

Arkansas Insurance Department

Asa Hutchinson
Governor



Allen Kerr
Commissioner

August 2, 2016

BULLETIN NO. 10-2016

TO: ALL LICENSED INSURERS, AUTHORIZED, FORMERLY AUTHORIZED AND UNAUTHORIZED INSURERS, HEALTH MAINTENANCE ORGANIZATIONS, NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, PRODUCER AND INSURANCE COMPANY TRADE ASSOCIATIONS, AND OTHER INTERESTED PARTIES

FROM: ARKANSAS INSURANCE DEPARTMENT

SUBJECT: GRAMM LEACH BLILEY ACT ANNUAL PRIVACY NOTICES

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

On Dec. 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 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 insurance department, that is subject to the GLBA annual notice requirement, set forth in [Arkansas Insurance Rule and Regulation 74](#) is not required to provide the annual privacy notice required under Section 6 of that Rule provided the licensee:

- i. Provides nonpublic personal information to nonaffiliated third parties only in accordance with [Arkansas Insurance Rule and Regulation 74](#) sections 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 [Arkansas Insurance Rule and Regulation 74](#) Section 5 or Section 6.

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 [Arkansas Insurance Rule and Regulation 74](#) Section 6. Also all licensees shall continue to be required to provide GLBA initial privacy notices as required under [Arkansas Insurance Rule and Regulation 74](#) Section 5.

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



ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS

8-3-2016
DATE