

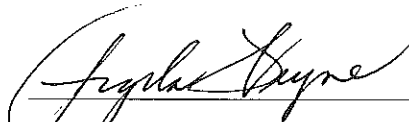
**Addendum to Information Sharing and Confidentiality Agreement  
Between The Office of the Commissioner of Insurance of Puerto Rico and  
Other Participating Insurance Regulators of the  
50 States, the District of Columbia and Territories and  
Insular Possessions of the United States (“States”)**

This Addendum updates Exhibit A, referenced in paragraph 4(a) of the Information Sharing and Confidentiality Agreement (“Agreement”), and identifies additional statutes, case law, attorney general opinions or other legal provisions as the legal authority necessary to protect from disclosure and to otherwise preserve the confidential or privileged nature of any Confidential Information that it requests and obtains pursuant to this Agreement. A copy of the updated law(s), regulation(s), judicial ruling(s) or other legal provisions is attached hereto and fully incorporated herein by reference.

This Addendum does not alter or otherwise modify any of the Agreement’s terms and serves only to supplement Exhibit A as referenced in paragraph 4(a) of the Agreement. The Agreement itself is unaffected and shall continue in full force and effect in accordance with its terms.

This Addendum, while executed separately from the Agreement and Exhibit A, shall be considered together with said Agreement and Exhibit A, and all shall be treated as one document.

Angela Weyne Roig  
Commissioner of Insurance

By:   
(Signature)

Title: Commissioner of Insurance

Date: June 30, 2016



**AUTHORITY OF THE COMMISSIONER OF INSURANCE OF PUERTO RICO TO  
ENTER INTO THIS AGREEMENT**

**General Powers, duties**

This Exhibit A to the *"Addendum to Information Sharing and Confidentiality Agreement Between the Office of the Commissioner of Insurance of Puerto Rico and Other Participating Insurance Regulators of the 50 States, the District of Columbia and Territories and Insular Possessions of the United States ("States")"* provides copy of the updated law(s), regulation(s), judicial ruling(s) or other legal provisions related to the legal authority necessary to protect from disclosure and to otherwise preserve the confidential or privileged nature of any "confidential information" referenced in paragraph 4(a) of the *"Information Sharing and Confidentiality Agreement ("Agreement")"* to fully incorporate them herein by reference.

**Section 2.030. Authority and powers**

- (1) The Commissioner shall have the authority expressly conferred upon him/her by or reasonably implied from the provisions of this Code.
- (2) The Commissioner shall discharge his/her duties and enforce the provisions of this Code. He/she shall likewise oversee for the enforcement of the public policy to be aimed at achieving the highest criteria of excellence and efficiency, properly protecting the public interest and tending to the needs of the times and the changes occurring or expected to occur in the insurance industry and in its regulations.
- (3) The Commissioner may resort to any remedies, legal actions or proceedings as necessary or convenient to achieve the purposes of this Code or any law or regulation whose compliance or oversight has been entrusted to him/her, whether represented by the Secretary of Justice or upon his/her previous authorization, by his/her counselors. Furthermore, the Commissioner may designate an official from his/her Office to provide support and advice to the prosecutor of the Department of Justice who is entrusted with initiating a criminal proceeding for violations to the laws, regulations or orders under the administration of the Office.
- (4) The Commissioner shall create the necessary structures to efficiently discharge the functions and responsibilities established by this Code...
- (9) The Commissioner may, upon previous notice to the Secretary of State of Puerto Rico, represent the Commonwealth of Puerto Rico and be a

member of different regional or international organizations related to the insurance industry.

(10) The Commissioner shall dictate and notify any orders as he/she may deem necessary and adequate to enforce the provisions of this Code and any other law or regulation administered by him/her. The order shall state the grounds and legal provisions on which such order is dictated or action is to be taken, the order shall also state the date in which it shall take effect...

(12) The Commissioner may conduct investigations and examinations as he/she may deem necessary to ensure compliance with the provisions of the Code, its regulations, and orders so issued, and to obtain any useful information in the administration thereof. For such purposes, the Commissioner may use any mechanism he/she may deem necessary. The investigation or examination may extend any person or entity that has or had had an insurance business and to any business entities or companies that have a business relationship with the former. The scope of the investigation or examination may extend outside of the jurisdiction of Puerto Rico.

(13) The Commissioner may accept, in his/her discretion, any report on an examination or investigation from any other insurance industry regulating agency in any other jurisdiction, in lieu of an examination or investigation by the Commissioner him/herself.

(14) The Commissioner shall have the authority to settle controversies on violations of the Code or the regulations thereunder, pursuant to the procedure set forth in the Uniform Administrative Procedure Act.

(15) The Commissioner shall have the authority to take oaths and statements, summon witnesses, compel their appearance, receive or gather evidence, and require the presentation of books, papers, mail, notes, agreements, or other documents or records deemed necessary by the Commissioner...

(17) The Commissioner shall have the authority to impose administrative sanctions and penalties for violations of this Code and the regulations approved thereunder and issue any pertinent remedy authorized in the Code.

**HISTORY:** HISTORY: Ins. Code, added as § 2.030 on Aug. 13, 2008, No. 263, § 7, eff. 3 months after Aug. 13, 2008.

## Confidentiality

### Section 2.090. Administration of the Office's documents

(1) The insurance records and documents of the Commissioner shall be subject to public review, except as otherwise provided in this Code, and in the case of documents that, in the judgment of the Commissioner, it is necessary and desirable to refuse their disclosure for a certain period in benefit of the community or a particular insurer. The Commissioner may, also, refuse to publicly disclose a document when:

- (a) The information requested is protected by any evidentiary privilege.
- (b) The disclosure of the information requested could harm the fundamental rights of third parties.
- (c) It is information collected in the course of an investigation or examination that has not concluded.
- (d) The information requested is classified as confidential by a law or regulation.

(2) Subject to the provisions of §§ 1001 et seq. of Title 3, known as the "Puerto Rico Public Document Administration Act", any records, papers and documents under the custody of the Commissioner may be disposed of, however, no record, paper, or document that has been filed for less than five (5) years or those that have been made, received or filed during his/her administration shall be destroyed.

(3) The Commissioner may photocopy or reproduce whether physically, electronically or by any other means which exactly reproduces the original, any document, record, financial statement, business report, examination report and any other records or documents filed in the Office.

(4) The Commissioner shall keep an official record of each administrative procedure conducted, pursuant to the provisions of the Uniform Administrative Procedure Act.

**HISTORY:** HISTORY: Ins. Code, added as § 2.090 on Aug. 13, 2008, No. 263, § 7, eff. 3 months after Aug. 13, 2008.

## Holding Company Act

### Section 44.080.-Confidential Treatment.

A. Any documents, materials, or other information in the possession or control of the Office of the Insurance Commissioner that are obtained by or disclosed to the Commissioner or any other person in the course of an examination or investigation made pursuant to Section 44.070 and all reports filed pursuant to Sections 44.050 and 44.060 shall be confidential by law and privileged, shall not be subject to public inspection, or admissible in evidence in any civil action. However, the Commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's official duties. The Commissioner shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains unless the Commissioner, after giving notice and opportunity to be heard, determines that the interest of policyholders, shareholders or the public will be served by the publication thereof, in which event the Commissioner may publish all or any part of such documents, materials, or other information in such manner as may be deemed appropriate.

B. Neither the Commissioner nor any person who received documents, materials or other information while acting under the authority of the Commissioner shall be permitted to testify in any civil action concerning any confidential documents, materials, or information subject to subsection A.

C. In the performance of his/her duties, the Commissioner:

1. May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to Subsection A, with other federal and international regulatory agencies, with the NAIC and its affiliates and subsidiaries, and with federal and international law enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information.

2. May receive documents, materials, or information, including otherwise confidential and privileged documents, materials or information from the NAIC and its affiliated and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or

information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information.

D. No waiver of any applicable privilege or claim of confidentiality in the documents materials, or information shall occur as a result of disclosure to the Commissioner under this Section or as a result of sharing as authorized in Subsection C."

## **Risk Based Capital**

### **Section 45.090 Confidentiality**

(1) All risk based capital plans and all corrective orders issued by the Commissioner pursuant to this chapter, or which is under the power or control of the Office of the Insurance Commissioner, shall not be open to public inspection.

(2) In order to be able to discharge his/her duties, the Commissioner:

(a) May share documents, materials or other information -- including documents, materials or information not open to public inspection, as provided in subsection (1) of this section -- with other Commonwealth, federal and international agencies, with the NAIC and its branches and subsidiaries, and with Commonwealth, federal and international law enforcement authorities, provided the latter do not render these open to public inspection.

(b) May receive documents, materials or information -- including documents, materials or information treated by other agencies as confidential and privileged information -- from the NAIC and its branches and subsidiaries and from regulatory or law enforcement officers from other foreign or local jurisdictions, and he/she shall maintain the confidentiality or the privilege of any document, material or information he/she has received whereby it is specified or construable that the same is confidential or privileged pursuant to the laws of the jurisdiction originating the document, material or information.

(3) It shall not be construed that exchanging information with or furnishing information to the Commissioner, as set forth in subsection (2) of this section, constitutes a waiver of any privilege whatsoever, or that such action alters the category of a document, material or information so as to render the same open to public inspection.

## **International Insurers**

### **Section 61.250. Confidentiality**

(1) The information submitted to the Commissioner according to this chapter, and the regulations adopted thereunder by the Commissioner, shall be maintained confidential, except:

(a) When the disclosure of said information is required by law or court order, or

(b) by formal request from a domestic or foreign government agency in the exercise of its supervisory duties, when the Commissioner has grounds to believe that it is in the best public interest. In such cases, the information shall be provided under a binding agreement with the government agency concerned to maintain the confidential nature of said information. Provided, that this exception shall in no case be extended to information regarding the clients of the international insurer.

(c) The Commissioner may, at his/her discretion, disclose said information in all cases in which the disclosure is made for purposes of assisting the Commissioner or any other authority in the exercise of regulatory duties.

### **Ruling Letters**

See also Ruling Letter No. 2012-137-D(E) issued on April 9, 2012, by the Office of the Commissioner of Insurance of Puerto Rico, hereby included as part of this Exhibit A.