

STATE OF NEW MEXICO
OFFICE OF SUPERINTENDENT OF INSURANCE

SUPERINTENDENT OF INSURANCE
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Insurance Bulletin 2014-004
January 14, 2014

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SUPERINTENDENT
OF INSURANCE
NEW MEXICO

To: All regulated entities that file information with the Life and Health Rate & Form Filing Bureau of the Office of Superintendent of Insurance, including but not limited to: forms, rates, rules and/or loss cost filings.

RE: Rate and Form Filings Request for Confidential Information

THE FOLLOWING BULLETIN is issued pursuant to NMSA 1978, §59A-2-12, NMSA 1978, §14-2 and 13.1.2.1 to 13.1.2.10 NMAC.

The purpose of this bulletin is to provide entities filing information with the Life and Health Rate & Form Filing Bureau ("The Bureau") of the Office of Superintendent of Insurance ("OSI") with a process for requesting protection from disclosure of information that is confidential pursuant to the statute.

New Mexico law allows certain information to remain confidential and not be subject to public inspection pursuant to the Insurance Code, NMSA 1978, §59A-2-12 and the Inspections of Public Records Act, NMSA 1978, §14-2-1 *et seq.*

If an entity asserts that certain filings or sections of filings provided to OSI are not subject to disclosure pursuant to New Mexico law, the entity must prepare and submit in SERFF a Confidentiality Index, exhibited in Attachment A, identifying exactly what information is being requested to be kept confidential. The specific statutory basis for each item listed must be stated. In addition, each referenced portion in the filing must be marked as confidential and labeled in accordance with the Confidentiality Index identification number. It should be noted that, in most cases OSI may not consider an entire filing to be confidential pursuant to NMSA 1978, §59A-2-12 and NMSA 1978, §14-2-1. This also applies to all form filings, rating factors, cover letters, rate histories, side-by-side comparisons of rates or rating factors.

The Bureau may disagree with an assertion of confidentiality after the information and the statutory references listed on the Confidentiality Index are reviewed. If the Bureau, on behalf of the Superintendent, disagrees, or if the required Confidentiality Index is not provided, the entity will be contacted through SERFF and given up to five (5) business days to justify its position, provide the Confidentiality Index, or to withdraw the request for confidential handling. If no response is received through SERFF within the five days, the entire filing will be disapproved.

When a filing contains both confidential information and information that is open to public inspection, the filing *must be* clearly divided into two distinct sections, “public” and “confidential,” in SERFF.

The confidential information must be in a separate exhibit, report or attachment, the filing documents should identify the information considered to be confidential and should reference the Confidentiality Index identification number wherever it occurs in the filing. For example, if the second page of an explanatory or actuarial memorandum contains a section with information the entity considers to be proprietary, the confidential information must be submitted separately from the actuarial memorandum, clearly marked as proprietary, and listed on the Confidentiality Index. The entire explanatory or actuarial memorandum will not be held as confidential.

The Public Section shall contain only the information subject to public inspection and the fully completed Confidentiality Index. For example, including the Confidentiality Index in the public portion of the filing identifies the information that is being held as confidential.

The Confidentiality Section of the filing must be clearly marked “CONFIDENTIAL HANDLING REQUESTED” and submitted as a separate document or exhibit. As indicated above, each separate confidential item must be marked in accordance with the Confidentiality Index identification number and each page of this separate document must be clearly marked “confidential”.

Filings submitted in SERFF must provide the confidential section in one or more completely separate exhibits or scheduled items. The Confidentiality Index must also be submitted as a separate exhibit or attachment or attached to the cover letter. Confidentiality Index is considered a public document.

Filings submitted in SERFF that contain confidential information with public information in the same exhibits or scheduled items will be requested to be withdrawn and resubmitted.

The Confidentiality Index is attached to this bulletin as Appendix A. Reproduction is authorized and encouraged. This bulletin is also available on the Office of Superintendent of Insurance’s website, listed below.

Office of Superintendent of Insurance
Life and Health Rate & Form Filing Bureau
P.O. Box 1689, Santa Fe, NM 87504-1689
Tel: 1-855-427-5674, Fax: 505-827-4734
Website: <http://www.osi.state.nm.us>

If you have additional questions regarding this Bulletin, please contact the Bureau at 1-505-827-4601.

DONE AND ORDERED this 14 th day of January 2014.



JOHN G. FRANCHINI
Superintendent of Insurance

APPENDIX A

CONFIDENTIALITY INDEX

REQUEST FOR CONFIDENTIAL OR PRIVILEGED STATUS

Please fill out this form and submit it with your filing of information or documents with the Office of Superintendent of Insurance in the event you are requesting confidential or privileged status for all or a portion of such information or documents. It is your responsibility to both claim and validate your request for confidential or privileged status for each separate portion of the information.

1. Identification of Party Requesting Confidential or Privileged Status:

Name: _____

Company: _____

Address: _____

Email Address _____ Telephone: _____ Facsimile: _____

2. Identification of information or document for which confidential or privileged status is requested. All of the columns must be completed.

ID No.	Description of each different section or page	Date	Identify Confidentiality (provide legal citation)	Reason Why Confidentiality Applies
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RESCINDED
January 3, 2022

APPENDIX A

ID No.	Description of each different section or page	Date	Identify Confidentiality (provide legal citation)	Reason Why Confidentiality Applies
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RESCINDED
January 3, 2022