



MEMORANDUM

Date: February 14, 2006

To: **To All Property and Casualty Insurers Writing Business in Any of the States of Alabama, Florida, Louisiana, Mississippi and Texas**

From: Walter A. Bell, Commissioner, Alabama Department of Insurance
Kevin McCarty, Commissioner, Florida Office of Insurance Regulation
J. Robert Wooley, Commissioner, Louisiana Department of Insurance
George Dale, Commissioner, Mississippi Department of Insurance
Mike Geeslin, Commissioner, Texas Department of Insurance

Subject: Hurricane Katrina/Hurricane Rita Data Calls — Confidentiality

Alabama, Florida, Louisiana, Mississippi and Texas (the “Collective States”) are participating in a coordinated data gathering effort with a common Disaster Reporting System for Hurricanes Katrina and Rita. This effort is necessary to provide much-needed information to state insurance regulators, as well as information for local, state and federal officials responsible for making policy decisions, for the relief and rebuilding effort over the next several years and months.

Information and data submitted pursuant to these data calls are confidential (i.e., financial information, proprietary information and/or trade secret material) and shall be disclosed to other state insurance regulators or state and federal regulatory bodies only if necessary to further the regulatory authority of the entity seeking that confidential information and data. Further, such disclosure shall be made only if the entity to whom disclosure is made has the legal authority necessary to protect from disclosure, and to otherwise preserve the confidential or protected nature of, the confidential information and data it receives.

Such disclosure is made pursuant to the statutory authority of each of the collective states as noted below, the Information Sharing and Confidentiality Agreement between and among the Collective States (“Multi-state Confidentiality Agreement”), and the Confidentiality Agreement between the Florida Office of Insurance Regulation and the National Association of Insurance Commissioners for Insurance Disaster Reporting (“IDR Confidentiality Agreement”). In addition, each of the Collective States has statutory authority to keep confidential certain information designated by the submitting party as trade secret or proprietary or confidential financial information. In general, the authority to collect the data and the confidentiality, proprietary and/or trade secret provisions of the Collective States apply to these data calls, including but not limited to the following statutes:

Alabama – Sections 8-27-2, 27-2-24 and 36-12-40 and Alabama Insurance Reg 104.
Florida – Sections 624.319, 688.002(4), 815.04(3) and 815.045
Louisiana – LSA R.S. 22:1302.J; R.S. 44:3.2; and R.S. 49:956.(8)
Mississippi – Sections 75-26-1 et seq., 79-23-1 , 25-61-9, and 83-5-209(7)
Texas – Tex. Ins. Code Ann. Arts. 1.15, 1.15B, and §§ 38.001, and 751.252;
Tex. Govt. Code Ann §§552.101, 110 and 112.

Further, each of the individual states, who comprise the Collective States, is requesting the information and data described in the data call pursuant to its individual authority. Florida is facilitating the data collection on behalf of the five states with a uniform procedure available to insurers that should expedite the reporting and appropriate use of the data. The data compiled by Florida on behalf of all the Collective States named in the IDR Confidentiality agreement will be protected as confidential information under Florida statutes, under the statutes and regulations of any state which requests and receives the data pursuant to the Multi-state Confidentiality Agreement and under the IDR Confidentiality Agreement.