



LOUISIANA DEPARTMENT OF INSURANCE
JAMES J. DONELON
COMMISSIONER

**BULLETIN 2021-04
(REVISED AND REISSUED)**

TO: ALL LICENSEES IN THE STATE OF LOUISIANA

FROM: JAMES J. DONELON, COMMISSIONER OF INSURANCE

RE: INFORMATION SECURITY PROGRAM OF THE INSURANCE DATA SECURITY LAW

DATE: JUNE 10, 2021

Bulletin 2021-04, originally issued June 3, 2021, is being revised and reissued to provide clarity regarding who is required to file annual certification and exemption forms pursuant to La. R.S. 22:2504.

The purpose of this bulletin is to remind licensees of the upcoming effective dates regarding the requirements of the Insurance Data Security Law (IDSL). Act 283 (HB 614) of the 2020 Regular Session of the Louisiana Legislature enacted the IDSL, La. R.S. 22:2501 *et seq.*, which establishes the standards applicable to licensees relative to data security, the investigation of a cybersecurity event, and notification to the Commissioner of Insurance (Commissioner) of a cybersecurity event.

Licensee Requirements and Exemptions

The IDSL applies to all licensees of the Louisiana Department of Insurance. “Licensee” is defined in La. R.S. 22:2503(7) to include any person licensed, authorized to operate, or registered or required to be licensed, authorized, or registered pursuant to Louisiana insurance laws. It expressly excludes (1) purchasing groups or risk retention groups chartered and licensed in a state other than Louisiana; and (2) assuming insurers that are domiciled in a state or jurisdiction other than Louisiana.

Licensees must develop, implement and maintain a comprehensive written information security program (ISP) that complies with the requirements of La. R.S. 22:2504 no later than **August 1, 2021**. The ISP must be based on the licensee’s risk assessment and it must contain administrative, technical and physical safeguards for the protection of nonpublic information. Additionally, the licensee’s ISP must be commensurate with the size and complexity of the licensee, its activities, including use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in its possession, custody or control. Nonpublic information is defined in La.

R.S. 22:2503(9) for purposes of the IDSL. Furthermore, a licensee has the obligation to notify the Commissioner of a cybersecurity event in accordance with La. R.S. 22:2506.

Licensees that meet any of the criteria outlined in La. R.S. 22:2509(A) (for example, licensees who have fewer than twenty-five employees, less than five million dollars in gross annual revenue, or less than ten million dollars in year-end total assets) are exempt from compliance with La. R.S. 22:2504.

Unless the licensee falls within an exemption specified in La. R.S. 22:2509, it shall, no later than **August 1, 2022**, require each of its third-party service providers to implement appropriate administrative, technical, and physical measures to protect and secure the information systems and nonpublic information that are accessible to or held by the licensee's third-party service provider. Pursuant to La. R.S. 22:2503, a third-party service provider means "a person, not otherwise defined as a licensee, who contracts with a licensee to maintain, process, store, or otherwise have access to nonpublic information through its provision of services to the licensee."

Domestic Insurer Filing Requirements

Beginning **February 15, 2022**, each domestic insurer must annually submit a "Louisiana Insurance Data Security Law Information Security Program Certification Form" to the Commissioner by February 15th, certifying that the insurer complies with the requirements of La. R.S. 22:2504. If the insurer falls within an exemption specified in La. R.S. 22:2509, it must instead submit a "Louisiana Insurance Data Security Law Information Security Program Exemption Certification Form" certifying which exemption applies by February 15th annually. **Only domestic insurers are required to submit the annual certification or exemption forms to the Commissioner.** Instructions on how to submit completed forms are available at <http://ldi.la.gov/cybersecurity>.

Exemptions for other Jurisdictions

Pursuant to La. R.S. 22:2509(A)(7), the Commissioner approves the following jurisdictions which have enacted ISP requirements that are the same or substantially similar to La. R.S. 22:2504:

| | | |
|----------------|--------------|---------------|
| Alabama | Connecticut | Delaware |
| Indiana | Iowa | Maine |
| Michigan | Mississippi | New Hampshire |
| New York | North Dakota | Ohio |
| South Carolina | Tennessee | Virginia |


Licensees subject to an above jurisdiction who comply with the ISP requirements of that jurisdiction and certify compliance on a "Louisiana Insurance Data Security Law Information Security Program Exemption Certification Form" are exempt from further ISP requirements in this state.

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Each licensee is strongly encouraged to review the IDSL in its entirety to determine if the law applies and, if so, what requirements are imposed. Information regarding the IDSL can be found at <https://www.lidi.la.gov/cybersecurity>.

Questions regarding Bulletin 2021-04 may be directed electronically at cyber.questions@ldi.la.gov.

Baton Rouge, Louisiana, the 10th day of June, 2021.



JAMES J. DONELON
COMMISSIONER OF INSURANCE



LOUISIANA DEPARTMENT OF INSURANCE
JAMES J. DONELON
COMMISSIONER

**Louisiana Insurance Data Security Law
Information Security Program Certification Form**

(Name of the Licensee and NAIC Number)

I, the undersigned, hereby certify that the above-named licensee is duly organized under the laws of the State of Louisiana and complies with the Information Security Program requirements of La. R.S. 22:2504.

I certify, to the best of my knowledge, that the information submitted on this form is true and correct. By submitting this form, I am acknowledging that I am duly authorized to submit this form on behalf of the licensee.

Signature/Date

Printed Name/Title

Contact Email/Phone Number



LOUISIANA DEPARTMENT OF INSURANCE
JAMES J. DONELON
COMMISSIONER

**Louisiana Insurance Data Security Law
Information Security Program Exemption Certification Form**

(Name of the Licensee and NAIC Number)

I, the undersigned, hereby certify that the above-named licensee is exempt from the Information Security Program (ISP) requirements of La. R.S. 22:2504 based on one or more of the following exemptions pursuant to La. R.S. 22:2509:

(Check all that apply)

_____ Having fewer than twenty-five employees.

_____ Having less than five million dollars in gross annual revenue.

_____ Having less than ten million dollars in year-end total assets.

_____ Being subject to the Health Insurance Portability and Accountability Act, P.L. 104-191, 110 Stat. 1936, and doing all of the following:

(1) Establishing and maintaining an ISP pursuant to any statutes, rules, regulations, procedures, or guidelines established pursuant to the Health Insurance Portability and Accountability Act.

(2) Complying with and submitting, upon request of the Commissioner of Insurance, a written statement certifying compliance with the ISP established and maintained pursuant to the Health Insurance Portability and Accountability Act.

_____ Being an employee, agent, representative, or designee of a licensee, who is also a licensee, to the extent that the employee, agent, representative, or designee is covered by the ISP of the other licensee.

_____ Being affiliated with a depository institution subject to the Interagency Guidelines Establishing Information Security Standards pursuant to the Gramm-Leach-Bliley Act, 15 U.S.C.6801 and 6805, and doing all of the following:

- (1) Establishing and maintaining an ISP pursuant to any statutes, rules, regulations, procedures, or guidelines established pursuant to the Gramm-Leach-Bliley Act.
- (2) Complying with and submitting, upon request of the Commissioner of Insurance, a written statement certifying compliance with the ISP established and maintained pursuant to the Gramm-Leach-Bliley Act.

_____ Being subject to another jurisdiction approved by the Commissioner of Insurance and doing all of the following:

- (1) Establishing and maintaining an ISP pursuant to any statutes, rules, regulations, procedures, or guidelines established by another jurisdiction.
- (2) Complying with and submitting this written statement certifying its compliance with the ISP established and maintained pursuant to the guidelines established by another jurisdiction, to wit: _____.

I certify, to the best of my knowledge, that the information submitted on this form is true and correct. By submitting this form, I am acknowledging that I am duly authorized to submit this form on behalf of the licensee.

Signature/Date

Printed Name/Title

Contact Email/Phone Number