

## ARTICLE VIII. ADDITIONAL PROVISIONS

### Section 27. Protection of Fair Credit Reporting Act

Nothing in this Act shall be construed to modify, limit or supersede the operation of the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), and no inference shall be drawn on the basis of the provisions of this Act regarding whether information is transaction or experience information under Section 603 of that Act.

### Section 28. Nondiscrimination

- A. A licensee shall not unfairly discriminate against any consumer or customer because that consumer or customer has opted out from the disclosure of his or her nonpublic personal financial information pursuant to the provisions of this Act.
- B. A licensee shall not unfairly discriminate against a consumer or customer because that consumer or customer has not granted authorization for the disclosure of his or her nonpublic personal health information pursuant to the provisions of this Act.

### Section 29. Violation

**Drafting Note:** Cite state unfair trade practices act or other applicable state law.

### Section 30. Severability

If any section or portion of a section of this Act or its applicability to any person or circumstance is held invalid by a court, the remainder of the Act or the applicability of the provision to other persons or circumstances shall not be affected.

### Section 31. Individual Remedies

Nothing in this act shall be construed to create or imply a private cause of action for violation of its provisions.

### Section 32. Effective Date

- A. Effective date. This Act is effective [Insert Date]. In order to provide sufficient time for licensees to establish policies and systems to comply with the requirements of this Act, the commissioner has extended the time for compliance with this Act until [Insert Date].
- B. (1) Notice requirement for consumers who are the licensee's customers on the compliance date. By [Insert Date], a licensee shall provide an initial notice, as required by Section 5, to consumers who are the licensee's customers on [Insert Date].  
(2) Example. A licensee provides an initial notice to consumers who are its customers on [Insert Date], if, by that date, the licensee has established a system for providing an initial notice to all new customers and has mailed the initial notice to all the licensee's existing customers.
- C. Two-year grandfathering of service agreements. Until [Insert Date], a contract that a licensee has entered into with a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf satisfies the provisions of Section 19A(1)(b) of this Act, even if the contract

does not include a requirement that the third party maintain the confidentiality of nonpublic personal information, as long as the licensee entered into the agreement on or before[Insert Date].

*Deleted all appendices at the end of the model.*

*Chronological Summary of Actions (all references are to the Proceedings of the NAIC)*

*2000 Proc. 3<sup>rd</sup> Quarter 7, 10, 14-36, 904 (adopted).*

*2002 Proc. 3<sup>rd</sup> Quarter 12, 13, 71, 72-73 (amended).*

*2017 Spring National Meeting (amended).*