

Bulletin 16-06

To: All Licensees of the South Dakota Division of Insurance
From: Larry Deiter, Director
Date: October 21, 2016
RE: Gramm Leach Bliley Act Annual Privacy Notices

On December 4, 2015, the Fixing America's Surface Transportation (FAST) Act was enacted into law and effective immediately. The FAST Act includes amendments to the federal Gramm-Leach-Bliley Act (GLBA) to eliminate the requirement for financial institutions to provide GLBA annual notices provided certain conditions are met. The amendments eliminate a duplicative and costly notification requirement. Financial institutions continue to be required to provide initial privacy notices as required under the GLBA.

In line with the recent changes to the GLBA, this Bulletin is intended to clarify that a licensee of the South Dakota Division of Insurance subject to the GLBA annual notice requirement, set forth in South Dakota Administrative Rule (ARSD) [20:06:45](#), is not required to provide the annual privacy notice required under ARSD [20:06:45:05](#) provided the licensee:

- 1) Provides nonpublic personal information to nonaffiliated third parties only in accordance with ARSD [20:06:45:13](#), [20:06:45:14](#), and [20:06:45:15](#).
- 2) Has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with ARSD [20:06:45:04](#) or [20:06:45:05](#).

Any time a licensee fails to comply with any of the criteria described in paragraph 1) or 2), the licensee shall be required to provide the annual privacy notice required under ARSD [20:06:45:05](#).

All licensees shall continue to provide GLBA initial privacy notices as required under ARSD [20:06:45:04](#).

If you have any questions, you may contact the Division at 605.773.3563 or insurance@state.sd.us.