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JULIE MIX McPEAK
COMMISSIONER

BULLETIN 16-05

TO: All Tennessee Licensed Insurance Companies

FROM: Julie Mix McPeak, Commissioner Julie Mix McPeak

RE: Gramm-Leach-Bliley Act Annual Privacy Notices

DATE: September 19, 2016

The purpose of this Bulletin is to set forth the views of the Department regarding recent amendments to the federal Gramm-Leach-Bliley Act (GLBA) to eliminate the requirement for redundant GLBA annual privacy notices.

On December 4, 2015, the Fixing America's Surface Transportation (FAST) Act was enacted into law and effective immediately. The FAST Act includes amendments to the GLBA to eliminate the requirement for financial institutions to provide GLBA annual privacy notices, provided certain conditions are met. The amendments eliminate a duplicative and costly notification requirement. Financial institutions continue to be required to provide initial privacy notices as required under the GLBA.

In line with the recent changes to the GLBA, this Bulletin is intended to clarify that a licensee of the Department, that is subject to the GLBA annual notice requirement, set forth in Tenn. Comp. R. & Regs. 0780-01-72-.06, is not required to provide the annual privacy notice required under Tenn. Comp. R. & Regs. 0780-01-72-.06 provided the licensee:

(i) Provides nonpublic personal information to nonaffiliated third parties only in accordance with Tenn. Comp. R. & Regs. 0780-01-72-.14, .15, and .16; and

(ii) Has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with Tenn. Comp. R. & Regs. 0780-01-72-.05 or .06.

At any time a licensee fails to comply with any of the criteria described in paragraph (i) or (ii), the licensee shall be required to provide the annual privacy notice required under Tenn. Comp. R. & Regs. 0780-01-72-.06.

Also, all licensees shall continue to be required to provide GLBA initial privacy notices as required under Tenn. Comp. R. & Regs. 0780-01-72-.05.

Any questions regarding the intent of this Bulletin should be directed to the Insurance Division's Policy Analysis Section, 6th Floor, Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee, 37243, and/or (615) 741-2825.