
A BILL FOR AN ACT

RELATING TO TRANSPARENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 431:2-209, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§431:2-209 **Records and reports.** (a) The commissioner
4 shall preserve in permanent form records and reports of the
5 commissioner's proceedings, hearings, investigations, and
6 examinations, and shall file the records in the commissioner's
7 office.

8 (b) The records of the commissioner and insurance filings
9 in the commissioner's office shall be open to public inspection,
10 except as otherwise provided in this code.

11 (c) One year after conclusion of the transactions to which
12 they relate, the commissioner may destroy any correspondence,
13 void or obsolete filings relating to rates, certificate of
14 authority applications, self-insurance applications,
15 registrations, foreign or alien insurers' annual statements,
16 valuation reports, certificates of compliance and deposits,
17 cards, and expired bonds. Three years after the conclusion of



1 the transactions to which they relate, the commissioner may
2 destroy any claim files, working papers of examinations, reports
3 of examination by insurance supervisory officials of other
4 states, void or obsolete filings relating to license
5 applications, records of hearings and investigations, and any
6 similar records, documents, or memoranda now or hereafter in the
7 commissioner's possession.

8 (d) Three years after the date filed or within three years
9 of the due date prescribed for the filing of the tax report,
10 whichever is later, the commissioner may destroy the tax reports
11 of any foreign or alien insurers, surplus lines brokers, or
12 independently procured insureds, or similar records or reports
13 now or hereafter in the commissioner's possession.

14 (e) The following records and reports on file with the
15 commissioner shall be confidential and protected from discovery,
16 production, and disclosure for so long as the commissioner deems
17 prudent:

- 18 (1) Complaints and investigation reports;
19 (2) Working papers of examinations, complaints, and
20 investigation reports;



1 (3) Proprietary information, including trade secrets,
2 commercial information, and business plans, which, if
3 disclosed may result in competitive harm to the person
4 providing the information; and

5 (4) Any documents or information received from the
6 National Association of Insurance Commissioners, the
7 federal government, insurance regulatory agencies of
8 foreign countries, or insurance departments of other
9 states, territories, and commonwealths that are
10 confidential in other jurisdictions. The commissioner
11 may share information, including otherwise
12 confidential information, with the National
13 Association of Insurance Commissioners, the federal
14 government, insurance regulatory agencies of foreign
15 countries, or insurance departments of other states,
16 territories, and commonwealths so long as the statutes
17 or regulations of the other jurisdictions permit them
18 to maintain the same level of confidentiality as
19 required under Hawaii law.

20 (f) The commissioner shall:



1 (1) Treat and maintain an applicant's fingerprints and any
2 criminal history record information obtained under
3 this code as confidential;

4 (2) Apply security measures consistent with the Federal
5 Bureau of Investigation Criminal Justice Information
6 Services Division's standards for the electronic
7 storage of fingerprints and necessary identifying
8 information; and

9 (3) Limit the use of the records solely to purposes
10 authorized by law.

11 Fingerprints and criminal history record information shall not
12 be subject to subpoena, other than subpoenas issued in criminal
13 actions or investigations, and shall be confidential by law and
14 privileged and not subject to discovery or admissible in
15 evidence in any private civil action.

16 (g) The commissioner shall not disclose any information
17 that is exempt from disclosure by federal or Hawaii statutes.

18 (h) The commissioner may disclose records, including but
19 not limited to supplemental compensation exhibits, submitted to
20 the commissioner that describe the name, title, or compensation
21 of the directors, trustees, officers, or employees of:



- 1 (1) Insurers under chapter 431;
- 2 (2) Mutual benefit societies under article 1 of chapter
- 3 432;
- 4 (3) Health maintenance organizations under chapter 432D;
- 5 or
- 6 (4) Dental insurers under chapter 432G.

7 The disclosure of records pursuant to this subsection shall not
8 constitute a clearly unwarranted invasion of personal privacy
9 under section 92F-13."

10 SECTION 2. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Insurance Commissioner; Insurers; Mutual Benefit Societies;
Health Maintenance Organizations; Dental Insurers; Records;
Supplemental Compensation Exhibits; Compensation; Directors;
Trustees; Officers; Employees; Disclosure

Description:

Authorizes the Insurance Commissioner to disclose records, including but not limited to Supplemental Compensation Exhibits, submitted to the Insurance Commissioner that describe the name, title, or compensation of the directors, trustees, officers, or employees of insurers, mutual benefit societies, health maintenance organizations, or dental insurers. Provides that the disclosure of the records shall not constitute a clearly unwarranted invasion of personal privacy under section 92F-13, HRS. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

