

Arkansas Insurance Department

Mike Beebe
Governor



Julie Benafield Bowman
Commissioner

February 22, 2008

BULLETIN NO. 3-2008

TO: ALL LICENSED INURERS, THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, AND OTHER INTERESTED PARTIES

FROM: ARKANSAS INSURANCE DEPARTMENT

SUBJECT: JUDICIAL PROCESS EXCEPTION IN DEPARTMENT RULE 74

Department Rule 74 governs the treatment of nonpublic personal health and financial information by all licensees of the Arkansas Insurance Department. The disclosure of nonpublic personal health and financial information is permitted in certain situations and circumstances as set forth in Article IV of Rule 74. One exception to nondisclosure is found in Section 16(A)(7)(c) of Rule 74, which provides that disclosure of nonpublic personal health or financial information is permitted "to respond to judicial process."

When a licensee of this Department is required by court order to respond to discovery requests for nonpublic personal health or financial information, it is not a violation of Rule 74 to comply with the court order. Rather, under these circumstances, the production is made in order to respond to judicial process as contemplated by Section 16(A)(7)(c) of Rule 74.

It is the recommendation of this Department that a confidentiality agreement or order be in place prior to the production of any nonpublic personal health or financial information pursuant to court order.

Questions concerning this Bulletin should be directed to the Arkansas Insurance Department's Legal Division at (501) 371-2820 or via e-mail to insurance.legal@arkansas.gov.

(signed by Julie Benafield Bowman)

**JULIE BENAFIELD BOWMAN
INSURANCE COMMISSIONER
STATE OF ARKANSAS**

(February 22, 2008)

DATE