

October 4, 2021

NAIC Privacy Protections (D) Working Group
NAIC Central Office
1100 Walnut Street, Suite 1500
Kansas City, MO 64106
Attn: Lois Alexander, NAIC Market Regulation Manager

Via email: lalexander@naic.org

Dear Chair Amann, Vice Chair Kreiter and Members of the Privacy Protections (D) Working Group:

Thank you for the opportunity to comment on Segment Three of the Privacy Protections (D) Work Group's Privacy Policy Statement Exposure Draft regarding the Right to Correct Information.

The right to correct consumer personal information is very important for many reasons. First, it may affect the outcome of any transaction that a consumer is seeking with an insurer, such as approval of a policy application, the terms of a policy, and the premiums charged. In addition, where that data is shared with others, it could have unintended harm to a consumer in other contexts.

In order to exercise the right to correct information, clearly consumers first need to right to see what information an insurer has collected either directly or indirectly. That should include public as well as non-public information. Public information should be included, because it may be outdated, misreported or it might reflect data entry errors. Consequently, consumers should have the right to:

1. Request access to all data used by an insurer that it will affect a consumer's purchase or receipt of services. To facilitate prompt responses to such requests and minimize the burden of meeting them, I suggest that insurers establish standard data sets for specific products, so they can be compiled efficiently and transmitted to consumers in a consumer-friendly format.
2. Request that inaccurate personal information be corrected and that a consumer's transaction with an insurer be reviewed accordingly. If the incorrect information was collected from other data collecting entities, the insurer should notify those entities of any errors and ask them to make corrections as well.

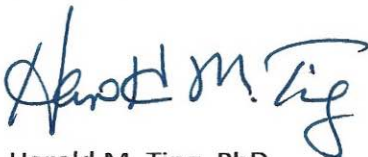
Realistically, not all consumers will request to see the personal information from consumers. To minimize potential harm where inaccurate information is collected and not checked, three requirements I proposed in my August 27th statement of Principles for Consumer Data Privacy in Insurance would minimize potential harm:

1. Insurers should minimize the data that they collect. As cited in the Bessemer Venture Partners report that I cited previously, data minimization is a best practice for privacy protection. It minimizes the risk that erroneous consumer data is collected and used.
2. Insurers and related parties should only keep data as long as it is needed for a transaction or to meet regulatory requirements. When that data is not needed anymore, it should be deleted.
3. Personal data collected by insurers should not be sold to other parties. And it should only be shared with other parties when it is needed to carry out the purchase or delivery of services requested by a consumer. This also will minimize the potential for spreading inaccurate consumer information with no knowledge of the consumer affected.

These principles balance some of the burden of protecting consumer privacy by putting some of the responsibility on insurers and their affiliated entities.

I plan to attend the Working Group's October 11th call on this subject and welcome any comments on this submission.

Best regards,

A handwritten signature in blue ink that reads "Harold M. Ting". The signature is stylized and cursive.

Harold M. Ting, PhD
NAIC Consumer Representative