

Defined terms: "Affiliate" § 7-101

"Commissioner" § 1-101

"Insurance" § 1-101

"Insurer" § 1-101

"Premium" § 1-101

"Reinsurance" § 1-101

7-106. CONFIDENTIALITY.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION OR OTHERWISE BY LAW, ALL INFORMATION AND DOCUMENTS THAT ARE FILED WITH THE COMMISSIONER IN COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE OR THAT ARE REPORTED TO, OBTAINED BY, OR OTHERWISE DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN THE COURSE OF AN EXAMINATION OR INVESTIGATION MADE UNDER THIS TITLE:

- (1) ARE CONFIDENTIAL MATERIAL;
- (2) ARE NOT SUBJECT TO SUBPOENA; AND
- (3) MAY NOT BE MADE PUBLIC BY THE COMMISSIONER, THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, OR ANY OTHER PERSON.

(B) PUBLICATION WITH CONSENT OF INSURER.

MATERIAL THAT OTHERWISE IS CONFIDENTIAL UNDER SUBSECTION (A) OF THIS SECTION MAY BE MADE PUBLIC BY ANY PERSON TO WHOM THE INSURER TO WHICH THE MATERIAL RELATES GIVES PRIOR WRITTEN CONSENT.

(C) PUBLICATION BY COMMISSIONER.

IF, AFTER GIVING AN INSURER AND ITS AFFILIATES NOTICE AND AN OPPORTUNITY TO BE HEARD, THE COMMISSIONER DETERMINES THAT IT IS IN THE INTEREST OF THE POLICYHOLDERS, STOCKHOLDERS, OR THE PUBLIC TO MAKE PUBLIC ANY MATERIAL RELATING TO THE INSURER THAT OTHERWISE IS CONFIDENTIAL UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER MAY MAKE PUBLIC ALL OR PART OF THE MATERIAL IN AN APPROPRIATE MANNER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, §§ 499 and 494A(c)(1)(iii).

Former Art. 48A, § 494A(c)(1)(iii) expressly required that information submitted under former § 494A(c) be given the same confidential treatment as was accorded the "information", "documents", "copies", and "information reported" under former § 499. Accordingly, the two former provisions are combined in this section.

In the introductory language of subsection (a) of this section, the limitation, "[e]xcept as provided in subsections (b) and (c) of this section or otherwise by law", is added to indicate that exceptions exist. See, e.g., subsections (b) and (c) of this section and § 7-304(e) and (f) of this title.