

2023 Summer National Meeting  
Seattle, Washington

## PRIVACY PROTECTIONS (H) WORKING GROUP

Sunday, August 13, 2023  
11:30 a.m. – 1:00 p.m.

### Meeting Summary Report

The Privacy Protections (H) Working Group met Aug. 13, 2023. During this meeting, the Working Group:

1. Adopted its July 25, June 5–6, May 16, May 2, April 18, and Spring National Meeting minutes, which included the following action:
  - A. Discussed comments received and collaborated on workable language regarding the following seven topics:
    - i. Third-party service providers, including the definition of third-party service providers, third-party service providers not related to an insurance transaction but that have access to consumers' personal information, and contracts with third-party service providers.
    - ii. Definitions of insurance transactions and additional permitted transactions.
    - iii. Marketing, including marketing insurance products to consumers using consumers' personal information, marketing other products to consumers using consumers' personal information, and affiliate marketing.
    - iv. Joint marketing agreements (JMAs), JMAs with affiliates, and JMAs with non-affiliated third parties.
    - v. Opt-in versus opt-out consent to marketing and the difference between marketing insurance and non-insurance products.
    - vi. Notice of Consumer Privacy Practices – Contents.
    - vii. Notice of Consumer Privacy Protections – Frequency and Methodology of Delivery.
  - B. Draft *Insurance Consumer Privacy Protection Model Law* (#674) language. In-person attendees were asked to be prepared to consider new language and offer pros and cons. Participants were asked to keep their comments specific to the topic under discussion. Topics already discussed in open meetings were not revisited during this meeting.
  - C. Exposed Version 1.2 of the new Model #674 on July 11 because it was based on changes that were discussed at an interim meeting, with a public comment period ending July 28. The drafting group continued its meetings with industry trades companies privately to discuss current consumer data practices on July 28, Aug. 2, Aug. 3, and Aug. 9.
  - D. Notified interested parties that so many comment letters have been received since the interim meeting that the Working Group has been unable to post them all prior to the Summer National Meeting. The Working Group will continue posting comments to the website after the national meeting. Due to the sheer volume of comments and the number of one-on-one calls requested, the Working Group has determined that more time is needed to engage the public and continue drafting Model #674.
  - E. Discuss comments received and engage the public to continue drafting Model #674.



2. Heard an update on state privacy legislation from Jennifer Neuerburg (NAIC) and federal privacy activity from Shana Oppenheim (NAIC).
3. Discussed an extension to develop the new Model #674.
4. Discussed the sections on Marketing, Consumer Notices, and Opt-Out / Opt-In in the draft of Version 1.2 of Model #674.

2023 Summer NM/Staff Support Hub/H Cmte/Privacy Protections WG