

## **Appendix B – Version 3**

### **National Association of Insurance Commissioners Resources on Consumer Data Privacy Protections Reviewed by the Privacy Protections (D) Working Group**

1. California Consumer Privacy Act (CCPA)
2. California Privacy Rights Act (CPRA)
3. Colorado Privacy Act (CPA)
4. General Data Protection Regulation (GDPR)
5. Health Insurance Portability and Accountability Act (HIPAA)
6. Gramm-Leach-Bliley Act (GLBA)
7. Federal Credit Reporting Act (FCRA)
8. NAIC Health Information Privacy Model Act #55
9. NAIC Insurance Data Security Model Act #668
10. NAIC Insurance Information and Privacy Protection Model Act #670
11. NAIC Privacy of Consumer Financial and Health Information Regulation #672
12. Virginia Consumer Data Protection Act (CDPA)
13. Troutman Analysis of Virginia Consumer Data Protection Act
14. Presentation by Dr. Karrol Kitt (The University of Texas at Austin) and Dr. Brenda J. Cude (University of Georgia) on the Additional Insurer Responsibility to Protect Consumer Data due to Consumers' Lack of Knowledge and Understanding of Privacy Risks
15. Presentation by Dr. Harold M. Ting (Consumer Healthcare Advocate) Exploring Results of His Secret Shopper Research and the Effects on the Privacy of Consumer Data
16. Nine Privacy Principles developed by Dr. Harold M. Ting (Consumer Healthcare Advocate)
17. Presentation by Clay McClure (Blue Cross Blue Shield Association) on the Need for Privacy Gap Analysis
18. Presentation by Damon Diedrich (CA) on California's Privacy Legislation (CCPA and CPRA)
19. Presentation by Katie Johnson (VA) on Virginia's Privacy Legislation
20. Abbreviated Data Privacy Legislation Chart 10.8.21 prepared by Jennifer McAdam (NAIC Legal)
21. State Privacy Law Comparison Chart 10.8.21 prepared by Jennifer McAdam (NAIC Legal)

22. Model #670 / CCPA Privacy Comparison prepared by Jennifer McAdam (NAIC Legal)
23. GLBA / HIPAA Privacy Comparison prepared by Jennifer McAdam (NAIC Legal)
24. 2021 NAIC Member Adopted Strategy for Consumer Privacy Protections provided by its parent committee, Market Regulation and Consumer Affairs (D) Committee, April 29, 2021
25. Privacy Briefing 2011.7.19 prepared by Jennifer McAdam and Lois Alexander
26. Final Exposure Draft Report to D Cmte on Privacy 11.18.21
27. First Working Group Exposure Draft of Privacy Policy Statement\_082621.pdf
28. Comment Schedule for Draft Exposed 082621.pdf
29. MO670\_041520\_ExposureDraftTopics\_with\_042920\_CommentsonSec1-9\_rev082221.pdf
30. MO672\_redline082221.pdf
31. Privacy Policy Statement Draft3 070121
32. Initial Privacy Policy Statement\_Draft1\_042821
33. **MO670\_041520\_Exposure Draft Topics**
34. *Uniform Personal Data Protection Act*
35. Baker Donelson Summary of Privacy Laws
36. Article by Barbara Kiviat, Stanford University, "Which Data Fairly Differentiate? American Views on the Use of Personal Data in Two Market Settings." Sociological Science, published: January 13, 2021,

**Summary:**

In 2021, this working group had ten open calls between Mar. 29 and Nov. 22, 2021.

The Regulator-Only Subject Matter Experts had eight calls.

The Working Group heard eight presentations as well as Federal and State Legislative Updates at seven meetings in 2021:

1. Karrol Kitt (NAIC Consumer Representative)
2. Brenda Cude (NAIC Consumer Representative)
3. Harry Ting (NAIC Consumer Representative)
4. Clay McClure, BCBSA
5. Damon Diederich (CA)
6. Katie Johnson (VA)
7. Model #670 / CCPA Privacy Comparison by Jennifer McAdam (NAIC)
8. GLBA / HIPAA Privacy Comparison by Jennifer McAdam (NAIC)
9. Federal Legislative Updates at most open meetings by Brooke Stringer (NAIC)
10. State Legislative Updates at most open meetings by Jennifer McAdam (NAIC)
  - a. Abbreviated Data Privacy Legislation Chart
  - b. State Privacy Law Comparison Chart

Four NAIC Models were reviewed:

1. NAIC Health Information Privacy Model Act #55
2. NAIC Insurance Data Security Model Act #668
3. NAIC Insurance Information and Privacy Protection Model Act #670
4. NAIC Privacy of Consumer Financial and Health Information Regulation #672

State Laws reviewed:

1. California Consumer Privacy Act (CCPA)
2. California Privacy Rights Act (CPRA)
3. Colorado Privacy Act (CPA)
4. Virginia Consumer Data Protection Act (CDPA)

Federal Laws reviewed:

1. Health Insurance Portability and Accountability Act (HIPAA)
2. Gramm-Leach-Bliley Act (GLBA)
3. Federal Credit Reporting Act (FCRA)

Reviewed the European Union's General Data Protection Regulation (GDPR)

Drafts (All with Privacy Policy Statement in their titles) were exposed and posted for comment on:

1. April 28, 2021
2. July 1, 2021
3. August 26, 2021

The Final Exposure Draft Report (which included the Privacy Policy Statement as Appendix A) was exposed and posted for comment on November 18, 2021.