (5) of this section are confidential by law and privileged,  
9 are not subject to public disclosure under chapter 42.17 RCW, are not  
10 subject to subpoena, and are not subject to discovery or admissible in  
11 evidence in any private civil action. The commissioner is authorized  
12 to use such documents, materials, or other information in the  
13 furtherance of any regulatory or legal action brought as a part of the  
14 commissioner's official duties.

15 (2) Neither the commissioner nor any person who received documents,  
16 materials, or other information while acting under the authority of the  
17 commissioner is permitted or required to testify in any private civil  
18 action concerning any confidential and privileged documents, materials,  
19 or information subject to subsection (1) of this section.

1 (3) The commissioner:

2 (a) May share documents, materials, or other information, including  
3 the confidential and privileged documents, materials, or information  
4 subject to subsection (1) of this section, with (i) the national  
5 association of insurance commissioners and its affiliates and  
6 subsidiaries, and (ii) regulatory and law enforcement officials of  
7 other states and nations, the federal government, and international  
8 authorities, if the recipient agrees to maintain the confidentiality  
9 and privileged status of the document, material, or other information;

10 (b) May receive documents, materials, or information, including  
11 otherwise either confidential or privileged, or both, documents,  
12 materials, or information, from (i) the national association of  
13 insurance commissioners and its affiliates and subsidiaries, and (ii)  
14 regulatory and law enforcement officials of other states and nations,  
15 the federal government, and international authorities and shall  
16 maintain as confidential and privileged any document, material, or  
17 information received that is either confidential or privileged, or  
18 both, under the laws of the jurisdiction that is the source of the  
19 document, material, or information; and

20 (c) May enter into agreements governing the sharing and use of  
21 information consistent with this subsection.

22 (4) No waiver of an existing privilege or claim of confidentiality  
23 in the documents, materials, or information may occur as a result of  
24 disclosure to the commissioner under this section or as a result of  
25 sharing as authorized in subsection (3) of this section.

26 (5) The information that is confidential and privileged under  
27 subsection (1) of this section includes the following:

28 (a) Documents, materials, or information, including either  
29 confidential or privileged, or both, documents, materials, or  
30 information, provided by (i) the national association of insurance  
31 commissioners and its affiliates and subsidiaries, (ii) regulatory or  
32 law enforcement officials of other states and nations, the federal  
33 government, or international authorities, or (iii) agencies of this  
34 state. This information is confidential and privileged only if the  
35 documents, materials, or information is protected from disclosure by  
36 the applicable laws of the jurisdiction that is the source of the  
37 document, material, or information; and

38 (b) Logs of requests and indices of documents, materials, or  
39 information protected under this section are also protected.

1        NEW SECTION.   **Sec. 2.**   A new section is added to chapter 42.17 RCW  
2 to read as follows:

3        Documents, materials, or information obtained by the insurance  
4 commissioner under section 1 of this act are confidential and  
5 privileged and not subject to public disclosure under this chapter.

--- END ---