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Governor

Department of Financial Services

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Acting Superintendent

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**To: Insurers Writing Premium in Commercial Property/Casualty Lines of Business
Subject to the Terrorism Risk Insurance Program**

Re: Terrorism Risk Insurance Data Call

Insurance regulators in all states and the District of Columbia (“States”) have agreed to participate in a data call to collect information related to terrorism risk insurance to serve important regulatory objectives, such as monitoring the affordability and availability of insurance coverage for acts of terrorism and assessing insurers’ financial exposure to terrorism risk.

The States have asked that the New York State Department of Financial Services (“Department”) serve as a single point of collection for this data call. Pursuant to their statutory authority to obtain information from insurers doing business in their respective jurisdictions, the States, including the Department, are requesting such entities to submit terrorism insurance data directly to the Department. The data will be collected through the Joint Reporting Templates and the State Property Supplement, which are described further below. This information will be treated as confidential in accordance with state law. Accordingly, the Department does not expect to grant third-party requests to access the information.

In conjunction with the other States, the Department intends to use the services of the National Association of Insurance Commissioners (“NAIC”) to aggregate and analyze the information collected, as well as to undertake any other related tasks as directed by the States. New York law specifically authorizes the disclosure to the NAIC of such confidential information, and the NAIC is required to maintain its confidentiality.

As an insurer writing commercial property/casualty policies in lines subject to the Terrorism Risk Insurance Program (“TRIP”) and domiciled in one of the States, your company is being requested by your state of domicile to provide information on terrorism risk as described below for the period January 1, 2019 through December 31, 2019.

Prior to 2018, the States and the U.S. Treasury (“Treasury”) collected data concerning terrorism risk insurance individually. Beginning in 2018, Treasury and the States took a consolidated approach, designed to permit companies subject to both data calls to submit the same information to both Treasury and the States using the Joint Reporting Templates. Companies will still need to submit data on the Joint Reporting Templates to the States and Treasury separately, but the data and format will be the same.

Joint Reporting Templates

The States and Treasury are requiring insurers to report on a group basis using the appropriate Joint Reporting Template (Non-Small Insurers, Small Insurers, Captive Insurers, or Alien Surplus Lines Insurers). Insurers with both 2018 policyholder surplus and 2018 direct earned premium in the TRIP-eligible lines of insurance of less than \$900 million will submit data according to the “small insurer” Joint Reporting Template, while insurers with either a 2018 policyholder surplus or 2018 direct earned premium in the TRIP-eligible lines of insurance equal to or greater than \$900 million will submit data according to the “non-small insurer” Joint Reporting Template.

If a reporting group or company submits corrected information after an original submission of one or more of the Joint Reporting Templates, it will be expected to resubmit the same corrected data to both the States and Treasury. The States and Treasury will endeavor to coordinate on any data reporting issues that may arise with respect to any specific insurer’s submission. Data on the Joint Data Templates should be submitted to both the States and Treasury by May 15, 2020.

Insurers required to submit data on the Joint Data Templates must visit <https://www.tripsection111data.com> to download a registration form for the 2020 data collection. The completed registration form must then be emailed to tripsection111data@iso.com.

After the insurer’s registration is processed, the insurer will be provided with the appropriate data collection template or other specifications for reporting data. The data must be transmitted to Treasury via secure file transfer protocol (SFTP) as well as to the States in Excel format through the Department portal at <https://myportal.dfs.ny.gov>.

State Property Supplement

The State Property Supplement (“Supplement”) portion of the data call has historically collected ZIP Code-level property coverage data which has been due on September 30. Additional information about the Supplement will be posted here: https://www.naic.org/industry_terrorism_risk_data_call.htm. Additional notice regarding the Supplement, once finalized, will be sent in a separate communication.

Exemptions

Insurance groups and individual insurers not part of a group with TRIP-eligible commercial direct earned premium of less than \$10 million in 2019 are exempt from both parts of the 2020 data call (the Joint Reporting Templates and the Supplement). This exemption does not apply to captive insurers or alien surplus lines insurers, as described below.

Data from Other Entities

The States will only require captive insurers to submit data on the Joint Reporting Templates. Captives will not be required to file the Supplement.

Data from insurers writing workers' compensation insurance has been collected via a separate data call. However, the Joint Reporting Templates do require completion of data pertaining to excess workers' compensation coverage. Reporting insurers who only write workers' compensation policies are still required to register for data collection and submit certain data elements on the Joint Reporting Templates. Please visit <https://home.treasury.gov/policy-issues/financial-markets-financial-institutions-and-fiscal-service/federal-insurance-office/terrorism-risk-insurance-program/annual-data-collection> or contact tripsection111data@iso.com for more information on what is required for insurers writing workers' compensation or excess workers' compensation coverage.

The NAIC's International Insurance Department ("IID"), through the NAIC's Surplus Lines (C) Working Group, has historically collected terrorism risk insurance data at an insurer level from alien surplus lines insurers. The IID will continue to collect such data, which is equivalent to what is being sought in Treasury's alien surplus lines Joint Reporting Template, and the IID's data collection will remain separate from this data call. More information on this subject can be found at http://www.naic.org/cmte_c_surplus_lines_wg.htm.