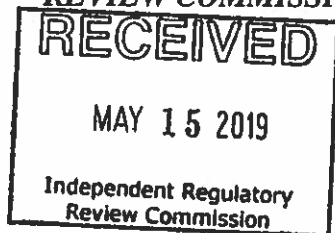


**INDEPENDENT REGULATORY  
REVIEW COMMISSION**



# Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency

Pennsylvania Insurance Department

(2) Agency Number:

Identification Number: 11-257

IRRC Number: 3207

(3) PA Code Cite:

31 Pa. Code Chapter 146a

(4) Short Title:

Privacy of Consumer Financial Information

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact:

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Secondary Contact:

Bridget Burke, Regulatory Coordinator  
 1341 Strawberry Square, Harrisburg, PA 17120  
 (717) 787-2567

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(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation

- Emergency Certification Regulation;
- Certification by the Governor
- Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The Pennsylvania Insurance Department (Department) amends 31 Pa. Code Ch. 146a (relating to Privacy of Consumer Financial Information) in accordance with changes made to the National Association of Insurance Commissioners (NAIC) Model Regulation #672 entitled "Privacy of Consumer Financial and Health Information Regulation." The amendments contained in the final-form rulemaking provide that a licensee's use of the federal "Model Privacy Form," codified at 16 CFR Part 313, Appendix A, would constitute compliance with the requirements of Chapter 146a. Additionally, the final-form rulemaking would exempt certain licensees from providing an annual privacy notice if the licensee has not changed its policies and practices from those described in the most recent disclosure.

(8) State the statutory authority for the regulation. Include specific statutory citation.

This rulemaking is made pursuant to the Department's general rulemaking authority as set forth in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412) and the Department's rulemaking authority under the Unfair Insurance Practices Act (40 P. S. §§ 1171.1—1171.15). See *PALU v. Insurance Department*, 371 A.2d 564 (Pa. Cmwlth. 1977) (further explaining the Commissioner's authority to promulgate regulations pursuant to the Unfair Insurance Practices Act).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

While this final-form rulemaking is not mandated by federal law, the amendments would promote consistency between the requirements of Chapter 146a and the requirements of the Gramm-Leach-Bliley Act (GLBA), Pub. L. No. 106-102, 15 U.S.C.A §§ 6801-6827, and corresponding federal regulations (16 CFR Part 313).

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to promote consistency with federal and other states' privacy requirements, reduce licensees' costs, and reduce consumer confusion regarding receiving multiple and duplicative privacy notices. Additionally, the amendments are necessitated by changes to federal law. Specifically, on December 4, 2015, President Obama signed the Fixing America's Surface Transportation (FAST) Act into law. Pub. L. No. 114-94. The FAST Act contains an amendment entitled "Eliminate Privacy Notice Confusion," which amended section

503 of the GLBA (15 U.S.C.A. § 6803) to provide for exceptions to the requirement that financial institutions provide annual privacy notices to customers. *See* section 75001 of Pub. L. No. 114-94. In response to the changes to the GLBA, the NAIC amended NAIC Model Regulation #672 (Privacy of Consumer Financial and Health Information Regulation).

The NAIC Model amendments incorporate the FAST Act's exceptions to the privacy notice requirement and provide that if a licensee uses a sample of a privacy form as set forth in Appendix A to 16 CFR Part 313, the licensee would be deemed compliant with the state model regulation. As such, this final-form rulemaking will promote consistency between the requirements of Chapter 146a and the requirements of the NAIC model, the Gramm-Leach-Bliley Act (GLBA), Pub. L. No. 106-102, 15 U.S.C.A §§ 6801-6827, and corresponding federal regulations. 16 CFR Part 313.

Adoption of the amendments in the final-form rulemaking will promote consistency in how licensees are regulated throughout the country and may reduce licensees' administrative costs. Although the Department cannot quantify the exact savings to the regulated community, licensees likely will save postage and printing costs associated with the mailing of the annual disclosure. Additionally, the amendments will create consistency in how consumers are notified of licensees' privacy practices and eliminate duplicative and multiple notices.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No. The amendments mirror federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Fifty-two states and territories have adopted or partially adopted the previous version of NAIC Model Regulation #672. At least two states have adopted the amendments to NAIC Model Regulation #672 through bulletin and at least five states have commenced the regulatory process. Because the amendments are designed to reduce licensees' costs and reduce consumer confusion regarding receipt of multiple and duplicative notices, Pennsylvania's failure to adopt these changes may hinder Pennsylvania's ability to compete with other states in that licensees doing business in Pennsylvania would be subject to additional and inconsistent regulatory requirements.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This final-form rulemaking will not affect any other Department regulations or the regulations of other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department circulated exposure drafts of this final-form rulemaking to several industry participants. Insurance Agents and Brokers (IA&B), Pennsylvania Association of Mutual Insurance Companies (PAMIC), Capital Blue Cross, and the Insurance Federation of Pennsylvania (IFP) submitted comments during the comment period. All comments were taken into consideration. IA&B and PAMIC submitted comments on August 15 and 16 respectively and expressed support for the Department's proposed rulemaking.

Capital Blue Cross expressed support for the Department's proposal to eliminate the requirement for annual GLBA notices. Capital Blue Cross did, however, express concerns regarding the proposal to sunset the safe harbor for the use of sample clauses. Capital Blue Cross was concerned that by sunseting the safe harbor, this would force Capital Blue Cross to use the federal model privacy form. The Department spoke with Capital Blue Cross representatives to clarify that notwithstanding the sunset of the safe harbor, a licensee may continue to incorporate the sample clauses into their disclosure notices and be determined by the Department to be in compliance with the requirements of the regulation based upon a review of the text of the notice itself.

IFP expressed support for the proposed rulemaking, however, IFP offered one editorial change. Specifically, IFP recommended a change to Section 146a.13(f) by adding "or National Association of Insurance Commissioners Regulation #672, Appendix B". The Department adopted the proposed language.

The Independent Regulatory Review Commission (IRRC) submitted two comments: (1) requesting that the Department address Capital Blue Cross's concern with regard to the sunseting of the safe harbor; and (2) requesting the Department address the IFP's request with regard to adding language to Section 146a.13(f). Both comments have been addressed as previously explained.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

This final-form rulemaking will affect consumers who receive privacy notices in that it will eliminate the confusion caused by multiple and duplicative privacy notices. Additionally, this final-form rulemaking will affect each entity that falls within the definition of a "licensee" in 31 Pa. Code § 146a.2, in that it would provide

for exceptions to the requirement that licensees provide annual privacy notices to consumers. The Department has identified approximately 272,184 licensees that fall within this definition including:

- 2312 licensed insurers as defined in section 201-A of the Insurance Department Act of 1921 (40 P.S. § 65.1-A) and entities doing the business of insurance pursuant to The Insurance Company Law of 1921 (40 P.S. §§ 341-999).
- 53 Fraternal Benefit Societies licensed pursuant to 40 P.S. §§ 991.2401-991.2466.
- 252,104 producers licensed pursuant to 40 P.S. §§ 310.1-310.99a.
- 83 reinsurance intermediaries licensed pursuant to 40 P.S. §§ 321.1-321.10; 521 Insurance Administrators licensed pursuant to 40 P.S. §§ 324.1-324.13; and 16,902 other miscellaneous persons or entities licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered under the Insurance Department Act of 1921 (40 P.S. §§ 1-321).
- 24 health maintenance organizations holding a certificate of authority under section 201 of the Health Care Facilities Act (35 P. S. § 448.201).
- 185 nonadmitted insurers that accept business placed through a surplus lines licensee (as defined in 40 P. S. § 991.1602 (relating to definition of surplus lines licensee)) in this Commonwealth with regard to surplus lines placements placed under Article XVI of The Insurance Company Law (40 P. S. §§ 991.1601—991.1625).

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

As stated in the response to question 15, approximately 272,184 licensees will be required to comply with the final-form rulemaking.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

This final-form rulemaking is based upon the recently-amended version of NAIC Model Regulation #672. The amendments are likely to be adopted by most, if not all, states and territories. Adoption of the amendments in the rulemaking will promote consistency in how licensees are regulated throughout the country and may reduce licensees' administrative costs. Although the Department cannot quantify the exact savings to the regulated community, licensees likely will save postage and printing costs associated with the mailing of the annual

privacy notice. Additionally, the amendments will create consistency in how consumers are notified of licensees' privacy practices and eliminate consumer confusion caused by duplicative and multiple notices.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

This final-form rulemaking will not impose any costs or cause any adverse effects. The benefits of the final-form rulemaking are set forth in response to question #17 above.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The final-form rulemaking will not impose any costs upon the regulated community. Although the Department cannot quantify the exact savings to the regulated community, licensees likely will save postage and printing costs associated with the mailing of the annual privacy notice.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

This final-form rulemaking will not impose any costs upon or result in any savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

This final-form rulemaking will not impose any costs upon or result in any savings to state government.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This final-form rulemaking does not impose any new reporting, recordkeeping, or paperwork requirements upon the regulated community. To the contrary, it sets forth exceptions to the requirement that licensees provide annual privacy notices to customers.

(22a) Are forms required for implementation of the regulation?

No. But if a licensee chooses to take advantage of the safe harbor, it would use the federal model privacy form.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

A copy of the forms required for implementation of this final-form rulemaking are attached hereto. The forms are set forth in Appendix A to 16 CFR Part 313, and Appendix B to the NAIC Model Regulation #672, both of which are substantively identical.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	Not quantifiable	Not quantifiable	Not quantifiable	Not quantifiable	Not quantifiable	Not quantifiable
<b>Regulated Community</b>	Not quantifiable	Not quantifiable	Not quantifiable	Not quantifiable	Not quantifiable	Not quantifiable
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Savings</b>	Not quantifiable	Not quantifiable	Not quantifiable	Not quantifiable	Not quantifiable	Not quantifiable

<b>COSTS:</b>	0	0	0	0	0	0
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Costs</b>	0	0	0	0	0	0
<b>REVENUE LOSSES:</b>	0	0	0	0	0	0
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Revenue Losses</b>	0	0	0	0	0	0

(23a) Provide the past three year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY</b>
None.	0	0	0	0

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The final-form rulemaking is not expected to have any adverse impact on small business. However, the Department has reviewed the standards set forth by 13 CFR 12.201 and the U.S. Small Business Administration Table of Small Business Size Standards Matched to North American Industry Classification System Code to determine the applicability of this rulemaking to small businesses. These standards vary by entity type. To qualify as a small business, the entity must fall within the following thresholds:



- Direct Life Insurance Carriers (annual receipts of less than \$38.5 million).
- Direct Health and Medical Insurance Carriers (annual receipts of less than \$38.5 million).
- Direct Property and Casualty Insurance Carriers (less than 1500 employees).
- Direct Title Insurance Carriers (annual receipts of less than \$38.5 million).
- Other Direct Insurance (except Life, Health and Medical) (annual receipts of less than \$38.5 million).
- Producers a/k/a Agents and Brokers (less than \$7.5 million in annual receipts).

Based upon the limited information available to the Department, the Department has identified the following number of domestic companies that may meet the definition of “small business:” five Direct Life Insurance Carriers, six Direct Health and Medical Insurance Carriers, 112 Direct Property and Casualty Insurance Carriers and one Direct Title Insurance Carrier.

The Department does not collect information regarding the annual receipts collected by producers. However, because of the high threshold of annual receipts for producers, the Department estimates that most, if not all, Pennsylvania-based insurance producers would fall within the definition of “small business.”

There are no projected reporting, recordkeeping or other administrative costs required for compliance with the final-form rulemaking. There will be no negative effect on impacted small businesses. As such, no alternative methods of achieving the purpose of the final-form rulemaking have been considered.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No provisions have been developed to meet the needs of minorities, the elderly, small businesses or farmers.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Because the amendments in this final-form rulemaking do not impose a burden upon the regulatory community, no alternative regulatory provisions have been considered.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;

- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The amendments to Chapter 146a contained in this final-form rulemaking do not contain compliance or reporting requirements or specify performance standards that must be met. As such, the final-form rulemaking does not impose any adverse effects on small business or any other regulated entity. As noted in response to question 19 above, the final-form rulemaking likely will result in cost savings to the regulatory community.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for this final-form rulemaking.

(29) Include a schedule for review of the regulation including:

- |   |   |
|---|---|
| A. The length of the public comment period:   | <u>30 days</u>  |
| B. The date or dates on which any public meetings or hearings will be held:                   | <u>No hearings will be held</u>   |
| C. The expected date of delivery of the final-form regulation:                                | <u>Spring 2019</u>  |
| D. The expected effective date of the final-form regulation:                                  | <u>Upon publication of the final-form regulation in the PA Bulletin</u> |
| E. The expected date by which compliance with the final-form regulation will be required:     | <u>Upon publication of the final-form regulation in the PA Bulletin</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>None are required</u>  |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Department reviews each of its regulations for continued effectiveness on a triennial basis.

CDL-1

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)



DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>_____ Insurance Department (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>11-257</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u>Jessica K. Altman</u> Jessica K. Altman Insurance Commissioner</p> <p>TITLE _____ (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u>Marisa H. Z. Loh</u></p> <p>_____ APR 29 2019 DATE OF APPROVAL</p> <p><b>Deputy General Counsel</b> (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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NOTICE OF FINAL RULEMAKING  
INSURANCE DEPARTMENT

31 Pa. Code Chapter 146a

PRIVACY OF CONSUMER FINANCIAL INFORMATION

**RULES AND REGULATIONS**

**TITLE 31 – INSURANCE**

**INSURANCE DEPARTMENT**

**[31 Pa. CODE CH. 146a]**

**Privacy of Consumer Financial Information**

**[\_\_ Pa.B. \_\_\_\_]**

**[Saturday, \_\_\_\_\_, 201\_]**

**Preamble**

The Insurance Department (Department) amends Chapter 146a of the Insurance Department's regulations ((31 Pa. Code §§ 146a.1-146a.44) (relating to privacy of consumer financial information)) to read as set forth in Annex A. This final-form rulemaking is made under the Department's general rulemaking authority as set forth in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412) and the Department's rulemaking authority under the Unfair Insurance Practices Act (40 P.S. §§ 1171.1-1171.15). *See PALU v. Insurance Department*, 371 A.2d 564 (Pa. Cmwlth. 1977) (further explaining the Commissioner's authority to promulgate regulations pursuant to the Unfair Insurance Practices Act).

*Purpose*

The purpose of this final-form rulemaking is to update the Commonwealth's requirements for the treatment of nonpublic financial information in accordance with the changes made to the National Association of Insurance Commissioners (NAIC) Model Regulation #672, entitled "Privacy of Consumer Financial and Health Information Regulation." The revisions to the NAIC model were precipitated by an amendment to section 503 of the Gramm-Leach-Bliley-Act (GLBA) (15 U.S.C.A. § 6803) entitled "Eliminate Privacy Notice Confusion," passed by Congress on December 4, 2015. *See* section 75001 of Pub. L. No. 114-94. This final-form rulemaking incorporates exceptions to the privacy notice requirement and provides that if a licensee uses a sample privacy form as set forth in 16 CFR Part 313 (relating to privacy of consumer financial information), the licensee would be deemed compliant with the state's model regulation.

*Comments and Responses*

Notice of proposed rulemaking was published at 48 Pa.B. 4258 (July 21, 2018), with a 30-day public comment period. Insurance Agents and Brokers (IA&B), Pennsylvania Association of Mutual Insurance Companies (PAMIC), Capital Blue Cross, and the Insurance Federation of Pennsylvania (IFP) submitted comments during the comment period. All comments were taken into consideration.

IA&B and PAMIC submitted comments on August 15 and 16 respectively and expressed support for the Department's proposed rulemaking.

Capital Blue Cross expressed support for the Department's proposal to eliminate the requirement for annual GLBA notices. Capital Blue Cross did, however, express concerns regarding the proposal to sunset the safe harbor for the use of sample clauses. Capital Blue Cross was concerned that by sunsetting the safe harbor, this would force Capital Blue Cross to use the federal privacy form. The Department spoke with Capital Blue Cross representatives to clarify that notwithstanding the sunset of the safe harbor, a licensee may continue to incorporate the sample clauses into their disclosure notices and be determined by the Department to be in compliance with the requirements of the regulation based upon a review of the text of the notice itself.

IFP expressed support for the proposed rulemaking, however, IFP offered one editorial change. Specifically, IFP recommended a change to Section 146a.13(f) by adding "or National Association of Insurance Commissioners Regulation #672, Appendix B". The Department adopted the proposed language.

The Independent Regulatory Review Commission (IRRC) submitted two comments: (1) requesting that the Department address Capital Blue Cross's concern with regard to the sunsetting of the safe harbor; and (2) requesting the Department address the IFP's request with regard to adding language to Section 146a.13(f). Both comments have been addressed as previously explained.

#### *Affected Parties*

This final-form rulemaking applies to all entities that fall within the definition of a "licensee" in 31 Pa. Code § 146a.2 including:

- Licensed insurers as defined in section 201-A of The Insurance Department Act of 1921 (40 P.S. § 65.1-A) and entities doing the business of insurance under The Insurance Company Law of 1921 (40 P.S. §§ 341—991.2610).
- Fraternal benefit societies licensed under sections 2401—2466 of The Insurance Company Law of 1921 (40 P.S. §§ 991.2401—991.2466).
- Producers licensed under sections 601-A—699.1-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a).
- Reinsurance intermediaries licensed under sections 701—710 of The Insurance Department Act of 1921 (40 P.S. §§ 321.1—321.10); insurance administrators licensed under the Insurance Administrator Licensure Act (40 P.S. §§ 324.1—324.13); and other miscellaneous persons or entities licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered under The Insurance Department Act of 1921 (40 P.S. §§ 1—326.7).
- Health maintenance organizations holding a certificate of authority under section 201 of the Health Care Facilities Act (35 P.S. § 448.201).
- Nonadmitted insurers that accept business placed through a surplus lines licensee (as defined in section 1602 of The Insurance Company Law of 1921 (40 P.S. §

991.1602)) in this Commonwealth with regard to surplus lines placements placed under sections 1601—1626 of The Insurance Company Law (40 P.S. §§ 991.1601—991.1626)

*Fiscal Impact*

*State Government*

There will not be any fiscal impact to the Department as a result of this final-form rulemaking.

*General Public*

This final-form rulemaking will not impose costs and will not have a fiscal impact upon the general public.

*Political Subdivisions*

- This final-form rulemaking will not impose additional costs on political subdivisions.

*Private Sector*

While the Department cannot quantify the exact savings to the private sector, the Department believes that the private sector will see savings due to a reduction in postage and printing costs associated with the annual disclosure.

*Paperwork*

This final-form rulemaking will not impose additional paperwork on the Department, because no filing is required to be made by licensees. This final-form rulemaking will reduce paperwork for the private sector because it would reduce the need to provide duplicative disclosures.

*Effectiveness/Sunset Date*

This final-form rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, a sunset date has not been assigned.

*Contact Person*

Questions or comments regarding this final-form rulemaking may be addressed in writing to Bridget Burke, Regulatory Coordinator, Insurance Department, 1341 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969, [briburke@pa.gov](mailto:briburke@pa.gov).

### *Regulatory Review*

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 11, 2018, the Department submitted a copy of the notice of proposed rulemaking, published at 48 Pa.B. 4258, to IRRC and the Chairpersons for the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided copies of comments received as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on \_\_\_\_\_ this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_ and approved the final-form rulemaking.

### *Findings*

The Commissioner finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 48 Pa.B. 4258.

(2) This final-form rulemaking adopted by this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

### *Order*

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 146a, are amended by adding section 146a.3 and amending sections 146a.2, 146a.12 and 146a.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Department shall submit this final-form rulemaking to IRRC and the House and Senate Committees as required by law.



(c) The Department shall submit this final-form rulemaking to the Office of General Counsel and Office of Attorney General for approval as to legality and form as required by law.

(d) The Department shall certify this final-form rulemaking, as approved for legality and form, and deposit them with the Legislative Reference Bureau, as required by law.

(e) This final-form rulemaking shall take effect immediately upon publication of the Pennsylvania Bulletin.

JESSICA K. ALTMAN  
*Insurance Commissioner*

Annex A  
TITLE 31. INSURANCE  
PART VIII. MISCELLANEOUS PROVISIONS  
CHAPTER 146a. PRIVACY OF CONSUMER FINANCIAL INFORMATION

§ 146a.1. Purpose.

\* \* \* \* \*

(c) *Compliance.* A licensee domiciled in this Commonwealth that is in compliance with this chapter in a state that has not enacted laws or regulations that meet the requirements of Title V of the act of November 12, 1999 (Pub.L. No. 106-102, 113 Stat. 1338) known as the Gramm-Leach-Bliley Act (Financial Services Modernization Act of 1999) (15 U.S.C.A. §§ 6801—6827) may nonetheless be deemed to be in compliance with Title V of the Gramm-Leach-Bliley Act in the other state.

[(d) *Examples.* The examples provided in this chapter are for illustrative purposes only and do not otherwise limit or restrict the scope of this chapter.]

§ 146a.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context requires otherwise:

\* \* \* \* \*

*Department*—The Insurance Department of the Commonwealth.

**Federal model privacy form—The model form in 16 CFR Part 313, Appendix A (relating to model privacy form), or a successor provision, which is determined by Federal regulation to be compliant with the requirements of the Gramm-Leach-Bliley Act (15 U.S.C.A. §§ 6801—6827).**

*Financial institution*—An institution the business of which is engaging in activities that are financial in nature or incidental to the financial activities as described in section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C.A. § 1843(k)). The term does not include the following:

\* \* \* \* \*

(*Editor's Note:* The following section is proposed to be added and printed in regular type to enhance readability.)

**§ 146a.3. Examples and safe harbor.**

(a) *Compliance.* If a licensee uses an example, sample clause or Federal model privacy form, the licensee shall be considered compliant with a corresponding requirement of this chapter to the extent applicable. Licensees may rely on the Federal model privacy form used in accordance with its attached instructions as a safe harbor for compliance with the requirements of this section related to privacy notice content.

(b) *Nonexclusive means of compliance.* The examples in this chapter, the sample clauses in Appendix A (relating to sample clauses) and the Federal model privacy form are not the exclusive means of compliance with the requirements of this chapter. Licensees may continue to use other types of privacy notices, including notices that contain examples or the sample clauses in Appendix A, or both, provided that the notices accurately describe the licensee's privacy practices and otherwise meet the privacy notice content requirements of this chapter.

(c) *Sunset of safe harbor for sample clauses in Appendix A.* While licensees may continue to use privacy notices that contain examples and the sample clauses in Appendix A, licensees may not rely on the use of privacy notices containing the sample clauses in Appendix A as a safe harbor for compliance with the privacy notice content requirements of this chapter after July 1, 2019.

**Subchapter B. PRIVACY AND OPT OUT NOTICES FOR FINANCIAL INFORMATION**

**§ 146a.12. Annual privacy notice to customers required.**

(a) *Notice.*

(1) *General rule.* A licensee shall provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of 12 consecutive months during which that relationship exists. A licensee may define the 12-consecutive-month period, but the licensee shall apply it to the customer on a consistent basis.

(2) *Example.* A licensee provides a notice annually if it defines the 12-consecutive-month period as a calendar year and provides the annual notice to the customer once in each calendar year following the calendar year in which the licensee provided the initial notice. For example, if a customer opens an account on any day of year 1, the licensee shall provide an annual notice to that customer by December 31 of year 2.

**(b) Exemption to general rule.**

**(1) A licensee is not required to provide an annual privacy notice under this section if all of the following apply:**

**(i) The licensee has not changed its policies or practices regarding disclosure of nonpublic personal financial information from those in the most recent notice sent to consumers.**

**(ii) The disclosure of nonpublic personal financial information is made to only nonaffiliated third parties and meets any of the following requirements:**

**(A) Is made in accordance with § 146a.31 (relating to exception to opt out requirements for disclosure of nonpublic personal financial information for service providers and joint marketing).**

**(B) Falls within the exceptions in § 146a.32 (relating to exceptions to notice and opt out requirements for disclosure of nonpublic personal financial information for processing and servicing transactions).**

**(C) Falls within the exceptions in § 146a.33 (relating to other exceptions to notice and opt out requirements for disclosure of nonpublic personal financial information).**

**(2) A licensee that no longer meets the criteria in paragraph (1) shall provide an annual privacy notice under this section.**

[(b)] **(c) Termination.**

\* \* \* \* \*

[(c)] **(d) Delivery.** When a licensee is required by this section to deliver an annual privacy notice, the licensee shall deliver it according to § 146a.16 (relating to delivery).

**§ 146a.13. Information to be included in privacy notices.**

\* \* \* \* \*

**(f) Sample clauses and Federal model privacy form.** Sample clauses illustrating some of the notice content required by this section are included in Appendix A (relating to sample clauses) **and may be found in the Federal model privacy form in 16 CFR Part 313, Appendix A (relating to model privacy form) OR NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS REGULATION #672, APPENDIX B.**

**Insurance Department**

**Notice of Final Rulemaking**

31 Pa. Code Chapter 146a

PRIVACY OF CONSUMER FINANCIAL INFORMATION

Document/Fiscal Note No. 11-257

**INSURANCE COMMISSIONER'S CERTIFICATION**

I, Jessica K. Altman, hereby certify that I have reviewed this Proposed Form Regulation and determined that it is consistent with the principles outlined in Executive Order 1996-1.

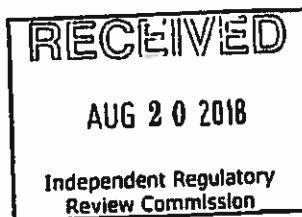
  
\_\_\_\_\_  
Jessica K. Altman  
Insurance Commissioner

3207

# Capital BLUE

August 17, 2018

Ms. Bridget Burke  
Regulatory Coordinator  
Pennsylvania Insurance Department  
1341 Strawberry Square  
Harrisburg, PA 17120



Submitted via email to [brburke@pa.gov](mailto:brburke@pa.gov)

**Re: Proposed Regulation #11-257: Privacy of Consumer Financial Information**

Dear Ms. Burke:

Capital BlueCross ("Capital") appreciates the opportunity to provide comments on proposed Regulation #11-257: Privacy of Consumer Financial Information.

Capital applauds the Pennsylvania Insurance Department's ("PID") proposed actions to eliminate the redundancy of mandated consumer notification under the Gramm-Leach-Bliley Act (GLBA), while continuing to ensure consumers are sufficiently apprised of their privacy rights. As such, Capital supports the Department's proposal to eliminate the requirement of annual GLBA notices in the absence of any changes to a regulated entity's privacy policies and procedures. However, Capital has substantial concerns regarding the sunset of the existing sample clause safe harbor in favor of the use of the federal GLBA model form ("Model Form.") We believe there are unintended consequences of doing so and urge the PID to reconsider the current direction on the Model Form.

### **Streamlining of GLBA Annual Notice Requirement**

The GLBA requires all financial institutions, including insurance companies, to provide notices of their privacy practices relating to Non-public Personal Information ("NPI") to consumers ("GLBA Notices.") The GLBA Notices must be provided upon the initial establishment of a customer relationship and then at least annually thereafter. Capital supports the PID's proposal to no longer require insurers issue such notices annually in the absence of any privacy policy and/or practice changes. We believe that this is an important step toward reducing consumer information fatigue, resulting from the bombardment of redundant privacy notices from multiple sources, thereby increasing consumer alertness to truly useful and actionable information. Subsequently, we strongly encourage the PID to adopt this streamlined approach as proposed.

### **Sunset of Sample Clause Safe Harbor**

On the other hand, Capital has substantial concerns with the PID's proposal to sunset the sample clause safe harbor. One of the long-standing goals of the GLBA is to provide consumers with easily understandable and relevant information on the use and disclosure of their NPI. The PID's proposal to sunset the sample clause safe harbor and adopt the Model Form in its place contravenes this goal.

Harrisburg, PA 17177 | [capbluecross.com](http://capbluecross.com)

Health care benefit programs issued or administered by Capital BlueCross and/or its subsidiaries, Capital Advantage Insurance Company, Capital Advantage Assurance Company and Keystone Health Plan Central, independent licensees of the BlueCross BlueShield Association. Communications issued by Capital BlueCross in its capacity as administrator of programs and provider relations for all companies.

The Model Form was developed by federal regulators in 2009 for financial institutions, such as banks and credit card companies. While health insurers, such as Capital, fall within the broadly-defined term of "financial institution" to which the GLBA applies, we are unlike these other entities in that we do not use consumer information for financial transactions that are unrelated to the administration of health insurance coverage.


While the PID's proposal does not require insurers to use the Model Form, by sunseting the sample clause safe harbor and establishing the Model Form in its place, health insurers will be left with no choice but to use the Model Form in order to take advantage of the compliance safe harbor.

The Model Form is designed specifically for financial institutions that deal in investments, loans and deposits, as evidenced by its multiple references to financial companies and the many mentions of credit reporting and related activities. The Model Form does not inform consumers and has little connection to how NPI is used by health insurers to provide coverage, process claims, and facilitate treatments. This disconnect makes the Model Form irrelevant in the insurance context. Additionally, consumers may be confused by receiving the Model Form from their health insurers when they customarily receive these from banks and credit card companies. This may create a misconception that health insurers are using consumer information for financial transactions unrelated to their insurance coverage. In the health insurance context, the Model Form does not provide any added benefits toward improving consumer awareness of data privacy. Rather, it creates unnecessary confusion to consumers at the expense of added financial and administrative burdens on health insurers.

Last but not least, health insurers are also subject to the Health Insurance Portability and Accountability Act (HIPAA), which establishes specific privacy and security standards for the use and disclosure of Protected Health Information ("PHI"). Since the HIPAA-mandated Notice of Privacy Practices ("HIPAA NPP") already outlines health insurers' use and disclosure of PHI within which NPI almost always falls; the Model Form provides no additional actionable information to consumers for their privacy protection. The sample clauses, on the other hand, may be used in a way that is concise and succinct to supplement the HIPAA NPP without contributing to consumers' informational overload. Consequently, we strongly recommend that the PID not sunset the sample clause safe harbor, but maintain it as an alternative to the Model Form.

We appreciate your consideration of our comments. Should you have any questions, please contact me at 717-541-6245 or at [douglas.furness@capbluecross.com](mailto:douglas.furness@capbluecross.com)

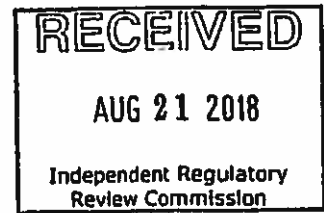
Sincerely,



Douglas J. Furness  
Senior Director, Government & Regulatory Affairs

3207

**The Insurance Federation of Pennsylvania, Inc.**  
1600 Market Street  
Philadelphia, PA 19103  
Tel: (215) 665-0500 E-mail: smarshall@ifpenn.org



**Samuel R. Marshall**  
President & CEO

August 19, 2018

Bridget Burke  
Regulatory Coordinator  
Pennsylvania Insurance Department  
1341 Strawberry Square  
Harrisburg, PA 17120

**Re: Regulation 11-257 – proposed revisions to 31 Pa.Code Chapter 146a –  
Privacy of Consumer Financial Information**

Dear Ms. Burke:

On behalf of our members and our national trade counterparts, the Insurance Federation supports the revisions proposed by the Insurance Department in this regulation.

As the Department explains, this is consistent with changes made at the federal level in 2015 under the FAST Act to eliminate needless and potentially confusing annual privacy notices to consumers under the Gramm-Leach-Bliley Act.

We offer one recommendation, a refinement to the proposed change to Section 146a.13(f) covering sample forms and the reference to the Federal model privacy form. The proposed regulation references that form as being found "at 16 CFR Part 313, Appendix A." We recommend that subsection also include the same form as found in the NAIC regulation covering this by adding "or National Association of Insurance Commissioners Regulation #672, Appendix B." The forms match in content, but the instructions for NAIC form are more insurance-specific.



Page two

We thank the Department for taking up this regulation, and we look forward to getting this done.

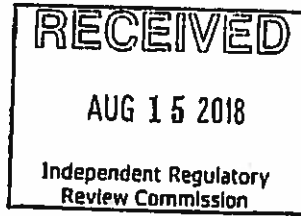
Sincerely,

Samuel R. Marshall

3207.

August 15, 2018

Bridget Burke  
Regulatory Coordinator  
Pennsylvania Insurance Department  
1341 Strawberry Square  
Harrisburg, PA 17120



Insurance Agents  
& Brokers

Sent via email to [briburke@pa.gov](mailto:briburke@pa.gov)

Dear Ms. Burke:

**RE: IA&B COMMENTS ON PROPOSED REGULATION #11-257: PRIVACY OF CONSUMER FINANCIAL INFORMATION**

On behalf of the Insurance Agents & Brokers of Pennsylvania (IA&B), representing independent insurance agents and brokers located throughout the state, I am providing these comments on proposed regulation #11-257: Privacy of Consumer Financial Information. IA&B supports the proposed changes, which reflect recent amendments to the federal Gramm-Leach-Bliley Act (GLBA) and corresponding provisions of NAIC Model Regulation #672. These changes will be welcome by many of our independent insurance agencies as they promote consistency between state and federal law and reduce costs of compliance by alleviating the need for annual privacy notices when certain conditions are met.

We appreciate your consideration of our comments. Should you have any questions please do not hesitate to contact me at 717-503-5793, ext. 607 or [LaurenB@IABforME.com](mailto:LaurenB@IABforME.com)

Sincerely,

A handwritten signature in black ink that appears to read "Lauren Brinjac".

Lauren Brinjac  
Government Affairs Director

cc: Independent Regulatory Review Commission (via email)

# 3207

**Stephen Hoffman**

---

**From:** Scott Schalles  
**Sent:** Thursday, August 16, 2018 11:52 AM  
**To:** IRRC  
**Subject:** FW: PAMIC COMMENT ON PROPOSED REGULATION #11-257: PRIVACY OF CONSUMER FINANCIAL INFORMATION

IRRC #3207



**From:** Ron Gallagher [<mailto:rgallagher@pamic.org>]  
**Sent:** Thursday, August 16, 2018 11:31 AM  
**To:** Bridget Burke  
**Cc:** Scott Schalles; Jodi Frantz  
**Subject:** PAMIC COMMENT ON PROPOSED REGULATION #11-257: PRIVACY OF CONSUMER FINANCIAL INFORMATION

Bridget,

On behalf of the Pennsylvania Association of Mutual Insurance Companies (PAMIC), I am providing you our comments on the draft regulation.

PAMIC applauds the Insurance Department's efforts to streamline and modernize the notice requirements affecting the privacy of consumer financial information. Last year, the Insurance Department contacted PAMIC by providing an exposure draft of the proposed regulation. Additionally, the Insurance Department asked for insight into the costs of complying with the current (un-amended regulation) for their regulatory analysis form. Their openness and cooperation while developing this regulation are appreciated.

Notice requirements are standard practice in our industry as a form of consumer education and protection. The insurer cost to comply with notice requirements can be substantial with consumer ultimately paying for these cost through their premiums. This draft regulation does not diminish the overarching goal of educating and protecting consumers. Instead, the draft regulation enhances the goals by reducing unneeded and possibly confusing notice requirements when certain conditions are met and reduces insurer administrative costs with consumers as the ultimate beneficiary. These changes also promote consistency between state and federal law - an essential aspect for multi-state insurers.

PAMIC fully supports the draft regulation submitted by the Pennsylvania Insurance Department.

Respectfully,

**Ron Gallagher**  
President  
Pennsylvania Association of Mutual Insurance Companies  
W: 717-458-1029 C: 717-736-5949 E: [rgallagher@pamic.org](mailto:rgallagher@pamic.org)  
Visit: <http://www.pamic.org/>



GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 15, 2019

Honorable Tina Pickett  
Majority Chairman  
House Insurance Committee  
315-A Main Capitol Bldg  
Harrisburg, PA 17120-2110

Re: Insurance Department Final-form Regulation No. 11-257, Privacy of Consumer Financial Information

Dear Representative Pickett:

Pursuant to Section 5.1(b) of the Regulatory Review Act, enclosed for your information and review is final-form regulation 31 Pa. Code, Chapter 146a. Privacy of Consumer Financial Information.

The purpose of these regulations is to amend 31 Pa. Code Ch. 146a (relating to Privacy of Consumer Financial Information) in accordance with changes made to the National Association of Insurance Commissioners (NAIC) Model Regulation #672 entitled "Privacy of Consumer Financial and Health Information Regulation." The amendments contained in this rulemaking provide that a licensee's use of the federal "Model Privacy Form," codified at 16 CFR Part 313, Appendix A, would constitute compliance with the requirements of Chapter 146a. Additionally, this rulemaking would exempt certain licensees from providing an annual privacy notice if the licensee has not changed its policies and practices from those described in the most recent disclosure.

If you have any questions regarding this matter, please contact me at (717) 787-2567.

Sincerely yours,

Bridget E. Burke  
Regulatory Coordinator

cc: David Sumner, Executive Director IRRC



GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 15, 2019

Honorable Anthony DeLuca  
Minority Chairman  
House Insurance Committee  
115 Irvis Office Building  
Harrisburg, PA 17120

Re: Insurance Department Final-form Regulation No. 11-257, Privacy of Consumer Financial Information

Dear Representative DeLuca:

Pursuant to Section 5.1(b) of the Regulatory Review Act, enclosed for your information and review is final-form regulation 31 Pa. Code, Chapter 146a. Privacy of Consumer Financial Information.

The purpose of these regulations is to amend 31 Pa. Code Ch. 146a (relating to Privacy of Consumer Financial Information) in accordance with changes made to the National Association of Insurance Commissioners (NAIC) Model Regulation #672 entitled "Privacy of Consumer Financial and Health Information Regulation." The amendments contained in this rulemaking provide that a licensee's use of the federal "Model Privacy Form," codified at 16 CFR Part 313, Appendix A, would constitute compliance with the requirements of Chapter 146a. Additionally, this rulemaking would exempt certain licensees from providing an annual privacy notice if the licensee has not changed its policies and practices from those described in the most recent disclosure.

If you have any questions regarding this matter, please contact me at (717) 787-2567.

Sincerely yours,

Bridget E. Burke  
Regulatory Coordinator

cc: David Sumner, Executive Director IRRC



GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 15, 2019

Honorable Sharif Street  
Minority Chairman  
Senate Banking and Insurance Committee  
535 Main Capitol  
Harrisburg, PA 17120

Re: Insurance Department Final-form Regulation No. 11-257, Privacy of Consumer Financial Information

Dear Senator Street:

Pursuant to Section 5.1(b) of the Regulatory Review Act, enclosed for your information and review is final-form regulation 31 Pa. Code, Chapter 146a. Privacy of Consumer Financial Information.

The purpose of these regulations is to amend 31 Pa. Code Ch. 146a (relating to Privacy of Consumer Financial Information) in accordance with changes made to the National Association of Insurance Commissioners (NAIC) Model Regulation #672 entitled "Privacy of Consumer Financial and Health Information Regulation." The amendments contained in this rulemaking provide that a licensee's use of the federal "Model Privacy Form," codified at 16 CFR Part 313, Appendix A, would constitute compliance with the requirements of Chapter 146a. Additionally, this rulemaking would exempt certain licensees from providing an annual privacy notice if the licensee has not changed its policies and practices from those described in the most recent disclosure.

If you have any questions regarding this matter, please contact me at (717) 787-2567.

Sincerely yours,

Bridget E. Burke  
Regulatory Coordinator

cc: David Sumner, Executive Director IRRC



GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 15, 2019

Honorable Mario M. Scavello  
Majority Chairman  
Senate Banking and Insurance Committee  
Senate Box 203040  
20 East Wing  
Harrisburg, PA 17120-3040

Re: Insurance Department Proposed Regulation No. 11-257, Privacy of Consumer Financial Information

Dear Senator Scavello:

Pursuant to Section 5.1(b) of the Regulatory Review Act, enclosed for your information and review is final-form regulation 31 Pa. Code, Chapter 146a. Privacy of Consumer Financial Information.

The purpose of these regulations is to amend 31 Pa. Code Ch. 146a (relating to Privacy of Consumer Financial Information) in accordance with changes made to the National Association of Insurance Commissioners (NAIC) Model Regulation #672 entitled "Privacy of Consumer Financial and Health Information Regulation." The amendments contained in this rulemaking provide that a licensee's use of the federal "Model Privacy Form," codified at 16 CFR Part 313, Appendix A, would constitute compliance with the requirements of Chapter 146a. Additionally, this rulemaking would exempt certain licensees from providing an annual privacy notice if the licensee has not changed its policies and practices from those described in the most recent disclosure.

If you have any questions regarding this matter, please contact me at (717) 787-2567.

Sincerely yours,

Bridget E. Burke  
Regulatory Coordinator

cc: David Sumner, Executive Director IRRC

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 11-257  
 SUBJECT: PRIVACY OF CONSUMER FINANCIAL INFORMATION  
 AGENCY: PENNSYLVANIA INSURANCE DEPARTMENT

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. \_\_\_\_\_ With Revisions
  - b. \_\_\_\_\_ Without Revisions



**FILING OF REGULATION**

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON INSURANCE:</i>
5-15-19	<i>Jana C. Lusk</i>	MAJORITY CHAIR – <u>REP. TINA PICKETT</u>
X 5-15-19	<i>Leah Hoge</i>	MINORITY CHAIR – <u>REP. ANTHONY DELUCA</u>
		<i>SENATE COMMITTEE ON BANKING &amp; INSURANCE:</i>
5-15	<i>Mustafa J. Zuh</i>	MAJORITY CHAIR: <u>SEN. MARIO M. SCAVELLO</u>
5-15	<i>A. Ronaghan</i>	MINORITY CHAIR: <u>SEN. SHARIF STREET</u>
5/15/19	<i>K Cooper</i>	<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
_____	_____	<b>ATTORNEY GENERAL (for Final Omitted Only)</b>
_____	_____	<b>LEGISLATIVE REFERENCE BUREAU (for Proposed Only)</b>

May 15, 2019