**Section 4002.70 Form of Opt Out Notice to Consumers and Opt Out Methods**

a) Form of opt out notice. If a licensee is required to provide an opt out notice under Section 4002.100(a) of this Part, it shall provide a clear and conspicuous notice to each of its consumers that accurately explains the right to opt out under Section 4002.100 of this Part. The notice shall state:

1) That the licensee discloses or reserves the right to disclose nonpublic personal financial information about its consumer to a nonaffiliated third party;

2) That the consumer has the right to opt out of that disclosure and identifies:

A) All of the categories of nonpublic personal financial information that it discloses or reserves the right to disclose, and all of the categories of nonaffiliated third parties to which the licensee discloses the information, as described in Section 4002.60(a)(2) and (3) of this Part, and states that the consumer can opt out of the disclosure of that information; and

B) The insurance products or services that the consumer obtains from the licensee, either singly or jointly, to which the opt out direction would apply; and

3) A reasonable means by which the consumer may exercise the opt out right by providing one of the following:

A) Designates check-off boxes in a prominent position on the relevant forms with the opt out notice;

B) Includes a reply form together with the opt out notice;

C) Provides an electronic means to opt out, such as a form that can be sent via electronic mail or a process at the licensee's web site, if the consumer agrees to the electronic delivery of information; or

D) Provides a toll-free telephone number that consumers may call to opt out.

b) A licensee does not provide a reasonable means of opting out pursuant to subsection (a) of this Section if:

1) The only means of opting out is for the consumer to write his or her own letter to exercise that opt out right; or

2) The only means of opting out as described in any notice subsequent to the initial notice is to use a check-off box that the licensee provided with the initial notice but did not include with the subsequent notice.

c) A licensee may require each consumer to opt out through a specific means, as long as that means is reasonable for the consumer.

d) Same form as initial notice permitted. A licensee may provide the opt out notice together with or on the same written or electronic form as the initial notice the licensee provides in accordance with Section 4002.40 of this Part.

e) Initial notice required when opt out notice delivered subsequent to initial notice. If a licensee provides the opt out notice later than required for the initial notice in accordance with Section 4002.40 of this Part, the licensee shall also include a copy of the initial notice with the opt out notice in writing or, if the consumer agrees, electronically.

f) Joint relationships.

1) If 2 or more consumers jointly obtain an insurance product or service from a licensee, the licensee may provide a single opt out notice. The licensee's opt out notice shall explain how the licensee will treat an opt out direction by a joint consumer as explained in subsection (f)(5) of this Section.

2) Any of the joint consumers may exercise the right to opt out. The licensee may either:

A) Treat an opt out direction by a joint consumer as applying to all of the associated joint consumers; or

B) Permit each joint consumer to opt out separately.

3) If a licensee permits each joint consumer to opt out separately, the licensee shall permit one of the joint consumers to opt out on behalf of all of the joint consumers.

4) A licensee may not require all joint consumers to opt out before it implements any opt out direction.

5) Example. If John and Mary are both named policyholders on a homeowner's insurance policy issued by a licensee and the licensee sends policy statements to John's address, the licensee may do any of the following, but it shall explain in its opt out notice which opt out policy the licensee will follow:

A) Send a single opt out notice to John's address, but the licensee shall accept an opt out direction from either John or Mary.

B) Treat an opt out direction by either John or Mary as applying to the entire policy. If the licensee does so and John opts out, the licensee may not require Mary to opt out as well before implementing John's opt out direction.

C) Permit John and Mary to make different opt out directions. If the licensee does so:

i) It shall permit John and Mary to opt out for each other;

ii) If both opt out, the licensee shall permit both of them to notify it in a single response (such as on a form or through a telephone call); and

iii) If John opts out and Mary does not, the licensee may only disclose nonpublic personal financial information about Mary, but not about John and not about John and Mary jointly.

g) Time to comply with opt out. A licensee shall comply with a consumer's opt out direction as soon as reasonably practicable after the licensee receives it.

h) Continuing right to opt out. A consumer may exercise the right to opt out at any time.

i) Duration of consumer's opt out direction.

1) A consumer's direction to opt out under this Section is effective until the consumer revokes it in writing or, if the consumer agrees, electronically.

2) When a customer relationship terminates, the customer's opt out direction continues to apply to the nonpublic personal financial information that the licensee collected during or related to that relationship. If the individual subsequently establishes a new customer relationship with the licensee, the opt out direction that applied to the former relationship does not apply to the new relationship.

j) Delivery. When a licensee is required to deliver an opt out notice by this Section, the licensee shall deliver it according to Section 4002.90 of this Part.