



MPL Association Feedback Privacy Protections Working Group's Privacy Policy Statement

Sec. I. Transparency –

In the insurer-policyholder context, this section would require an insurer to provide its privacy notice to a policyholder during the initial application process. It seems unnecessarily redundant to then require the insurer to provide its privacy notice to the policyholder when seeking additional information about the policyholder from third parties. Instead, the working group should clarify that the notice initially provided to a consumer must reference privacy policies and practices related to information which may later be obtained from a third party.

Sec. II. Consumer Control –

Section II requires licensees to allow consumers to opt-out of the sharing of their non-public personal information with third parties, except for specific purposes required or specifically permitted by law. While it is appropriate to leave the exception broad in this policy statement, we suggest including a reference that “specifically permitted by law” should always include the sharing of information with affiliated entities as necessary to conduct insurance operations, so as to deter the adoption of legislation which fails to include necessary exceptions such as those currently incorporated into Model #s 670 and 672.

Sec. IV. Data Accuracy –

It is not clear why Section IV adopts a 7-year threshold with respect to requiring a licensee to notify any person or entity that has received a consumer's personal information about the changes to that personal information. Stating that a threshold should be established, but allowing additional discussion to determine what that threshold should be, would be more appropriate.

Sec. III (Consumer Access) and Sec. V. (Data Ownership and Portability) –

The sections relating to Consumer Access (Section III) and Data Ownership and Portability (Section V) are virtually identical. Both give a consumer the right to request from a licensee a copy of their personal information used by the licensee in its operations. We would recommend merging these sections into one, unless there are distinctions between a consumer's access and data ownership/portability rights that the working group would like to address.