

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-.12

0780-01-72-.12. LIMITS ON REDISCLOSURE AND REUSE OF NONPUBLIC PERSONAL INFORMATION.

(1)(a) Information the licensee receives under an exception. If a licensee receives nonpublic personal information from a nonaffiliated financial institution under an exception in Sections 0780-1-72-.15 or 0780-1-72-.16 of these regulations, the licensee's disclosure and use of that information is limited as follows:

1. The licensee may disclose the information to the affiliates of the financial institution from which the licensee received the information;
2. The licensee may disclose the information to its affiliates, but the licensee's affiliates may, in turn, disclose and use the information only to the extent that the licensee may disclose and use the information; and
3. The licensee may disclose and use the information pursuant to an exception in Sections 0780-1-72-.15 or 0780-1-72-.16 of these regulations, in the ordinary course of business to carry out the activity covered by the exception under which the licensee received the information.

(b) Example. If a licensee receives information from a nonaffiliated financial institution for claims settlement purposes, the licensee may disclose the information for fraud prevention, or in response to a properly authorized subpoena. The licensee may not disclose that information to a third party for marketing purposes or use that information for its own marketing purposes.

(2)(a) Information a licensee receives outside of an exception. If a licensee receives nonpublic personal information from a nonaffiliated financial institution other than under an exception in Sections 0780-1-72-.15 or 0780-1-72-.16 of these regulations, the licensee may disclose the information only:

1. To the affiliates of the financial institution from which the licensee received the information;
2. To its affiliates, but its affiliates may, in turn, disclose the information only to the extent that the licensee may

disclose the information; and

3. To any other person, if the disclosure would be lawful if made directly to that person by the financial institution from which the licensee received the information.

(b) Example. If a licensee obtains a customer list from a nonaffiliated financial institution outside of the exceptions in Sections 0780-1-72-.15 or 0780-1-72-.16:

1. The licensee may use that list for its own purposes; and

2. The licensee may disclose that list to another nonaffiliated third party only if the financial institution from which the licensee purchased the list could have lawfully disclosed the list to that third party. That is, the licensee may disclose the list in accordance with the privacy policy of the financial institution from which the licensee received the list, as limited by the opt out direction of each consumer whose nonpublic personal information the licensee intends to disclose, and the licensee may disclose the list in accordance with an exception in Sections 0780-1-72-.15 or 0780-1-72-.16, such as to the licensee's attorneys or accountants.

(3) Information a licensee discloses under an exception. If a licensee discloses nonpublic personal information to a nonaffiliated third party under an exception in Sections 0780-1-72-.15 or 0780-1-72-.16 of these regulations, the third party may disclose and use that information only as follows:

(a) The third party may disclose the information to the licensee's affiliates;

(b) The third party may disclose the information to its affiliates, but its affiliates may, in turn, disclose and use the information only to the extent that the third party may disclose and use the information; and

(c) The third party may disclose and use the information pursuant to an exception in Sections 0780-1-72-.15 or 0780-1-72-.16 in the ordinary course of business to carry out the activity covered by the exception under which it received the information.

(4) Information a licensee discloses outside of an exception. If a licensee discloses nonpublic personal information to a nonaffiliated third party other than under an exception in Sections 0780-1-72-.15 or 0780-1-72-.16 of these regulations, the third party may disclose the information only:

(a) To the licensee's affiliates;

(b) To the third party's affiliates, but the third party's affiliates, in turn, may disclose the information only to the extent the third party can disclose the information; and

(c) To any other person, if the disclosure would be lawful if the licensee made it directly to that person.

Credits

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

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

Tenn. Comp. R. & Regs. 0780-01-72-.12, TN ADC 0780-01-72-.12

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