HOUSE DOCKET, NO. 1098 FILED ON: 1/16/2013

HOUSE . . . . . No. 879

The Commonwealth of Massachusetts

PRESENTED BY:

Michael A. Costello

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to confidentiality in financial examinations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael A. Costello	*1st Essex*

HOUSE DOCKET, NO. 1098 FILED ON: 1/16/2013

HOUSE . . . . . No. 879

By Mr. Costello of Newburyport, a petition (accompanied by bill, House, No. 879) of Michael A. Costello relative to confidentiality in financial examinations. Financial Services.

The Commonwealth of Massachusetts

An Act relative to confidentiality in financial examinations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 4 of chapter 175 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the twelfth paragraph and inserting in place thereof the following paragraph:-

(12) Notwithstanding any other provision of the General Laws, including clause twenty-six of section seven of chapter four and chapter sixty-six, documents, materials or other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in the course of an examination made pursuant to this section, or in the course of analysis by the commissioner of the financial condition or market conduct of a company shall be confidential by law and privileged, shall not be a public record under clause twenty six of section seven of chapter four, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. The commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as part of the commissioner's official duties.

(a) Documents, materials or other information, including, but not limited to, all working papers, and copies thereof, in the possession or control of the National Association of Insurance Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action if they are:

(i) Created, produced, obtained by or disclosed to the National Association of Insurance Commissioners and its affiliates and subsidiaries in the course of the National Association of Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under this section, or assisting the commissioner in the analysis of the financial condition or market conduct of a company; or

25 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
26 and subsidiaries under this subsection by any member of the National Association of Insurance
27 Commissioners.

28 (b) Neither the commissioner nor any person who received the documents, material or
29 other information while acting under the authority of the commissioner, including the National
30 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
31 testify in any private civil action concerning any confidential documents, materials or
32 information subject to this section.

33 (c) In order to assist in the performance of the commissioner's duties, the commissioner:

34 (i) May share documents, materials or other information, including the confidential and
35 privileged documents, materials or information subject to this subsection with other state, federal
36 and international regulatory agencies, with the National Association of Insurance Commissioners
37 and its affiliates and subsidiaries, and with state, federal and international law enforcement
38 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
39 of the document, material, communication or other information;

40 (ii) May receive documents, materials, communications or information, including
41 otherwise confidential and privileged documents, materials or information, from the National
42 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
43 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
44 confidential or privileged any document, material or information received with notice or the
45 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
46 source of the document, material or information; and

47 (iii) May enter into agreements governing sharing and use of information consistent with
48 this subsection.

49 (d) No waiver of any applicable privilege or claim of confidentiality in the documents,
50 materials or information shall occur as a result of disclosure to the commissioner under this
51 subsection or as a result of sharing as authorized in this subsection.

52 (e) A privilege established under the law of any state or jurisdiction that is substantially
53 similar to the privilege established under this subsection shall be available and enforced in any
54 proceeding in, and in any court of the Commonwealth.

55 (f) In this subsection "department," "insurance department," "law enforcement agency,"
56 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
57 are not limited to, their employees, agents, consultants and contractors.

58 SECTION 2. Chapter 174B of the General Laws is hereby amended by inserting after
59 section 7 the following section:-

60 Section 7A. The commissioner, or any other person designated by the commissioner,
61 shall, at least once in five years, and whenever the commissioner deems it prudent, visit any
62 automobile club and examine into its affairs. The commissioner shall have free access to all of
63 the books, records and papers of the automobile club, and may summon and examine under oath
64 its officers, agents, employees and other persons in relation to its affairs and condition. The
65 commissioner shall require every such automobile club to keep its books, records, accounts and
66 vouchers in such manner that he or his authorized representatives may readily verify its annual
67 statements and determine whether the automobile club has complied with the law.

68 Notwithstanding any other provision of the General Laws, including clause twenty-six of
69 section seven of chapter four and chapter sixty-six, documents, materials or other information,
70 including, but not limited to, all working papers, and copies thereof, created, produced or
71 obtained by or disclosed to the commissioner or any other person in the course of an examination
72 made pursuant to this section, or in the course of analysis by the commissioner of the financial
73 condition or market conduct of an automobile club shall be confidential by law and privileged,
74 shall not be a public record under clause twenty-six of section seven of chapter four, shall not be
75 subject to subpoena, and shall not be subject to discovery or admissible in evidence in any
76 private civil action. The commissioner is authorized to use the documents, materials or other
77 information in the furtherance of any regulatory or legal action brought as part of the
78 commissioner's official duties.

79 Documents, materials or other information, including, but not limited to, all working
80 papers, and copies thereof, in the possession or control of the National Association of Insurance
81 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
82 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
83 in any private civil action if they are:

84 (i) Created, produced, obtained by or disclosed to the National Association of
85 Insurance Commissioners and its affiliates and subsidiaries in the course of the National
86 Association of Insurance Commissioners and its affiliates and subsidiaries assisting an
87 examination made under this section, or assisting the commissioner in the analysis of the
88 financial condition or market conduct of an automobile club; or

89 (ii) Disclosed to the National Association of Insurance Commissioners and its
90 affiliates and subsidiaries under this section by any member of the National Association of
91 Insurance Commissioners.

92 Neither the commissioner nor any person who received the documents, material or other
93 information while acting under the authority of the commissioner, including the National
94 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
95 testify in any private civil action concerning any confidential documents, materials or
96 information subject to this section.

97 In order to assist in the performance of the commissioner's duties, the commissioner:

98 (i) May share documents, materials or other information, including the confidential
99 and privileged documents, materials or information subject to this section with other state,
100 federal and international regulatory agencies, with the National Association of Insurance
101 Commissioners and its affiliates and subsidiaries, and with state, federal and international law
102 enforcement authorities, provided that the recipient agrees to maintain the confidentiality and
103 privileged status of the document, material, communication or other information;

104 (ii) May receive documents, materials, communications or information, including
105 otherwise confidential and privileged documents, materials or information, from the National
106 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
107 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
108 confidential or privileged any document, material or information received with notice or the
109 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
110 source of the document, material or information; and

111 (iii) May enter into agreements governing sharing and use of information consistent
112 with this section.

113 No waiver of any applicable privilege or claim of confidentiality in the documents,
114 materials or information shall occur as a result of disclosure to the commissioner under this
115 section or as a result of sharing as authorized in this section.

116 A privilege established under the law of any state or jurisdiction that is substantially
117 similar to the privilege established under this subsection shall be available and enforced in any
118 proceeding in, and in any court of the Commonwealth.

119 In this section "department," "insurance department," "law enforcement agency,"
120 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
121 are not limited to, their employees, agents, consultants and contractors.

122 SECTION 3. Section 10 of Chapter 176G of the General Laws, is hereby amended by
123 striking out the second to last paragraph and inserting in place thereof the following paragraphs:-

124 Notwithstanding any other provision of the General Laws, including clause twenty-six of
125 section seven of chapter four and chapter sixty-six, documents, materials or other information,
126 including, but not limited to, all working papers, and copies thereof, created, produced or
127 obtained by or disclosed to the commissioner or any other person in the course of an examination
128 made pursuant to this subsection, or in the course of analysis by the commissioner of the
129 financial condition or market conduct of a health maintenance organization shall be confidential
130 by law and privileged, shall not be a public record under clause twenty-six of section seven of
131 chapter four, shall not be subject to subpoena, and shall not be subject to discovery or admissible

132 in evidence in any private civil action. The commissioner is authorized to use the documents,
133 materials or other information in the furtherance of any regulatory or legal action brought as part
134 of the commissioner's official duties.

135 (a) Documents, materials or other information, including, but not limited to, all working
136 papers, and copies thereof, in the possession or control of the National Association of Insurance
137 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
138 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
139 in any private civil action if they are:

140 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
141 Commissioners and its affiliates and subsidiaries in the course of the National Association of
142 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
143 this section, or assisting the commissioner in the analysis of the financial condition or market
144 conduct of a health maintenance organization; or

145 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
146 and subsidiaries under paragraph (c) of this subsection by any member of the National
147 Association of Insurance Commissioners.

148 (b) Neither the commissioner nor any person who received the documents, material or
149 other information while acting under the authority of the commissioner, including the National
150 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
151 testify in any private civil action concerning any confidential documents, materials or
152 information subject to this section.

153 (c) In order to assist in the performance of the commissioner's duties, the commissioner:

154 (i) May share documents, materials or other information, including the confidential and
155 privileged documents, materials or information subject to this subsection with other state, federal
156 and international regulatory agencies, with the National Association of Insurance Commissioners
157 and its affiliates and subsidiaries, and with state, federal and international law enforcement
158 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
159 of the document, material, communication or other information;

160 (ii) May receive documents, materials, communications or information, including
161 otherwise confidential and privileged documents, materials or information, from the National
162 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
163 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
164 confidential or privileged any document, material or information received with notice or the
165 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
166 source of the document, material or information; and

167 (iii) May enter into agreements governing sharing and use of information consistent with
168 this subsection.

169 (d) No waiver of any applicable privilege or claim of confidentiality in the documents,
170 materials or information shall occur as a result of disclosure to the commissioner under this
171 subsection or as a result of sharing as authorized in this subsection.

172 (e) A privilege established under the law of any state or jurisdiction that is substantially
173 similar to the privilege established under this subsection shall be available and enforced in any
174 proceeding in, and in any court of the Commonwealth.

175 (f) In this subsection "department," "insurance department," "law enforcement agency,"
176 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
177 are not limited to, their employees, agents, consultants and contractors.

178 SECTION 4. Section 52C(e) of Chapter 152 of the General Laws is hereby amended by
179 adding the following paragraphs:-

180 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth
181 of section seven of chapter four and chapter sixty-six, documents, materials or other information,
182 including, but not limited to, all working papers, and copies thereof, created, produced or
183 obtained by or disclosed to the commissioner or any other person in the course of an examination
184 made pursuant to this subsection, or in the course of analysis by the commissioner of the
185 financial condition or market conduct of a rating organization shall be confidential by law and
186 privileged, shall not be a public record under clause twenty-sixth of section seven of chapter
187 four, shall not be subject to subpoena, and shall not be subject to discovery or admissible in
188 evidence in any private civil action. The commissioner is authorized to use the documents,
189 materials or other information in the furtherance of any regulatory or legal action brought as part
190 of the commissioner's official duties.

191 Documents, materials or other information, including, but not limited to, all working
192 papers, and copies thereof, in the possession or control of the National Association of Insurance
193 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
194 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
195 in any private civil action if they are:

196 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
197 Commissioners and its affiliates and subsidiaries in the course of the National Association of
198 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
199 this subsection, or assisting the commissioner in the analysis of the financial condition or market
200 conduct of a rating organization; or

201 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
202 and subsidiaries under this subsection by any member of the National Association of Insurance
203 Commissioners.

204 Neither the commissioner nor any person who received the documents, material or other
205 information while acting under the authority of the commissioner, including the National
206 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
207 testify in any private civil action concerning any confidential documents, materials or
208 information subject to this subsection.

209 In order to assist in the performance of the commissioner's duties, the commissioner:

210 (i) May share documents, materials or other information, including the confidential and
211 privileged documents, materials or information subject to this subsection, with other state,
212 federal and international regulatory agencies, with the National Association of Insurance
213 Commissioners and its affiliates and subsidiaries, and with state, federal and international law
214 enforcement authorities, provided that the recipient agrees to maintain the confidentiality and
215 privileged status of the document, material, communication or other information;

216 (ii) May receive documents, materials, communications or information, including
217 otherwise confidential and privileged documents, materials or information, from the National
218 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
219 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
220 confidential or privileged any document, material or information received with notice or the
221 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
222 source of the document, material or information; and

223 (iii) May enter into agreements governing sharing and use of information consistent with
224 this subsection.

225 No waiver of any applicable privilege or claim of confidentiality in the documents,
226 materials or information shall occur as a result of disclosure to the commissioner under this
227 subsection or as a result of sharing as authorized in this subsection.

228 A privilege established under the law of any state or jurisdiction that is substantially
229 similar to the privilege established under this subsection shall be available and enforced in any
230 proceeding in, and in any court of the Commonwealth.

231 In this subsection "department," "insurance department," "law enforcement agency,"
232 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
233 are not limited to, their employees, agents, consultants and contractors.

234 SECTION 5. Section 14 of chapter 175A of the General Laws is hereby amended by
235 adding the following paragraphs:-

236 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth
237 of section seven of chapter four and chapter sixty-six, documents, materials or other information,
238 including, but not limited to, all working papers, and copies thereof, created, produced or
239 obtained by or disclosed to the commissioner or any other person in the course of an examination
240 made pursuant to this section, or in the course of analysis by the commissioner of the financial
241 condition or market conduct of a rating organization licensed in this commonwealth as provided
242 in section eight, an advisory organization referred to in section twelve or of each group,
243 association or other organization referred to in section thirteen shall be confidential by law and
244 privileged, shall not be a public record under clause Twenty-sixth of section seven of chapter
245 four, shall not be subject to subpoena, and shall not be subject to discovery or admissible in
246 evidence in any private civil action. The commissioner is authorized to use the documents,
247 materials or other information in the furtherance of any regulatory or legal action brought as part
248 of the commissioner's official duties.

249 Documents, materials or other information, including, but not limited to, all working
250 papers, and copies thereof, in the possession or control of the National Association of Insurance
251 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
252 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
253 in any private civil action if they are:

254 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
255 Commissioners and its affiliates and subsidiaries in the course of the National Association of
256 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
257 this section, or assisting the commissioner in the analysis of the financial condition or market
258 conduct of a rating organization licensed in this commonwealth as provided in section eight, an
259 advisory organization referred to in section twelve or of each group, association or other
260 organization referred to in section thirteen; or

261 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
262 and subsidiaries under this section by any member of the National Association of Insurance
263 Commissioners.

264 Neither the commissioner nor any person who received the documents, material or other
265 information while acting under the authority of the commissioner, including the National
266 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
267 testify in any private civil action concerning any confidential documents, materials or
268 information subject to this section.

269 In order to assist in the performance of the commissioner's duties, the commissioner:

270 (i) May share documents, materials or other information, including the confidential and
271 privileged documents, materials or information subject to this section, with other state, federal
272 and international regulatory agencies, with the National Association of Insurance Commissioners

273 and its affiliates and subsidiaries, and with state, federal and international law enforcement
274 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
275 of the document, material, communication or other information;

276 (ii) May receive documents, materials, communications or information, including
277 otherwise confidential and privileged documents, materials or information, from the National
278 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
279 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
280 confidential or privileged any document, material or information received with notice or the
281 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
282 source of the document, material or information; and

283 (iii) May enter into agreements governing sharing and use of information consistent with
284 this section.

285 No waiver of any applicable privilege or claim of confidentiality in the documents,
286 materials or information shall occur as a result of disclosure to the commissioner under this
287 section or as a result of sharing as authorized in this section.

288 A privilege established under the law of any state or jurisdiction that is substantially
289 similar to the privilege established under this section shall be available and enforced in any
290 proceeding in, and in any court of the Commonwealth.

291 In this section "department," "insurance department," "law enforcement agency,"
292 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
293 are not limited to, their employees, agents, consultants and contractors.

294 SECTION 6. Section 5(a) of chapter 175C, as so appearing, is hereby amended by
295 adding the following paragraphs:-

296 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth
297 of section seven of chapter four and chapter sixty-six, documents, materials or other information,
298 including, but not limited to, all working papers, and copies thereof, created, produced or

299 obtained by or disclosed to the commissioner or any other person in the course of an
300 examination made pursuant to this subsection, or in the course of analysis by the commissioner
301 of the financial condition or market conduct of the association shall be confidential by law and
302 privileged, shall not be a public record under clause Twenty-sixth of section seven of chapter
303 four, shall not be subject to subpoena, and shall not be subject to discovery or admissible in
304 evidence in any private civil action. The commissioner is authorized to use the documents,
305 materials or other information in the furtherance of any regulatory or legal action brought as part
306 of the commissioner's official duties.

307 Documents, materials or other information, including, but not limited to, all working
308 papers, and copies thereof, in the possession or control of the National Association of Insurance
309 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
310 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
311 in any private civil action if they are:

312 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
313 Commissioners and its affiliates and subsidiaries in the course of the National Association of
314 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
315 this subsection, or assisting the commissioner in the analysis of the financial condition or market
316 conduct of the association; or

317 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
318 and subsidiaries under this subsection by any member of the National Association of Insurance
319 Commissioners.

320 Neither the commissioner nor any person who received the documents, material or other
321 information while acting under the authority of the commissioner, including the National
322 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
323 testify in any private civil action concerning any confidential documents, materials or
324 information subject to this subsection.

325 In order to assist in the performance of the commissioner's duties, the commissioner:

326 (i) May share documents, materials or other information, including the confidential and
327 privileged documents, materials or information subject to this subsection, with other state,
328 federal and international regulatory agencies, with the National Association of Insurance
329 Commissioners and its affiliates and subsidiaries, and with state, federal and international law
330 enforcement authorities, provided that the recipient agrees to maintain the confidentiality and
331 privileged status of the document, material, communication or other information;

332 (ii) May receive documents, materials, communications or information, including
333 otherwise confidential and privileged documents, materials or information, from the National
334 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
335 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
336 confidential or privileged any document, material or information received with notice or the
337 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
338 source of the document, material or information; and

339 (iii) May enter into agreements governing sharing and use of information consistent with
340 this subsection.

341 No waiver of any applicable privilege or claim of confidentiality in the documents,
342 materials or information shall occur as a result of disclosure to the commissioner under this
343 subsection or as a result of sharing as authorized in this subsection.

344 A privilege established under the law of any state or jurisdiction that is substantially
345 similar to the privilege established under this subsection shall be available and enforced in any
346 proceeding in, and in any court of the Commonwealth.

347 In this subsection "department," "insurance department," "law enforcement agency,"
348 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
349 are not limited to, their employees, agents, consultants and contractors.

350 SECTION 7. Section 44 of Chapter 176 of the General Laws is hereby amended by
351 adding the following paragraphs:-

352 Notwithstanding any other provision of the General Laws, including clause twenty-six of
353 section seven of chapter four and chapter sixty-six, documents, materials or other information,
354 including, but not limited to, all working papers, and copies thereof, created, produced or
355 obtained by or disclosed to the commissioner or any other person in the course of an examination
356 made pursuant to this section, or in the course of analysis by the commissioner of the financial
357 condition or market conduct of a domestic society shall be confidential by law and privileged,
358 shall not be a public record under clause twenty-six of section seven of chapter four, shall not be
359 subject to subpoena, and shall not be subject to discovery or admissible in evidence in any
360 private civil action. The commissioner is authorized to use the documents, materials or other
361 information in the furtherance of any regulatory or legal action brought as part of the
362 commissioner's official duties.

363 Documents, materials or other information, including, but not limited to, all working
364 papers, and copies thereof, in the possession or control of the National Association of Insurance
365 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
366 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
367 in any private civil action if they are:

368 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
369 Commissioners and its affiliates and subsidiaries in the course of the National Association of
370 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
371 this section, or assisting the commissioner in the analysis of the financial condition or market
372 conduct of a domestic society; or

373 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
374 and subsidiaries under this section by any member of the National Association of Insurance
375 Commissioners.

376 Neither the commissioner nor any person who received the documents, material or other
377 information while acting under the authority of the commissioner, including the National
378 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
379 testify in any private civil action concerning any confidential documents, materials or
380 information subject to this section.

381 In order to assist in the performance of the commissioner's duties, the commissioner:

382 (i) May share documents, materials or other information, including the confidential and
383 privileged documents, materials or information subject to this section, with other state, federal
384 and international regulatory agencies, with the National Association of Insurance Commissioners
385 and its affiliates and subsidiaries, and with state, federal and international law enforcement
386 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
387 of the document, material, communication or other information;

388 (ii) May receive documents, materials, communications or information, including
389 otherwise confidential and privileged documents, materials or information, from the National
390 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
391 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
392 confidential or privileged any document, material or information received with notice or the
393 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
394 source of the document, material or information; and

395 (iii) May enter into agreements governing sharing and use of information consistent with
396 this section.

397 No waiver of any applicable privilege or claim of confidentiality in the documents,
398 materials or information shall occur as a result of disclosure to the commissioner under this
399 section or as a result of sharing as authorized in this section.

400 A privilege established under the law of any state or jurisdiction that is substantially
401 similar to the privilege established under this section shall be available and enforced in any
402 proceeding in, and in any court of the Commonwealth.

403 In this section "department," "insurance department," "law enforcement agency,"
404 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
405 are not limited to, their employees, agents, consultants and contractors.

406 SECTION 8. Section 45 of said Chapter 176 of the General Laws is hereby amended by
407 adding the following paragraphs:-

408 Notwithstanding any other provision of the General Laws, including clause twenty-six of
409 section seven of chapter four and chapter sixty-six, documents, materials or other information,
410 including, but not limited to, all working papers, and copies thereof, created, produced or

411 obtained by or disclosed to the commissioner or any other person in the course of an examination
412 made pursuant to this section, or in the course of analysis by the commissioner of the financial
413 condition or market conduct of a foreign society shall be confidential by law and privileged, shall
414 not be a public record under clause twenty-six of section seven of chapter four, shall not be
415 subject to subpoena, and shall not be subject to discovery or admissible in evidence in any
416 private civil action. The commissioner is authorized to use the documents, materials or other
417 information in the furtherance of any regulatory or legal action brought as part of the
418 commissioner's official duties.

419 Documents, materials or other information, including, but not limited to, all working
420 papers, and copies thereof, in the possession or control of the National Association of Insurance
421 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
422 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
423 in any private civil action if they are:

424 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
425 Commissioners and its affiliates and subsidiaries in the course of the National Association of
426 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
427 this section, or assisting the commissioner in the analysis of the financial condition or market
428 conduct of a foreign society; or

429 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
430 and subsidiaries under this section by any member of the National Association of Insurance
431 Commissioners.

432 Neither the commissioner nor any person who received the documents, material or other
433 information while acting under the authority of the commissioner, including the National
434 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
435 testify in any private civil action concerning any confidential documents, materials or
436 information subject to this section.

437 In order to assist in the performance of the commissioner's duties, the commissioner:

438 (i) May share documents, materials or other information, including the confidential and
439 privileged documents, materials or information subject to this section, with other state, federal
440 and international regulatory agencies, with the National Association of Insurance Commissioners
441 and its affiliates and subsidiaries, and with state, federal and international law enforcement
442 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
443 of the document, material, communication or other information;

444 (ii) May receive documents, materials, communications or information, including
445 otherwise confidential and privileged documents, materials or information, from the National
446 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory

447 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
448 confidential or privileged any document, material or information received with notice or the
449 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
450 source of the document, material or information; and

451 (iii) May enter into agreements governing sharing and use of information consistent with
452 this section.

453 No waiver of any applicable privilege or claim of confidentiality in the documents,
454 materials or information shall occur as a result of disclosure to the commissioner under this
455 section or as a result of sharing as authorized in this section.

456 A privilege established under the law of any state or jurisdiction that is substantially
457 similar to the privilege established under this section shall be available and enforced in any
458 proceeding in, and in any court of the Commonwealth.

459 In this section "department," "insurance department," "law enforcement agency,"
460 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
461 are not limited to, their employees, agents, consultants and contractors.

462 SECTION 9. Section 7 of Chapter 176A of the General Laws is hereby amended by
463 adding the following paragraphs:-

464 Notwithstanding any other provision of the General Laws, including clause twenty-six of
465 section seven of chapter four and chapter sixty-six, documents, materials or other information,
466 including, but not limited to, all working papers, and copies thereof, created, produced or
467 obtained by or disclosed to the commissioner or any other person in the course of an examination
468 made pursuant to section 6, or in the course of analysis by the commissioner of the financial
469 condition or market conduct of a non-profit hospital service corporation shall be confidential by
470 law and privileged, shall not be a public record under clause Twenty-sixth of section seven of
471 chapter four, shall not be subject to subpoena, and shall not be subject to discovery or admissible
472 in evidence in any private civil action. The commissioner is authorized to use the documents,
473 materials or other information in the furtherance of any regulatory or legal action brought as part
474 of the commissioner's official duties.

475 Documents, materials or other information, including, but not limited to, all working
476 papers, and copies thereof, in the possession or control of the National Association of Insurance
477 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
478 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
479 in any private civil action if they are:

480 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
481 Commissioners and its affiliates and subsidiaries in the course of the National Association of

482 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
483 section 6, or assisting the commissioner in the analysis of the financial condition or market
484 conduct of a non-profit hospital service corporation; or

485 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
486 and subsidiaries under this section by any member of the National Association of Insurance
487 Commissioners.

488 Neither the commissioner nor any person who received the documents, material or other
489 information while acting under the authority of the commissioner, including the National
490 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
491 testify in any private civil action concerning any confidential documents, materials or
492 information subject to this section.

493 In order to assist in the performance of the commissioner's duties, the commissioner:

494 (i) May share documents, materials or other information, including the confidential and
495 privileged documents, materials or information subject to this section, with other state, federal
496 and international regulatory agencies, with the National Association of Insurance Commissioners
497 and its affiliates and subsidiaries, and with state, federal and international law enforcement
498 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
499 of the document, material, communication or other information;

500 (ii) May receive documents, materials, communications or information, including
501 otherwise confidential and privileged documents, materials or information, from the National
502 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
503 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
504 confidential or privileged any document, material or information received with notice or the
505 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
506 source of the document, material or information; and

507 (iii) May enter into agreements governing sharing and use of information consistent with
508 this section.

509 No waiver of any applicable privilege or claim of confidentiality in the documents,
510 materials or information shall occur as a result of disclosure to the commissioner under this
511 section or as a result of sharing as authorized in this section.

512 A privilege established under the law of any state or jurisdiction that is substantially
513 similar to the privilege established under this section shall be available and enforced in any
514 proceeding in, and in any court of the Commonwealth.

515 In this section “department,” “insurance department,” “law enforcement agency,”
516 “regulatory agency,” and the “National Association of Insurance Commissioners” include, but
517 are not limited to, their employees, agents, consultants and contractors.

518 SECTION 10. Section 9 of chapter 176B, as so appearing, is hereby amended by
519 inserting after the first paragraph, the following paragraphs:-

520 Notwithstanding any other provision of the General Laws, including clause twenty-six of
521 section seven of chapter four and chapter sixty-six, documents, materials or other information,
522 including, but not limited to, all working papers, and copies thereof, created, produced or
523 obtained by or disclosed to the commissioner or any other person in the course of an examination
524 made pursuant to this section, or in the course of analysis by the commissioner of the financial
525 condition or market conduct of a medical service corporation shall be confidential by law and
526 privileged, shall not be a public record under clause twenty-six of section seven of chapter four,
527 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
528 in any private civil action. The commissioner is authorized to use the documents, materials or
529 other information in the furtherance of any regulatory or legal action brought as part of the
530 commissioner’s official duties.

531 Documents, materials or other information, including, but not limited to, all working
532 papers, and copies thereof, in the possession or control of the National Association of Insurance
533 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
534 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
535 in any private civil action if they are:

536 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
537 Commissioners and its affiliates and subsidiaries in the course of the National Association of
538 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
539 this section, or assisting the commissioner in the analysis of the financial condition or market
540 conduct of a medical service corporation; or

541 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
542 and subsidiaries under this section by any member of the National Association of Insurance
543 Commissioners.

544 Neither the commissioner nor any person who received the documents, material or other
545 information while acting under the authority of the commissioner, including the National
546 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
547 testify in any private civil action concerning any confidential documents, materials or
548 information subject to this section.

549 In order to assist in the performance of the commissioner’s duties, the commissioner:

550 (i) May share documents, materials or other information, including the confidential and
551 privileged documents, materials or information subject to this section, with other state, federal
552 and international regulatory agencies, with the National Association of Insurance Commissioners
553 and its affiliates and subsidiaries, and with state, federal and international law enforcement
554 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
555 of the document, material, communication or other information;

556 (ii) May receive documents, materials, communications or information, including
557 otherwise confidential and privileged documents, materials or information, from the National
558 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
559 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
560 confidential or privileged any document, material or information received with notice or the
561 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
562 source of the document, material or information; and

563 (iii) May enter into agreements governing sharing and use of information consistent with
564 this section.

565 No waiver of any applicable privilege or claim of confidentiality in the documents,
566 materials or information shall occur as a result of disclosure to the commissioner under this
567 section or as a result of sharing as authorized in this section.

568 A privilege established under the law of any state or jurisdiction that is substantially
569 similar to the privilege established under this section shall be available and enforced in any
570 proceeding in, and in any court of the Commonwealth.

571 In this section "department," "insurance department," "law enforcement agency,"
572 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
573 are not limited to, their employees, agents, consultants and contractors.

574 SECTION 11. Section 10 of Chapter 176C of the General Laws is hereby amended by
575 adding the following paragraphs at the end of the section:-

576 Notwithstanding any other provision of the General Laws, including clause twenty-six of
577 section seven of chapter four and chapter sixty-six, documents, materials or other information,
578 including, but not limited to, all working papers, and copies thereof, created, produced or
579 obtained by or disclosed to the commissioner or any other person in the course of an examination
580 made pursuant to this section, or in the course of analysis by the commissioner of the financial
581 condition or market conduct of a medical service corporation shall be confidential by law and
582 privileged, shall not be a public record under clause twenty-six of section seven of chapter four,
583 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
584 in any private civil action. The commissioner is authorized to use the documents, materials or

585 other information in the furtherance of any regulatory or legal action brought as part of the
586 commissioner's official duties.

587 Documents, materials or other information, including, but not limited to, all working
588 papers, and copies thereof, in the possession or control of the National Association of Insurance
589 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
590 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
591 in any private civil action if they are:

592 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
593 Commissioners and its affiliates and subsidiaries in the course of the National Association of
594 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
595 this section, or assisting the commissioner in the analysis of the financial condition or market
596 conduct of a medical service corporation; or

597 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
598 and subsidiaries under this section by any member of the National Association of Insurance
599 Commissioners.

600 Neither the commissioner nor any person who received the documents, material or other
601 information while acting under the authority of the commissioner, including the National
602 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
603 testify in any private civil action concerning any confidential documents, materials or
604 information subject to this section.

605 In order to assist in the performance of the commissioner's duties, the commissioner:

606 (i) May share documents, materials or other information, including the confidential and
607 privileged documents, materials or information subject to this section, with other state, federal
608 and international regulatory agencies, with the National Association of Insurance Commissioners
609 and its affiliates and subsidiaries, and with state, federal and international law enforcement
610 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
611 of the document, material, communication or other information;

612 (ii) May receive documents, materials, communications or information, including
613 otherwise confidential and privileged documents, materials or information, from the National
614 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
615 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
616 confidential or privileged any document, material or information received with notice or the
617 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
618 source of the document, material or information; and

619 (iii) May enter into agreements governing sharing and use of information consistent with
620 this section.

621 No waiver of any applicable privilege or claim of confidentiality in the documents,
622 materials or information shall occur as a result of disclosure to the commissioner under this
623 section or as a result of sharing as authorized in this section.

624 A privilege established under the law of any state or jurisdiction that is substantially
625 similar to the privilege established under this section shall be available and enforced in any
626 proceeding in, and in any court of the Commonwealth.

627 In this section "department," "insurance department," "law enforcement agency,"
628 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
629 are not limited to, their employees, agents, consultants and contractors.

630 SECTION 12. Section 9 of chapter 176E, as so appearing, is hereby amended by adding
631 the following paragraphs at the end of the section:-

632 Notwithstanding any other provision of the General Laws, including clause twenty-six of
633 section seven of chapter four and chapter sixty-six, documents, materials or other information,
634 including, but not limited to, all working papers, and copies thereof, created, produced or
635 obtained by or disclosed to the commissioner or any other person in the course of an examination
636 made pursuant to this section, or in the course of analysis by the commissioner of the financial
637 condition or market conduct of a dental service corporation shall be confidential by law and
638 privileged, shall not be a public record under clause twenty-six of section seven of chapter four,
639 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
640 in any private civil action. The commissioner is authorized to use the documents, materials or
641 other information in the furtherance of any regulatory or legal action brought as part of the
642 commissioner's official duties.

643 Documents, materials or other information, including, but not limited to, all working
644 papers, and copies thereof, in the possession or control of the National Association of Insurance
645 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
646 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
647 in any private civil action if they are:

648 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
649 Commissioners and its affiliates and subsidiaries in the course of the National Association of
650 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
651 this section, or assisting the commissioner in the analysis of the financial condition or market
652 conduct of a dental service corporation; or

653 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
654 and subsidiaries under this section by any member of the National Association of Insurance
655 Commissioners.

656 Neither the commissioner nor any person who received the documents, material or other
657 information while acting under the authority of the commissioner, including the National
658 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
659 testify in any private civil action concerning any confidential documents, materials or
660 information subject to this section.

661 In order to assist in the performance of the commissioner's duties, the commissioner:

662 (i) May share documents, materials or other information, including the confidential and
663 privileged documents, materials or information subject to this section, with other state, federal
664 and international regulatory agencies, with the National Association of Insurance Commissioners
665 and its affiliates and subsidiaries, and with state, federal and international law enforcement
666 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
667 of the document, material, communication or other information;

668 (ii) May receive documents, materials, communications or information, including
669 otherwise confidential and privileged documents, materials or information, from the National
670 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
671 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
672 confidential or privileged any document, material or information received with notice or the
673 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
674 source of the document, material or information; and

675 (iii) May enter into agreements governing sharing and use of information consistent with
676 this section.

677 No waiver of any applicable privilege or claim of confidentiality in the documents,
678 materials or information shall occur as a result of disclosure to the commissioner under this
679 section or as a result of sharing as authorized in this section.

680 A privilege established under the law of any state or jurisdiction that is substantially
681 similar to the privilege established under this section shall be available and enforced in any
682 proceeding in, and in any court of the Commonwealth.

683 In this section "department," "insurance department," "law enforcement agency,"
684 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
685 are not limited to, their employees, agents, consultants and contractors.

686 SECTION 13. Section 9 of chapter 176F, as so appearing, is hereby amended by adding
687 the following paragraphs at the end of the section:-

688 Notwithstanding any other provision of the General Laws, including clause twenty-six of
689 section seven of chapter four and chapter sixty-six, documents, materials or other information,
690 including, but not limited to, all working papers, and copies thereof, created, produced or
691 obtained by or disclosed to the commissioner or any other person in the course of an examination
692 made pursuant to this section, or in the course of analysis by the commissioner of the financial
693 condition or market conduct of an optometric service corporation shall be confidential by law
694 and privileged, shall not be a public record under clause twenty-six of section seven of chapter
695 four, shall not be subject to subpoena, and shall not be subject to discovery or admissible in
696 evidence in any private civil action. The commissioner is authorized to use the documents,
697 materials or other information in the furtherance of any regulatory or legal action brought as part
698 of the commissioner's official duties.

699 Documents, materials or other information, including, but not limited to, all working
700 papers, and copies thereof, in the possession or control of the National Association of Insurance
701 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
702 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
703 in any private civil action if they are:

704 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
705 Commissioners and its affiliates and subsidiaries in the course of the National Association of
706 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
707 this section, or assisting the commissioner in the analysis of the financial condition or market
708 conduct of an optometric service corporation; or

709 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
710 and subsidiaries under this section by any member of the National Association of Insurance
711 Commissioners.

712 Neither the commissioner nor any person who received the documents, material or other
713 information while acting under the authority of the commissioner, including the National
714 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
715 testify in any private civil action concerning any confidential documents, materials or
716 information subject to this section.

717 In order to assist in the performance of the commissioner's duties, the commissioner:

718 i) May share documents, materials or other information, including the confidential and
719 privileged documents, materials or information subject to this section, with other state, federal
720 and international regulatory agencies, with the National Association of Insurance Commissioners
721 and its affiliates and subsidiaries, and with state, federal and international law enforcement
722 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
723 of the document, material, communication or other information;

724 (ii) May receive documents, materials, communications or information, including
725 otherwise confidential and privileged documents, materials or information, from the National
726 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
727 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
728 confidential or privileged any document, material or information received with notice or the
729 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
730 source of the document, material or information; and

731 (iii) May enter into agreements governing sharing and use of information consistent with
732 this section.

733 No waiver of any applicable privilege or claim of confidentiality in the documents,
734 materials or information shall occur as a result of disclosure to the commissioner under this
735 section or as a result of sharing as authorized in this section.

736 A privilege established under the law of any state or jurisdiction that is substantially
737 similar to the privilege established under this section shall be available and enforced in any
738 proceeding in, and in any court of the Commonwealth.

739 In this section "department," "insurance department," "law enforcement agency,"
740 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
741 are not limited to, their employees, agents, consultants and contractors.

742 SECTION 14. Chapter 176P of the General Laws, Section 36, subsection (a) is hereby
743 amended by adding the following paragraphs at the end of the subsection:-

744 Notwithstanding any other provision of the General Laws, including clause twenty-six of
745 section seven of chapter four and chapter sixty-six, documents, materials or other information,
746 including, but not limited to, all working papers, and copies thereof, created, produced or
747 obtained by or disclosed to the commissioner or any other person in the course of an examination
748 made pursuant to this subsection, or in the course of analysis by the commissioner of the
749 financial condition or market conduct of a limited society shall be confidential by law and
750 privileged, shall not be a public record under clause twenty-six of section seven of chapter four,
751 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
752 in any private civil action. The commissioner is authorized to use the documents, materials or
753 other information in the furtherance of any regulatory or legal action brought as part of the
754 commissioner's official duties.

755 Documents, materials or other information, including, but not limited to, all working
756 papers, and copies thereof, in the possession or control of the National Association of Insurance
757 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
758 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
759 in any private civil action if they are:

760 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
761 Commissioners and its affiliates and subsidiaries in the course of the National Association of
762 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
763 this subsection, or assisting the commissioner in the analysis of the financial condition or market
764 conduct of a limited society; or

765 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
766 and subsidiaries under this subsection by any member of the National Association of Insurance
767 Commissioners.

768 Neither the commissioner nor any person who received the documents, material or other
769 information while acting under the authority of the commissioner, including the National
770 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
771 testify in any private civil action concerning any confidential documents, materials or
772 information subject to this subsection.

773 In order to assist in the performance of the commissioner's duties, the commissioner:

774 (i) May share documents, materials or other information, including the confidential and
775 privileged documents, materials or information subject to this subsection, with other state,
776 federal and international regulatory agencies, with the National Association of Insurance
777 Commissioners and its affiliates and subsidiaries, and with state, federal and international law
778 enforcement authorities, provided that the recipient agrees to maintain the confidentiality and
779 privileged status of the document, material, communication or other information;

780 (ii) May receive documents, materials, communications or information, including
781 otherwise confidential and privileged documents, materials or information, from the National
782 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
783 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
784 confidential or privileged any document, material or information received with notice or the
785 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
786 source of the document, material or information; and

787 (iii) May enter into agreements governing sharing and use of information consistent with
788 this subsection.

789 No waiver of any applicable privilege or claim of confidentiality in the documents,
790 materials or information shall occur as a result of disclosure to the commissioner under this
791 subsection or as a result of sharing as authorized in this subsection.

792 A privilege established under the law of any state or jurisdiction that is substantially
793 similar to the privilege established under this subsection shall be available and enforced in any
794 proceeding in, and in any court of the Commonwealth.

795 In this subsection “department,” “insurance department,” “law enforcement agency,”
796 “regulatory agency,” and the “National Association of Insurance Commissioners” include, but
797 are not limited to, their employees, agents, consultants and contractors.

798 SECTION 15. Section 6 of Chapter 40M of the General Laws is hereby amended by
799 adding the following paragraphs at the end of the section:-

800 Notwithstanding any other provision of the General Laws, including clause twenty-six of
801 section seven of chapter four and chapter sixty-six, documents, materials or other information,
802 including, but not limited to, all working papers, and copies thereof, created, produced or
803 obtained by or disclosed to the commissioner or any other person in the course of an examination
804 made pursuant to this section, or in the course of analysis by the commissioner of the financial
805 condition or market conduct of a group shall be confidential by law and privileged, shall not be a
806 public record under clause twenty-six of section seven of chapter four, shall not be subject to
807 subpoena, and shall not be subject to discovery or admissible in evidence in any private civil
808 action. The commissioner is authorized to use the documents, materials or other information in
809 the furtherance of any regulatory or legal action brought as part of the commissioner’s official
810 duties.

811 Documents, materials or other information, including, but not limited to, all working
812 papers, and copies thereof, in the possession or control of the National Association of Insurance
813 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
814 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
815 in any private civil action if they are:

816 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
817 Commissioners and its affiliates and subsidiaries in the course of the National Association of
818 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
819 this section, or assisting the commissioner in the analysis of the financial condition or market
820 conduct of a group; or

821 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
822 and subsidiaries under this section by any member of the National Association of Insurance
823 Commissioners.

824 Neither the commissioner nor any person who received the documents, material or other
825 information while acting under the authority of the commissioner, including the National
826 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
827 testify in any private civil action concerning any confidential documents, materials or
828 information subject to this section.

829 In order to assist in the performance of the commissioner’s duties, the commissioner:

830 (i) May share documents, materials or other information, including the confidential and
831 privileged documents, materials or information subject to this section, with other state, federal
832 and international regulatory agencies, with the National Association of Insurance Commissioners
833 and its affiliates and subsidiaries, and with state, federal and international law enforcement
834 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
835 of the document, material, communication or other information;

836 (ii) May receive documents, materials, communications or information, including
837 otherwise confidential and privileged documents, materials or information, from the National
838 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
839 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
840 confidential or privileged any document, material or information received with notice or the
841 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
842 source of the document, material or information; and

843 (iii) May enter into agreements governing sharing and use of information consistent with
844 this section.

845 No waiver of any applicable privilege or claim of confidentiality in the documents,
846 materials or information shall occur as a result of disclosure to the commissioner under this
847 section or as a result of sharing as authorized in this section.

848 A privilege established under the law of any state or jurisdiction that is substantially
849 similar to the privilege established under this section shall be available and enforced in any
850 proceeding in, and in any court of the Commonwealth.

851 In this section "department," "insurance department," "law enforcement agency,"
852 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
853 are not limited to, their employees, agents, consultants and contractors.

854 SECTION 16. Section 25I of Chapter 152 of the General Laws is hereby amended by
855 adding the following paragraphs at the end of the section:-

856 Notwithstanding any other provision of the General Laws, including clause twenty-six of
857 section seven of chapter four and chapter sixty-six, documents, materials or other information,
858 including, but not limited to, all working papers, and copies thereof, created, produced or
859 obtained by or disclosed to the commissioner or any other person in the course of an examination
860 made pursuant to this section, or in the course of analysis by the commissioner of the financial
861 condition or market conduct of a group shall be confidential by law and privileged, shall not be a
862 public record under clause twenty-six of section seven of chapter four, shall not be subject to
863 subpoena, and shall not be subject to discovery or admissible in evidence in any private civil
864 action. The commissioner is authorized to use the documents, materials or other information in

865 the furtherance of any regulatory or legal action brought as part of the commissioner's official
866 duties.

867 Documents, materials or other information, including, but not limited to, all working
868 papers, and copies thereof, in the possession or control of the National Association of Insurance
869 Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged,
870 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
871 in any private civil action if they are:

872 (i) Created, produced, obtained by or disclosed to the National Association of Insurance
873 Commissioners and its affiliates and subsidiaries in the course of the National Association of
874 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under
875 this section, or assisting the commissioner in the analysis of the financial condition or market
876 conduct of a group; or

877 (ii) Disclosed to the National Association of Insurance Commissioners and its affiliates
878 and subsidiaries under this section by any member of the National Association of Insurance
879 Commissioners.

880 Neither the commissioner nor any person who received the documents, material or other
881 information while acting under the authority of the commissioner, including the National
882 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to
883 testify in any private civil action concerning any confidential documents, materials or
884 information subject to this section.

885 In order to assist in the performance of the commissioner's duties, the commissioner:

886 (i) May share documents, materials or other information, including the confidential and
887 privileged documents, materials or information subject to this section, with other state, federal
888 and international regulatory agencies, with the National Association of Insurance Commissioners
889 and its affiliates and subsidiaries, and with state, federal and international law enforcement
890 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status
891 of the document, material, communication or other information;

892 (ii) May receive documents, materials, communications or information, including
893 otherwise confidential and privileged documents, materials or information, from the National
894 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory
895 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as
896 confidential or privileged any document, material or information received with notice or the
897 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
898 source of the document, material or information; and

899 (iii) May enter into agreements governing sharing and use of information consistent with
900 this section.

901 No waiver of any applicable privilege or claim of confidentiality in the documents,
902 materials or information shall occur as a result of disclosure to the commissioner under this
903 section or as a result of sharing as authorized in this section.

904 A privilege established under the law of any state or jurisdiction that is substantially
905 similar to the privilege established under this section shall be available and enforced in any
906 proceeding in, and in any court of the Commonwealth.

907 In this section "department," "insurance department," "law enforcement agency,"
908 "regulatory agency," and the "National Association of Insurance Commissioners" include, but
909 are not limited to, their employees, agents, consultants and contractors.