

31A-27a-206 Confidentiality.

- (1)
 - (a) Except as provided in Subsection (1)(b), in a delinquency proceeding or a judicial review under Section 31A-27a-201:
 - (i) all records of the insurer, department files, court records and papers, and other documents, so far as they pertain to or are a part of the record of the proceedings, are confidential; and
 - (ii) a paper filed with the clerk of the Third District Court for Salt Lake County shall be held by the clerk in a confidential file as permitted by law.
 - (b) The items listed in Subsection (1)(a) are subject to Subsection (1)(a):
 - (i) except to the extent necessary to obtain compliance with an order entered in connection with the proceeding; and
 - (ii) unless and until:
 - (A) the Third District Court for Salt Lake County, after hearing argument in chambers, orders otherwise;
 - (B) the insurer requests that the matter be made public; or
 - (C) the commissioner applies for an order under Section 31A-27a-207.
- (2)
 - (a) If the recipient agrees to maintain the confidentiality of the document, material, or other information, the commissioner or rehabilitator may share a document, materials, or other information in the possession, custody, or control of the department, pertaining to an insurer that is the subject of a delinquency proceeding under this chapter with:
 - (i) another state, federal, and international regulatory agency;
 - (ii) the National Association of Insurance Commissioners and its affiliates or subsidiaries;
 - (iii) a state, federal, and international law enforcement authority;
 - (iv) an auditor appointed by the receivership court in accordance with Section 31A-27a-805; or
 - (v) a representative of an affected guaranty association.
 - (b) If the domiciliary receiver believes that certain information is sensitive, the receiver may share that information subject to a continuation of the confidentiality obligations beyond the period allowed in Subsection (3).
 - (c) This section does not limit the power of the commissioner to disclose information under other applicable law.
- (3)
 - (a) A domiciliary receiver shall permit a commissioner or a guaranty association of another state to obtain a listing of policyholders and certificate holders residing in the requestor's state, including current addresses and summary policy information, if the commissioner or the guaranty association of another state agrees:
 - (i) to maintain the confidentiality of the record; and
 - (ii) that the record will be used only for regulatory or guaranty association purposes.
 - (b) Access to a record under this Subsection (3) may be limited to normal business hours.
 - (c) If the domiciliary receiver believes that certain information described in this Subsection (3) is sensitive and disclosure might cause a diminution in recovery, the receiver may apply for a protective order imposing additional restrictions on access.
- (4)
 - (a) The confidentiality obligations imposed by this section shall end upon the entry of an order of liquidation against the insurer, unless:
 - (i) otherwise agreed to by the parties; or
 - (ii) pursuant to an order of the receivership court.

- (b) A continuation of confidentiality as provided in Subsection (2) does not apply to an insurer record necessary for a guaranty association to discharge its statutory responsibilities.
- (5) A waiver of an applicable privilege or claim of confidentiality does not occur as a result of a disclosure, or any sharing of documents, materials, or other information, made pursuant to this section.

Enacted by Chapter 309, 2007 General Session