**Section 4002.35 Treatment of Individual's Information Under Group Policies**

a) Provided that the licensee provides the initial, annual and revised notices under Sections 4002.40, 4002.50 and 4002.80 of this Part to the plan sponsor, group or blanket insurance policyholder or group annuity contract holder and further provided that the licensee does not disclose to a nonaffiliated third party nonpublic personal financial information about such an individual other than as permitted under Sections 4002.130, 4002.140 and 4002.150 of this Part, an individual is not the consumer of the licensee solely because he or she is:

1) A participant or a beneficiary of an employee benefit plan that the licensee administers or sponsors or for which the licensee acts as a trustee, insurer or fiduciary; or

2) Covered under a group or blanket insurance policy or group annuity contract issued by the licensee.

b) The individuals described in subsection (a) of this Section are consumers of a licensee if the licensee does not meet all the conditions of subsection (a) of this Section.

c) In no event shall the individuals, solely by virtue of the status described in subsection (a) of this Section, be deemed to be customers for purposes of this Part.