

31A-2-207 Commissioner's records and reports -- Protection from disclosure of certain records.

- (1) The commissioner shall maintain all department records that are:
 - (a) required by law;
 - (b) necessary for the effective operation of the department; or
 - (c) necessary to maintain a full record of department activities.
- (2) The records of the department may be preserved, managed, stored, and made available for review consistent with:
 - (a) another Utah statute;
 - (b) the rules made under Section 63A-12-104;
 - (c) the decisions of the State Records Committee made under Title 63G, Chapter 2, Government Records Access and Management Act; or
 - (d) the needs of the public.
- (3) A department record may not be destroyed, damaged, or disposed of without:
 - (a) authorization of the commissioner; and
 - (b) compliance with all other applicable laws.
- (4) The commissioner shall maintain a permanent record of the commissioner's proceedings and important activities, including:
 - (a) a concise statement of the condition of each insurer examined by the commissioner; and
 - (b) a record of all certificates of authority and licenses issued by the commissioner.
- (5)
 - (a) Prior to October 1 of each year, the commissioner shall prepare an annual report to the governor which shall include, for the preceding calendar year, the information concerning the department and the insurance industry which the commissioner believes will be useful to the governor and the public.
 - (b) The report required by this Subsection (5) shall include the information required under Chapter 27a, Insurer Receivership Act, and Subsections 31A-2-106(2), 31A-2-205(3), and 31A-2-208(3).
 - (c) The commissioner shall make the report required by this Subsection (5) available to the public and industry in electronic format.
- (6) All department records and reports are open to public inspection unless specifically provided otherwise by statute or by Title 63G, Chapter 2, Government Records Access and Management Act.
- (7) On request, the commissioner shall provide to any person certified or uncertified copies of any record in the department that is open to public inspection.
- (8) Notwithstanding Subsection (6) and Title 63G, Chapter 2, Government Records Access and Management Act, the commissioner shall protect from disclosure any record, as defined in Section 63G-2-103, or other document received from an insurance regulator of another jurisdiction:
 - (a) at least to the same extent the record or document is protected from disclosure under the laws applicable to the insurance regulator providing the record or document; or
 - (b) under the same terms and conditions of confidentiality as the National Association of Insurance Commissioners requires as a condition of participating in any of the National Association of Insurance Commissioners' programs.

Amended by Chapter 382, 2008 General Session