

Tennessee Insurance Data Security Law Exception Certification

Tennessee Code Annotated § 56-2-1009 exempts certain licensees, or employees, agents, representatives, or designees of a licensee, from the compliance certification required pursuant to the Insurance Data Security Law, Tenn. Code Ann. Title 56, Chapter 2, Part 10. Please indicate below which exception you are claiming. While a licensee may meet an exception provision listed below, licensees must still comply with other provisions of the law, such as but not limited to, the reporting of cyber security events to the Commissioner.

Section 1 – Exemption

Companies

I hereby certify that _____
(Name of Licensee and NAIC Number) (the “Company”)
is exempt from submitting a compliance certification to the Department of Commerce and Insurance (the “Department”) pursuant to Tenn. Code Ann. § 56-2-1004 for the following reason:

- _____ Employs fewer than twenty-five (25) individuals, regardless of whether the individuals are employees or independent contractors.
- _____ Has less than five million dollars (\$5,000,000) in gross annual revenue.
- _____ Has less than ten million dollars (\$10,000,000) in year-end total assets.
- _____ Subject to and governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, 45 CFR Parts 160 and 164, established pursuant to the federal Health Insurance Portability and Accountability Act (“HIPPA”) of 1996 (42 U.S.C. § 1320d et seq.), and the federal Health Information Technology for Economic and Clinical Health (“HITECH”) Act (42 U.S.C. § 300jj et seq. and 42 U.S.C. § 17901 et seq.). To be eligible for this exemption, the Company must (1) maintain nonpublic information in the same manner as protected health information as outlined in Tenn. Code Ann. §§ 56-2-1004 and 56-2-1006(c); and (2) be compliant with, and, prior to or contemporaneous with this form, submit a written statement to the Department certifying its compliance with HIPPA and HITECH Act.
- _____ Subject to Title V of the federal Gramm-Leach-Bliley Act of 1999 (15 U.S.C. §§ 6801-6809 and 6821-6827) and meets the requirements of Tenn. Code Ann. § 56-2-1006(c). To be eligible for this exemption, the Company must, prior to or contemporaneous with this form, submit a written statement to the Department certifying its compliance with Title V of the federal Gramm-Leach-Bliley Act of 1999.



Employees, Agents, Representatives, or Designees

I hereby certify that _____
(Name of Employee, Agent, Representative, or Designee and NAIC Number, if applicable) (the "Agent")
is exempt from submitting a compliance certification to the Department of Commerce and Insurance pursuant to Tenn. Code Ann. § 56-2-1004(a)(4) as an employee, agent, representative, or designee of a licensee, who is also a licensee, and whose activities are covered by the other licensee's information security program.

Note: If a Company or Agent ceases to qualify for an exception, then the Company or Agent has one hundred eighty (180) days from the time the Company or Agent no longer qualifies for the exception to comply with the Insurance Data Security Law as applicable.

Section 2 – Attestation

I certify, to the best of my knowledge, that the information submitted on this certification is true and correct to the best of my information and belief. By submitting this certification, I acknowledge that I am authorized to submit this certification on behalf of the Company or the Agent.

Signature

Date

Printed Name and Title

Contact Email and Phone Number