



Ohio Revised Code

Section 3901.075 Documents deemed proprietary.

Effective: April 6, 2017

Legislation: Senate Bill 273 - 131st General Assembly

(A) Documents, materials, or other information, including the corporate governance annual disclosure, in the possession or control of the department of insurance that are obtained by, created by, or disclosed to the superintendent or any other person under sections 3901.072 to 3901.078 of the Revised Code are recognized by this state as being proprietary and to contain trade secrets.

(B) The documents, materials, or other information described in division (A) of this section shall be confidential by law and privileged and shall not be admissible into evidence in any private civil action or subject to section 149.43 of the Revised Code, subpoena, or discovery.

(C)(1) Notwithstanding division (B) of this section, the superintendent may use the documents, materials, or other information described in division (A) of this section in furtherance of any regulatory or legal action brought as part of the superintendent's official duties.

(2) The superintendent shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer.

(3) Nothing in division (B) or (C) of this section shall be construed to require the written consent of the insurer before the superintendent shares or receives confidential documents, materials, or other CGAD-related information pursuant to division (E) of this section to assist in the performance of the superintendent's regulatory duties.

(D) Neither the superintendent nor any person who receives documents, materials, or other CGAD-related information, through examination or otherwise, while acting under the authority of the superintendent or with whom such documents, materials, or other information are shared pursuant to sections 3901.072 to 3901.078 of the Revised Code shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information described in division (A) of this section.



(E)(1) In order to assist in the performance of the superintendent's regulatory duties, the superintendent may do either of the following:

(a) Upon request, share documents, materials, or other CGAD -related information, including confidential and privileged documents, materials, or information subject to division (A) of this section, and proprietary and trade secret documents, with other state, federal, and international financial regulatory agencies, members of any supervisory college as described in section 3901.351 of the Revised Code, the NAIC, or any third- party consultant pursuant to section 3901.076 of the Revised Code;

(b) Receive documents, materials, or other CGAD -related information, including confidential and privileged documents, materials, or information subject to division (A) of this section, and proprietary and trade secret documents, from regulatory officials or other foreign or domestic jurisdictions, including members of any supervisory college as described in section 3901.351 of the Revised Code, and from the NAIC.

(2) The recipient of any information pursuant to division (E)(1)(a) of this section shall agree in writing to maintain the confidentiality and privileged status of the documents, materials, or other information and verify in writing their legal authority to maintain confidentiality. If the superintendent receives any information pursuant to division (E) (1)(b) of this section, the superintendent shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information.

(F) The sharing of information, materials, and documents by the superintendent pursuant to sections 3901.072 to 3901.078 of the Revised Code shall not constitute a delegation of regulatory or rule-making authority, and the superintendent is solely responsible for the administration, execution, and enforcement of sections 3901.072 to 3901.078 of the Revised Code.

(G) No waiver of any applicable privilege or claim of confidentiality in the document, proprietary and trade-secret materials, or other CGAD -related information shall occur as a result of disclosure of such CGAD -related information, materials, or documents to the superintendent as a result of sharing authorized in sections 3901.072 to 3901.078 of the Revised Code.