



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5478

Introduced 2/15/2012, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

215 ILCS 5/404

from Ch. 73, par. 1016

Amends the Illinois Insurance Code. Provides an exception from the provision concerning the public inspection of records, books, and papers of the office of the Director of Insurance for information that is exempt from disclosure under the Freedom of Information Act. Effective immediately.

LRB097 17798 RPM 63014 b

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by
5 changing Section 404 as follows:

6 (215 ILCS 5/404) (from Ch. 73, par. 1016)

7 Sec. 404. Office of Director; A public office; destruction
8 or disposal of records, papers, documents, and memoranda.

9 (1) (a) The office of the Director shall be a public office
10 and the records, books, and papers thereof on file therein,
11 except those records or documents containing or disclosing any
12 analysis, opinion, calculation, ratio, recommendation, advice,
13 viewpoint, or estimation by any Department staff regarding the
14 financial or market condition of an insurer not otherwise made
15 part of the public record by the Director, shall be accessible
16 to the inspection of the public, except as the Director, for
17 good reason, may decide otherwise, or except as may be
18 otherwise provided in this Code or as otherwise provided in
19 Section 7 of the Freedom of Information Act.

20 (b) Except where another provision of this Code expressly
21 prohibits a disclosure of confidential information to the
22 specific officials or organizations described in this
23 subsection, the Director may disclose or share any confidential

1 records or information in his custody and control with any
2 insurance regulatory officials of any state or country, with
3 the law enforcement officials of this State, any other state,
4 or the federal government, or with the National Association of
5 Insurance Commissioners, upon the written agreement of the
6 official or organization receiving the information to hold the
7 information or records confidential and in a manner consistent
8 with this Code.

9 (c) The Director shall maintain as confidential any records
10 or information received from the National Association of
11 Insurance Commissioners or insurance regulatory officials of
12 other states which is confidential in that other jurisdiction.

13 (2) Upon the filing of the examination to which they
14 relate, the Director is authorized to destroy or otherwise
15 dispose of all working papers relative to any company which
16 has been examined at any time prior to that last
17 examination by the Department, so that in such
18 circumstances only current working papers of that last
19 examination may be retained by the Department.

20 (3) Five years after the conclusion of the transactions
21 to which they relate, the Director is authorized to destroy
22 or otherwise dispose of all books, records, papers,
23 memoranda and correspondence directly related to consumer
24 complaints or inquiries.

25 (4) Two years after the conclusion of the transactions
26 to which they relate, the Director is authorized to destroy

1 or otherwise dispose of all books, records, papers,
2 memoranda, and correspondence directly related to all
3 void, obsolete, or superseded rate filings and schedules
4 required to be filed by statute; and all individual company
5 rating experience data and all records, papers, documents
6 and memoranda in the possession of the Director relating
7 thereto.

8 (5) Five years after the conclusion of the transactions
9 to which they relate, the Director is authorized to destroy
10 or otherwise dispose of all examination reports of
11 companies made by the insurance supervisory officials of
12 states other than Illinois; applications, requisitions,
13 and requests for licenses; all records of hearings; and all
14 similar records, papers, documents, and memoranda in the
15 possession of the Director.

16 (6) Ten years after the conclusion of the transactions
17 to which they relate, the Director is authorized to destroy
18 or otherwise dispose of all official correspondence of
19 foreign and alien companies, all foreign companies' and
20 alien companies' annual statements, valuation reports, tax
21 reports, and all similar records, papers, documents and
22 memoranda in the possession of the Director.

23 (7) Whenever any records, papers, documents or
24 memoranda are destroyed or otherwise disposed of pursuant
25 to the provisions of this section, the Director shall
26 execute and file in a separate, permanent office file a

1 certificate listing and setting forth by summary
2 description the records, papers, documents or memoranda so
3 destroyed or otherwise disposed of, and the Director may,
4 in his discretion, preserve copies of any such records,
5 papers, documents or memoranda by means of microfilming or
6 photographing the same.

7 (8) This Section shall apply to records, papers,
8 documents, and memoranda presently in the possession of the
9 Director as well as to records, papers, documents, and
10 memoranda hereafter coming into his possession.

11 (Source: P.A. 89-97, eff. 7-7-95.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.