

Adopt Ins 104 to read as follows:**PART Ins 104 REQUESTS FOR CONSUMER SERVICES DIVISION INVESTIGATION DOCUMENTS**

Statutory Authority: RSA 400-A:15, I; RSA 400-A:16, III(c)

Ins 104.01 Purpose and Scope. The purpose of this part is to identify those documents, obtained from an insurance company during the course of the investigation of an insured's or claimant's complaint, that may be disclosed to the insured, claimant, or authorized representative, upon request, to assist in their understanding of the basis for the department's actions related to a consumer services division investigation.

Ins 104.02 Applicability. This part shall apply to the commissioner's discretion to disclose documents to an insured or claimant who has filed a complaint against an entity that is regulated by the Insurance Department.

Ins 104.03 Definitions.

(a) "Authorized representative" means:

- (1) An attorney representing the insured or claimant;
- (2) An authorized family member of the insured or claimant;
- (3) An individual with a valid power of attorney, consistent with New Hampshire law, for the insured or claimant; or
- (4) In the commissioner's discretion, an individual of good character that has been appointed by the insured or claimant through a document, signed under oath, which allows a release of information to said individual.

(b) "Claimant" means a person or business entity that files a claim for benefits or payment under the provisions of a regulated product. Claimant is limited to the individual or entity and the term shall not include person or entities that provide services to the claimant.

(c) "Insured" means the named insured person, business, or organization specified as the insured in a policy.

Ins 104.04 Requests for Consumer Services Division Investigations Documents.

(a) Upon receiving a request from an insured, claimant, or authorized representative, and at the commissioner's discretion, the department shall disclose those documents that are not deemed confidential by law and privileged, such as:

- (1) The insured's insurance contract or any portion thereof;
- (2) Correspondence between the insured, the claimant, or the authorized representative and the licensee; or
- (3) Any additional documents, materials, or other information at the discretion of the commissioner.

(b) The department shall not disclose to an insured, claimant, or authorized representative any information that, in the commissioner's discretion:

- (1) Would interfere with any civil action, criminal investigation or action, or administrative proceeding;
 - (2) Contains information that would constitute an invasion of privacy;
 - (3) Is deemed confidential by law or privileged;
 - (4) Is proprietary information; or
 - (5) Is available through other sources.
- (c) The commissioner shall consult with the insurance company, if the commissioner deems it necessary, to determine what other types of documents, materials, or information to disclose.

APPENDIX

Rule	Specific State Statute the Rule Implements
Ins 104.01	RSA 400-A:15, I; RSA 400-A:16, III(c)
Ins 104.02	RSA 400-A:15, I; RSA 400-A:16, III(c)
Ins 104.03	RSA 400-A:15, I; RSA 400-A:16, III(c)
Ins 104.04	RSA 400-A:15, I; RSA 400-A:16, III(c)