

Tennessee Rules and Regulations Currentness

0780. Department of Commerce and Insurance

0780-01. Insurance Division

Chapter 0780-01-72. Privacy of Consumer Information Regulations

Tenn. Comp. R. & Regs. 0780-01-72-.11

0780-01-72-.11. LIMITS ON DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION TO
NONAFFILIATED THIRD PARTIES.

(1)(a) Conditions for disclosure. Except as otherwise authorized in these regulations, a licensee may not, directly or through any affiliate, disclose any nonpublic personal information about a consumer to a nonaffiliated third party unless:

1. The licensee has provided to the consumer an initial notice as required under Section 0780-1-72-.05;
2. The licensee has provided to the consumer an opt out notice as required in Section 0780-1-72-.08;
3. The licensee has given the consumer a reasonable opportunity, before it discloses the information to the nonaffiliated third party, to opt out of the disclosure; and
4. The consumer does not opt out.

(b) Opt out definition. Opt out means a direction by the consumer that the licensee not disclose nonpublic personal information about that consumer to a nonaffiliated third party, other than as permitted by Sections 0780-1-72-.14, 0780-1-72-.15 and 0780-1-72-.16.

(c) Examples of reasonable opportunity to opt out. A licensee provides a consumer with a reasonable opportunity to opt out if:

1. By mail. The licensee mails the notices required in Paragraph (a) of this subsection to the consumer and allows the consumer to opt out by mailing a form, calling a toll-free telephone number or any other reasonable means within thirty (30) days from the date the licensee mailed the notices.

2. By electronic means. A customer opens an on-line account with a licensee and agrees to receive the notices required in Paragraph (a) of this subsection electronically, and the licensee allows the customer to opt out by any reasonable means within thirty (30) days after the date that the customer acknowledges receipt of the notices in conjunction with opening the account.

3. Isolated transaction with consumer. For an isolated transaction such as providing the consumer with an insurance quote, a licensee provides the consumer with a reasonable opportunity to opt out if the licensee provides the notices required in Paragraph (a) of this subsection at the time of the transaction and requests that the consumer decide, as a necessary part of the transaction, whether to opt out before completing the transaction.

(2) Application of opt out to all consumers and all nonpublic personal information.

(a) A licensee shall comply with this section, regardless of whether the licensee and the consumer have established a customer relationship.

(b) Unless a licensee complies with this section, the licensee may not, directly or through any affiliate, disclose any nonpublic personal information about a consumer that the licensee has collected, regardless of whether the licensee collected it before or after receiving the direction to opt out from the consumer.

(3) Partial opt out. A licensee may allow a consumer to select certain nonpublic personal information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out.

Credits

Authority: Public Acts of 2001; Chapter 107; § 1

Administrative History: Original rule filed August 30, 2001; effective November 13, 2001.

Current through Tennessee Regulations in effect as of May 7, 2016 and Emergency Regulations in effect as of April 12, 2016.

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