

# **HOUSE . . . . . No. 4324**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 21, 2014.

The committee on Ways and Means, to whom was referred the Bill relative to confidentiality in financial examinations (House, No. 879), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4324).

For the committee,

BRIAN S. DEMPSEY.

The Commonwealth of Massachusetts

—————  
In the Year Two Thousand Fourteen  
—————

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:*

1           SECTION 1. Section 6 of chapter 40M of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by inserting the following paragraphs at the end thereof:-

3           Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
4 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
5 but not limited to, all working papers, and copies thereof, created, produced or obtained by or  
6 disclosed to the commissioner or any other person in the course of an examination made  
7 pursuant to this section or in the course of analysis by the commissioner of the financial  
8 condition or market conduct of a group shall be confidential by law and privileged, shall not be a  
9 public record under clause twenty-six of section 7 of chapter 4, shall not be subject to subpoena  
10 and shall not be subject to discovery or admissible in evidence in any private civil action. The  
11 commissioner may use the documents, materials or other information in the furtherance of any  
12 regulatory or legal action brought as part of the commissioner’s official duties.

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

18           (i) created, produced, obtained by or disclosed to the National Association of Insurance  
19 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
20 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
21 pursuant to this section or assisting the commissioner in the analysis of the financial condition or  
22 market conduct of a group; or

23 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
24 and subsidiaries pursuant to this section by any member of the National Association of  
25 Insurance Commissioners.

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

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

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

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

45 (iii) may enter into agreements governing sharing and use of information consistent with  
46 this section.

47 No waiver of any applicable privilege or claim of confidentiality in the documents,  
48 materials or information shall occur as a result of disclosure to the commissioner pursuant to this  
49 section or as a result of sharing as authorized in this section.

50 A privilege established under the law of any state or jurisdiction that is substantially  
51 similar to the privilege established under this section shall be available and enforced in any  
52 proceeding in, and in any court of the commonwealth.

53 SECTION 2. Section 25I of chapter 152 of the General Laws, as so appearing, is hereby  
54 amended by inserting at the end thereof the following paragraphs:-

55 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
56 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
57 but not limited to, all working papers, and copies thereof, created, produced or obtained by or

58 disclosed to the commissioner or any other person in the course of an examination made  
59 pursuant to this section or in the course of analysis by the commissioner of the financial  
60 condition or market conduct of a group shall be confidential by law and privileged, shall not be a  
61 public record under clause Twenty-sixth of section 7 of chapter 4, shall not be subject to  
62 subpoena and shall not be subject to discovery or admissible in evidence in any private civil  
63 action. The commissioner may use the documents, materials or other information in the  
64 furtherance of any regulatory or legal action brought as part of the commissioner's official  
65 duties.

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

71 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
72 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
73 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
74 pursuant to this section or assisting the commissioner in the analysis of the financial condition or  
75 market conduct of a group; or

76 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
77 and subsidiaries pursuant to this section by any member of the National Association of Insurance  
78 Commissioners.

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

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

85 (i) may share documents, materials or other information, including the confidential and  
86 privileged documents, materials or information subject to this section, with other state, federal  
87 and international regulatory agencies, with the National Association of Insurance Commissioners  
88 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
89 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
90 of the document, material, communication or other information;

91 (ii) may receive documents, materials, communications or information, including  
92 otherwise confidential and privileged documents, materials or information, from the National  
93 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory

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

98 (iii) may enter into agreements governing sharing and use of information consistent with  
99 this section.

100 No waiver of any applicable privilege or claim of confidentiality in the documents,  
101 materials or information shall occur as a result of disclosure to the commissioner pursuant to this  
102 section or as a result of sharing as authorized in this section.

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

106 SECTION 3. Subsection (e) of section 52C of said chapter 152, as so appearing, is  
107 hereby amended by inserting the following paragraphs:-

108 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
109 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including, but  
110 not limited to, all working papers, and copies thereof, created, produced or obtained by or  
111 disclosed to the commissioner or any other person in the course of an examination made  
112 pursuant to this subsection or in the course of analysis by the commissioner of the financial  
113 condition or market conduct of a rating organization shall be confidential by law and privileged,  
114 shall not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall not be  
115 subject to subpoena and shall not be subject to discovery or admissible in evidence in any private  
116 civil action. The commissioner may use the documents, materials or other information in the  
117 furtherance of any regulatory or legal action brought as part of the commissioner's official  
118 duties.

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

124 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
125 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
126 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
127 pursuant to this subsection, or assisting the commissioner in the analysis of the financial  
128 condition or market conduct of a rating organization; or

129 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
130 and subsidiaries pursuant to this subsection by any member of the National Association of  
131 Insurance Commissioners.

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

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

138 (i) may share documents, materials or other information, including the confidential and  
139 privileged documents, materials or information subject to this subsection, with other state,  
140 federal and international regulatory agencies, with the National Association of Insurance  
141 Commissioners and its affiliates and subsidiaries, and with state, federal and international law  
142 enforcement authorities, provided that the recipient agrees to maintain the confidentiality and  
143 privileged status of the document, material, communication or other information;

144 (ii) may receive documents, materials, communications or information, including  
145 otherwise confidential and privileged documents, materials or information, from the National  
146 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory  
147 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
148 confidential or privileged any document, material or information received with notice or the  
149 understanding that it is confidential or privileged under the laws of the jurisdiction that is the  
150 source of the document, material or information; and

151 (iii) may enter into agreements governing sharing and use of information consistent with  
152 this subsection.

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

156 A privilege established under the law of any state or jurisdiction that is substantially  
157 similar to the privilege established under this subsection shall be available and enforced in any  
158 proceeding in, and in any court of the commonwealth.

159 SECTION 4. Chapter 174B of the General Laws is hereby amended by inserting after  
160 section 7 the following section:-

161 Section 7A. The commissioner, or any other person designated by the commissioner,  
162 shall, at least once in 5 years, and whenever the commissioner deems it prudent, visit any  
163 automobile club and examine into its affairs. The commissioner shall have free access to all of

164 the books, records and papers of the automobile club, and may summon and examine under oath  
165 its officers, agents, employees and other persons in relation to its affairs and condition. The  
166 commissioner shall require every such automobile club to keep its books, records, accounts and  
167 vouchers in such manner that the commissioner's authorized representatives may readily verify  
168 its annual statements and determine whether the automobile club has complied with the law.

169 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
170 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
171 but not limited to, all working papers, and copies thereof, created, produced or obtained by or  
172 disclosed to the commissioner or any other person in the course of an examination made  
173 pursuant to this section, or in the course of analysis by the commissioner of the financial  
174 condition or market conduct of an automobile club shall be confidential by law and privileged,  
175 shall not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall not be  
176 subject to subpoena, and shall not be subject to discovery or admissible in evidence in any  
177 private civil action. The commissioner may use the documents, materials or other information in  
178 the furtherance of any regulatory or legal action brought as part of the commissioner's official  
179 duties.

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

185 (i) created, produced, obtained by or disclosed to the National Association of  
186 Insurance Commissioners and its affiliates and subsidiaries in the course of the National  
187 Association of Insurance Commissioners and its affiliates and subsidiaries assisting an  
188 examination made pursuant to this section, or assisting the commissioner in the analysis of the  
189 financial condition or market conduct of an automobile club; or

190 (ii) disclosed to the National Association of Insurance Commissioners and its  
191 affiliates and subsidiaries pursuant to this section by any member of the National Association of  
192 Insurance Commissioners.

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

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

199 (i) may share documents, materials or other information, including the confidential  
200 and privileged documents, materials or information subject to this section with other state,  
201 federal and international regulatory agencies, with the National Association of Insurance  
202 Commissioners and its affiliates and subsidiaries, and with state, federal and international law  
203 enforcement authorities, provided that the recipient agrees to maintain the confidentiality and  
204 privileged status of the document, material, communication or other information;

205 (ii) may receive documents, materials, communications or information, including  
206 otherwise confidential and privileged documents, materials or information, from the National  
207 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory  
208 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
209 confidential or privileged any document, material or information received with notice or the  
210 understanding that it is confidential or privileged under the laws of the jurisdiction that is the  
211 source of the document, material or information; and

212 (iii) may enter into agreements governing sharing and use of information consistent  
213 with this section.

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

217 A privilege established under the law of any state or jurisdiction that is substantially  
218 similar to the privilege established under this subsection shall be available and enforced in any  
219 proceeding in, and in any court of the commonwealth.

220 SECTION 5. Section 4 of chapter 175 of the General Laws, as appearing in the 2012  
221 Official Edition, is hereby amended by striking out the twelfth paragraph and inserting in place  
222 thereof the following paragraph:-

223 (12) Notwithstanding any other provision of the General Laws, including clause Twenty-  
224 sixth of section 7 of chapter 4 and chapter 66, documents, materials or other information,  
225 including, but not limited to, all working papers, and copies thereof, created, produced or  
226 obtained by or disclosed to the commissioner or any other person in the course of an examination  
227 made pursuant to this section, or in the course of analysis by the commissioner of the financial  
228 condition or market conduct of a company shall be confidential by law and privileged, shall not  
229 be a public record under clause Twenty-sixth of section 7 of chapter 4, shall not be subject to  
230 subpoena and shall not be subject to discovery or admissible in evidence in any private civil  
231 action. The commissioner may use the documents, materials or other information in the  
232 furtherance of any regulatory or legal action brought as part of the commissioner's official  
233 duties.



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

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

244 (ii) disclosed to the National Association of Insurance Commissioners and its  
245 affiliates and subsidiaries pursuant to this subsection by any member of the National Association  
246 of Insurance Commissioners.

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

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

253 (i) may share documents, materials or other information, including the  
254 confidential and privileged documents, materials or information subject to this subsection with  
255 other state, federal and international regulatory agencies, with the National Association of  
256 Insurance Commissioners and its affiliates and subsidiaries, and with state, federal and  
257 international law enforcement authorities, provided that the recipient agrees to maintain the  
258 confidentiality and privileged status of the document, material, communication or other  
259 information;

260 (ii) may receive documents, materials, communications or information, including  
261 otherwise confidential and privileged documents, materials or information, from the National  
262 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory  
263 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
264 confidential or privileged any document, material or information received with notice or the  
265 understanding that it is confidential or privileged under the laws of the jurisdiction that is the  
266 source of the document, material or information; and

267 (iii) may enter into agreements governing sharing and use of information  
268 consistent with this subsection.

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

272 (e) A privilege established under the law of any state or jurisdiction that is substantially  
273 similar to the privilege established under this subsection shall be available and enforced in any  
274 proceeding in, and in any court of the commonwealth.

275 SECTION 6. Section 206C of chapter 175 of the General Laws, as so appearing, is  
276 hereby amended by striking out subsection (v) and inserting thereof the following subsection:

277 (v) Notwithstanding any other provision of the General Laws, including clause Twenty-  
278 sixth of section 7 of chapter 4 and chapter 66, documents, materials or other information,  
279 including, but not limited to, all working papers, and copies thereof, created, produced or  
280 obtained by or disclosed to the commissioner or any other person in the course of an examination  
281 made pursuant to this section or in the course of analysis by the commissioner of the financial  
282 condition or market conduct of a group shall be confidential by law and privileged, shall not be a  
283 public record under clause Twenty-sixth of section 7 of chapter 4, shall not be subject to  
284 subpoena and shall not be subject to discovery or admissible in evidence in any private civil  
285 action. The commissioner may use the documents, materials or other information in the  
286 furtherance of any regulatory or legal action brought as part of the commissioner's official  
287 duties.

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

293 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
294 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
295 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
296 pursuant to this section or assisting the commissioner in the analysis of the financial condition or  
297 market conduct of a group; or

298 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
299 and subsidiaries pursuant to this section by any member of the National Association of  
300 Insurance Commissioners.

301 Neither the commissioner nor any person who received the documents, material or other  
302 information while acting under the authority of the commissioner, including the National  
303 Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to

304 testify in any private civil action concerning any confidential documents, materials or  
305 information subject to this section.

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

307 (i) may share documents, materials or other information, including the confidential and  
308 privileged documents, materials or information subject to this section, with other state, federal  
309 and international regulatory agencies, with the National Association of Insurance Commissioners  
310 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
311 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
312 of the document, material, communication or other information;

313 (ii) may receive documents, materials, communications or information, including  
314 otherwise confidential and privileged documents, materials or information, from the National  
315 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory  
316 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
317 confidential or privileged any document, material or information received with notice or the  
318 understanding that it is confidential or privileged under the laws of the jurisdiction that is the  
319 source of the document, material or information; and

320 (iii) may enter into agreements governing sharing and use of information consistent with  
321 this section.

322 No waiver of any applicable privilege or claim of confidentiality in the documents,  
323 materials or information shall occur as a result of disclosure to the commissioner pursuant to this  
324 section or as a result of sharing as authorized in this section.

325 A privilege established under the law of any state or jurisdiction that is substantially  
326 similar to the privilege established under this section shall be available and enforced in any  
327 proceeding in, and in any court of the commonwealth.

328 SECTION 7. Section 14 of chapter 175A of the General Laws is hereby amended by  
329 adding the following paragraphs:-

330 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
331 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
332 but not limited to, all working papers, and copies thereof, created, produced or obtained by or  
333 disclosed to the commissioner or any other person in the course of an examination made  
334 pursuant to this section, or in the course of analysis by the commissioner of the financial  
335 condition or market conduct of a rating organization licensed in this commonwealth as provided  
336 in section 8, an advisory organization referred to in section 12 or of each group, association or  
337 other organization referred to in section 13 shall be confidential by law and privileged, shall not  
338 be a public record under clause Twenty-sixth of section 7 of chapter 4, shall not be subject to

339 subpoena, and shall not be subject to discovery or admissible in evidence in any private civil  
340 action. The commissioner may use the documents, materials or other information in the  
341 furtherance of any regulatory or legal action brought as part of the commissioner's official  
342 duties.

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

348 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
349 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
350 Insurance Commissioners and its affiliates and subsidiaries assisting an examination  
351 made pursuant to this section, or assisting the commissioner in the analysis of the financial  
352 condition or market conduct of a rating organization licensed in this commonwealth as provided  
353 in section 8, an advisory organization referred to in section 12 or of each group, association or  
354 other organization referred to in section 13; or

355 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
356 and subsidiaries pursuant to this section by any member of the National Association of Insurance  
357 Commissioners.

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

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

364 (i) may share documents, materials or other information, including the confidential and  
365 privileged documents, materials or information subject to this section, with other state, federal  
366 and international regulatory agencies, with the National Association of Insurance Commissioners  
367 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
368 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
369 of the document, material, communication or other information;

370 (ii) may receive documents, materials, communications or information, including  
371 otherwise confidential and privileged documents, materials or information, from the National  
372 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory  
373 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
374 confidential or privileged any document, material or information received with notice or the

375 understanding that it is confidential or privileged under the laws of the jurisdiction that is the  
376 source of the document, material or information; and

377 (iii) may enter into agreements governing sharing and use of information consistent with  
378 this section.

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

382 A privilege established under the law of any state or jurisdiction that is substantially  
383 similar to the privilege established under this section shall be available and enforced in any  
384 proceeding in, and in any court of the commonwealth.

385 SECTION 8. Subsection (a) of section 5 of chapter 175C of the General Laws, as so  
386 appearing, is hereby amended by adding the following paragraphs:-

387 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
388 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
389 but not limited to, all working papers, and copies thereof, created, produced or obtained by or  
390 disclosed to the commissioner or any other person in the course of an examination made  
391 pursuant to this subsection, or in the course of analysis by the commissioner of the financial  
392 condition or market conduct of the association shall be confidential by law and privileged, shall  
393 not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall not be subject to  
394 subpoena and shall not be subject to discovery or admissible in evidence in any private civil  
395 action. The commissioner may use the documents, materials or other information in the  
396 furtherance of any regulatory or legal action brought as part of the commissioner's official  
397 duties.

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

403 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
404 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
405 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
406 pursuant to this subsection, or assisting the commissioner in the analysis of the financial  
407 condition or market conduct of the association; or

408 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
409 and subsidiaries pursuant to this subsection by any member of the National Association of  
410 Insurance Commissioners.

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

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

417 (i) may share documents, materials or other information, including the confidential and  
418 privileged documents, materials or information subject to this subsection, with other state,  
419 federal and international regulatory agencies, with the National Association of Insurance  
420 Commissioners and its affiliates and subsidiaries, and with state, federal and international law  
421 enforcement authorities, provided that the recipient agrees to maintain the confidentiality and  
422 privileged status of the document, material, communication or other information;

423 (ii) may receive documents, materials, communications or information, including  
424 otherwise confidential and privileged documents, materials or information, from the National  
425 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory  
426 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
427 confidential or privileged any document, material or information received with notice or the  
428 understanding that it is confidential or privileged under the laws of the jurisdiction that is the  
429 source of the document, material or information; and

430 (iii) may enter into agreements governing sharing and use of information consistent with  
431 this subsection.

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

435 A privilege established under the law of any state or jurisdiction that is substantially  
436 similar to the privilege established under this subsection shall be available and enforced in any  
437 proceeding in, and in any court of the commonwealth.

438 SECTION 9. Section 44 of Chapter 176 of the General Laws, as so appearing, is hereby  
439 amended by adding the following paragraphs:-

440 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
441 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
442 but not limited to, all working papers, and copies thereof, created, produced or obtained by or

443 disclosed to the commissioner or any other person in the course of an examination made  
444 pursuant to this section, or in the course of analysis by the commissioner of the financial  
445 condition or market conduct of a domestic society shall be confidential by law and privileged,  
446 shall not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall not be  
447 subject to subpoena and shall not be subject to discovery or admissible in evidence in any private  
448 civil action. The commissioner may use the documents, materials or other information in the  
449 furtherance of any regulatory or legal action brought as part of the commissioner's official  
450 duties.

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

456 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
457 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
458 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
459 pursuant to this section, or assisting the commissioner in the analysis of the financial condition or  
460 market conduct of a domestic society; or

461 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
462 and subsidiaries pursuant to this section by any member of the National Association of Insurance  
463 Commissioners.

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

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

470 (i) may share documents, materials or other information, including the confidential and  
471 privileged documents, materials or information subject to this section, with other state, federal  
472 and international regulatory agencies, with the National Association of Insurance Commissioners  
473 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
474 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
475 of the document, material, communication or other information;

476 (ii) may receive documents, materials, communications or information, including  
477 otherwise confidential and privileged documents, materials or information, from the National  
478 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory

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

483 (iii) may enter into agreements governing sharing and use of information consistent with  
484 this section.

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

488 A privilege established under the law of any state or jurisdiction that is substantially  
489 similar to the privilege established under this section shall be available and enforced in any  
490 proceeding in, and in any court of the commonwealth.

491 SECTION 10. Section 45 of said chapter 176 of the General Laws, as so appearing, is  
492 hereby amended by adding the following paragraphs:-

493 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
494 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
495 but not limited to, all working papers, and copies thereof, created, produced or obtained by or  
496 disclosed to the commissioner or any other person in the course of an examination made  
497 pursuant to this section, or in the course of analysis by the commissioner of the financial  
498 condition or market conduct of a foreign society shall be confidential by law and privileged, shall  
499 not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall not be subject to  
500 subpoena and shall not be subject to discovery or admissible in evidence in any private civil  
501 action. The commissioner may use the documents, materials or other information in the  
502 furtherance of any regulatory or legal action brought as part of the commissioner's official  
503 duties.

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

509 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
510 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
511 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under  
512 this section, or assisting the commissioner in the analysis of the financial condition or market  
513 conduct of a foreign society; or



514 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
515 and subsidiaries under this section by any member of the National Association of Insurance  
516 Commissioners.

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

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

523 (i) may share documents, materials or other information, including the confidential and  
524 privileged documents, materials or information subject to this section, with other state, federal  
525 and international regulatory agencies, with the National Association of Insurance Commissioners  
526 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
527 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
528 of the document, material, communication or other information;

529 (ii) may receive documents, materials, communications or information, including  
530 otherwise confidential and privileged documents, materials or information, from the National  
531 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory  
532 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
533 confidential or privileged any document, material or information received with notice or the  
534 understanding that it is confidential or privileged under the laws of the jurisdiction that is the  
535 source of the document, material or information; and

536 (iii) may enter into agreements governing sharing and use of information consistent with  
537 this section.

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

541 A privilege established under the law of any state or jurisdiction that is substantially  
542 similar to the privilege established under this section shall be available and enforced in any  
543 proceeding in, and in any court of the commonwealth.

544 SECTION 11. Section 7 of Chapter 176A of the General Laws, as so appearing, is  
545 hereby amended by adding the following paragraphs:-

546 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
547 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
548 but not limited to, all working papers, and copies thereof, created, produced or obtained by or

549 disclosed to the commissioner or any other person in the course of an examination made  
550 pursuant to section 6, or in the course of analysis by the commissioner of the financial condition  
551 or market conduct of a non-profit hospital service corporation shall be confidential by law and  
552 privileged, shall not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall  
553 not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any  
554 private civil action. The commissioner may use the documents, materials or other information in  
555 the furtherance of any regulatory or legal action brought as part of the commissioner's official  
556 duties.

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

562 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
563 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
564 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
565 pursuant to section 6, or assisting the commissioner in the analysis of the financial condition or  
566 market conduct of a non-profit hospital service corporation; or

567 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
568 and subsidiaries pursuant to this section by any member of the National Association of Insurance  
569 Commissioners.

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

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

576 (i) may share documents, materials or other information, including the confidential and  
577 privileged documents, materials or information subject to this section, with other state, federal  
578 and international regulatory agencies, with the National Association of Insurance Commissioners  
579 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
580 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
581 of the document, material, communication or other information;

582 (ii) may receive documents, materials, communications or information, including  
583 otherwise confidential and privileged documents, materials or information, from the National  
584 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory

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

589 (iii) may enter into agreements governing sharing and use of information consistent with  
590 this section.

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

594 A privilege established under the law of any state or jurisdiction that is substantially  
595 similar to the privilege established under this section shall be available and enforced in any  
596 proceeding in, and in any court of the commonwealth.

597 SECTION 12. Section 9 of chapter 176B of the General Laws, as so appearing, is  
598 hereby amended by inserting after the first paragraph the following paragraphs:-

599 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
600 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
601 but not limited to, all working papers, and copies thereof, created, produced or obtained by or  
602 disclosed to the commissioner or any other person in the course of an examination made  
603 pursuant to this section, or in the course of analysis by the commissioner of the financial  
604 condition or market conduct of a medical service corporation shall be confidential by law and  
605 privileged, shall not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall  
606 not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any  
607 private civil action. The commissioner may use the documents, materials or other information in  
608 the furtherance of any regulatory or legal action brought as part of the commissioner's official  
609 duties.

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

615 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
616 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
617 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
618 pursuant to this section, or assisting the commissioner in the analysis of the financial condition or  
619 market conduct of a medical service corporation; or

620 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
621 and subsidiaries pursuant to this section by any member of the National Association of Insurance  
622 Commissioners.

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

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

629 (i) may share documents, materials or other information, including the confidential and  
630 privileged documents, materials or information subject to this section, with other state, federal  
631 and international regulatory agencies, with the National Association of Insurance Commissioners  
632 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
633 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
634 of the document, material, communication or other information;

635 (ii) may receive documents, materials, communications or information, including  
636 otherwise confidential and privileged documents, materials or information, from the National  
637 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory  
638 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
639 confidential or privileged any document, material or information received with notice or the  
640 understanding that it is confidential or privileged under the laws of the jurisdiction that is the  
641 source of the document, material or information; and

642 (iii) may enter into agreements governing sharing and use of information consistent with  
643 this section.

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

647 A privilege established under the law of any state or jurisdiction that is substantially  
648 similar to the privilege established under this section shall be available and enforced in any  
649 proceeding in, and in any court of the commonwealth.

650 SECTION 13. Section 10 of chapter 176C of the General Laws, as so appearing, is  
651 hereby amended by adding the following paragraphs at the end of the section:-

652 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
653 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
654 but not limited to, all working papers, and copies thereof, created, produced or obtained by or

655 disclosed to the commissioner or any other person in the course of an examination made  
656 pursuant to this section, or in the course of analysis by the commissioner of the financial  
657 condition or market conduct of a medical service corporation shall be confidential by law and  
658 privileged, shall not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall  
659 not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any  
660 private civil action. The commissioner may use the documents, materials or other information in  
661 the furtherance of any regulatory or legal action brought as part of the commissioner's official  
662 duties.

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

668 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
669 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
670 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
671 pursuant to this section, or assisting the commissioner in the analysis of the financial condition or  
672 market conduct of a medical service corporation; or

673 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
674 and subsidiaries pursuant to this section by any member of the National Association of Insurance  
675 Commissioners.

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

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

682 (i) may share documents, materials or other information, including the confidential and  
683 privileged documents, materials or information subject to this section, with other state, federal  
684 and international regulatory agencies, with the National Association of Insurance Commissioners  
685 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
686 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
687 of the document, material, communication or other information;

688 (ii) may receive documents, materials, communications or information, including  
689 otherwise confidential and privileged documents, materials or information, from the National  
690 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory

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

695 (iii) may enter into agreements governing sharing and use of information consistent with  
696 this section.

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

700 A privilege established under the law of any state or jurisdiction that is substantially  
701 similar to the privilege established under this section shall be available and enforced in any  
702 proceeding in, and in any court of the commonwealth.

703 SECTION 14. Section 9 of chapter 176E of the General Laws, as so appearing, is  
704 hereby amended by adding the following paragraphs at the end of the section:-

705 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
706 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
707 but not limited to, all working papers, and copies thereof, created, produced or obtained by or  
708 disclosed to the commissioner or any other person in the course of an examination made  
709 pursuant to this section, or in the course of analysis by the commissioner of the financial  
710 condition or market conduct of a dental service corporation shall be confidential by law and  
711 privileged, shall not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall  
712 not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any  
713 private civil action. The commissioner may use the documents, materials or other information in  
714 the furtherance of any regulatory or legal action brought as part of the commissioner's official  
715 duties.

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

721 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
722 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
723 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
724 pursuant to this section, or assisting the commissioner in the analysis of the financial condition or  
725 market conduct of a dental service corporation; or

726 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
727 and subsidiaries pursuant to this section by any member of the National Association of Insurance  
728 Commissioners.

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

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

735 (i) may share documents, materials or other information, including the confidential and  
736 privileged documents, materials or information subject to this section, with other state, federal  
737 and international regulatory agencies, with the National Association of Insurance Commissioners  
738 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
739 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
740 of the document, material, communication or other information;

741 (ii) may receive documents, materials, communications or information, including  
742 otherwise confidential and privileged documents, materials or information, from the National  
743 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory  
744 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
745 confidential or privileged any document, material or information received with notice or the  
746 understanding that it is confidential or privileged under the laws of the jurisdiction that is the  
747 source of the document, material or information; and

748 (iii) may enter into agreements governing sharing and use of information consistent with  
749 this section.

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

753 A privilege established under the law of any state or jurisdiction that is substantially  
754 similar to the privilege established under this section shall be available and enforced in any  
755 proceeding in, and in any court of the commonwealth.

756 SECTION 15. Section 9 of chapter 176F of the General Laws, as so appearing, is hereby  
757 amended by adding the following paragraphs at the end of the section:-

758 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
759 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
760 but not limited to, all working papers, and copies thereof, created, produced or obtained by or

761 disclosed to the commissioner or any other person in the course of an examination made  
762 pursuant to this section, or in the course of analysis by the commissioner of the financial  
763 condition or market conduct of an optometric service corporation shall be confidential by law  
764 and privileged, shall not be a public record under clause Twenty-sixth of section 7 of chapter 4,  
765 shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence  
766 in any private civil action. The commissioner may use the documents, materials or other  
767 information in the furtherance of any regulatory or legal action brought as part of the  
768 commissioner's official duties.

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

774 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
775 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
776 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
777 pursuant to this section, or assisting the commissioner in the analysis of the financial condition or  
778 market conduct of an optometric service corporation; or

779 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
780 and subsidiaries pursuant to this section by any member of the National Association of Insurance  
781 Commissioners.

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

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

788 (i) may share documents, materials or other information, including the confidential and  
789 privileged documents, materials or information subject to this section, with other state, federal  
790 and international regulatory agencies, with the National Association of Insurance Commissioners  
791 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
792 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
793 of the document, material, communication or other information;

794 (ii) may receive documents, materials, communications or information, including  
795 otherwise confidential and privileged documents, materials or information, from the National  
796 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory



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

801 (iii) may enter into agreements governing sharing and use of information consistent with  
802 this section.

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

806 A privilege established under the law of any state or jurisdiction that is substantially  
807 similar to the privilege established under this section shall be available and enforced in any  
808 proceeding in, and in any court of the commonwealth.

809 SECTION 16. Section 10 of chapter 176G of the General Laws, as so appearing, is  
810 hereby amended by striking out the fifth paragraph and inserting in place thereof the following  
811 paragraphs:-

812 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
813 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
814 but not limited to, all working papers, and copies thereof, created, produced or obtained by or  
815 disclosed to the commissioner or any other person in the course of an examination made  
816 pursuant to this subsection, or in the course of analysis by the commissioner of the financial  
817 condition or market conduct of a health maintenance organization shall be confidential by law  
818 and privileged, shall not be a public record under clause Twenty-sixth of section 7 of chapter 4,  
819 shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence  
820 in any private civil action. The commissioner may use the documents, materials or other  
821 information in the furtherance of any regulatory or legal action brought as part of the  
822 commissioner's official duties.

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

828 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
829 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
830 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
831 pursuant to this section, or assisting the commissioner in the analysis of the financial condition or  
832 market conduct of a health maintenance organization; or

833 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
834 and subsidiaries pursuant to paragraph (c) of this subsection by any member of the National  
835 Association of Insurance Commissioners.

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

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

842 (i) may share documents, materials or other information, including the confidential and  
843 privileged documents, materials or information subject to this subsection with other state, federal  
844 and international regulatory agencies, with the National Association of Insurance Commissioners  
845 and its affiliates and subsidiaries, and with state, federal and international law enforcement  
846 authorities, provided that the recipient agrees to maintain the confidentiality and privileged status  
847 of the document, material, communication or other information;

848 (ii) may receive documents, materials, communications or information, including  
849 otherwise confidential and privileged documents, materials or information, from the National  
850 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory  
851 and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
852 confidential or privileged any document, material or information received with notice or the  
853 understanding that it is confidential or privileged under the laws of the jurisdiction that is the  
854 source of the document, material or information; and

855 (iii) may enter into agreements governing sharing and use of information consistent with  
856 this subsection.

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

860 (e) A privilege established under the law of any state or jurisdiction that is substantially  
861 similar to the privilege established under this subsection shall be available and enforced in any  
862 proceeding in, and in any court of the commonwealth.

863 SECTION 17. Subsection (a) of section 36 of chapter 176P of the General Laws, as so  
864 appearing, is hereby amended by adding the following paragraphs at the end of the subsection:-

865 Notwithstanding any other provision of the General Laws, including clause Twenty-sixth  
866 of section 7 of chapter 4 and chapter 66, documents, materials or other information, including,  
867 but not limited to, all working papers, and copies thereof, created, produced or obtained by or

868 disclosed to the commissioner or any other person in the course of an examination made  
869 pursuant to this subsection, or in the course of analysis by the commissioner of the financial  
870 condition or market conduct of a limited society shall be confidential by law and privileged, shall  
871 not be a public record under clause Twenty-sixth of section 7 of chapter 4, shall not be subject to  
872 subpoena and shall not be subject to discovery or admissible in evidence in any private civil  
873 action. The commissioner may use the documents, materials or other information in the  
874 furtherance of any regulatory or legal action brought as part of the commissioner's official  
875 duties.

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

881 (i) created, produced, obtained by or disclosed to the National Association of Insurance  
882 Commissioners and its affiliates and subsidiaries in the course of the National Association of  
883 Insurance Commissioners and its affiliates and subsidiaries assisting an examination made  
884 pursuant to this subsection, or assisting the commissioner in the analysis of the financial  
885 condition or market conduct of a limited society; or

886 (ii) disclosed to the National Association of Insurance Commissioners and its affiliates  
887 and subsidiaries pursuant to this subsection by any member of the National Association of  
888 Insurance Commissioners.

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

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

895 (i) may share documents, materials or other information, including the confidential and  
896 privileged documents, materials or information subject to this subsection, with other state,  
897 federal and international regulatory agencies, with the National Association of Insurance  
898 Commissioners and its affiliates and subsidiaries, and with state, federal and international law  
899 enforcement authorities, provided that the recipient agrees to maintain the confidentiality and  
900 privileged status of the document, material, communication or other information;

901 (ii) may receive documents, materials, communications or information, including  
902 otherwise confidential and privileged documents, materials or information, from the National  
903 Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory

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

908 (iii) may enter into agreements governing sharing and use of information consistent with  
909 this subsection.

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

913 A privilege established under the law of any state or jurisdiction that is substantially  
914 similar to the privilege established under this subsection shall be available and enforced in any  
915 proceeding in, and in any court of the commonwealth.