**Section 4002.30 Definitions**

Unless otherwise defined by this Part the terms used in this Part shall have the same meaning as given by the Illinois Insurance Code [215 ILCS 5].

Affiliate means any company that controls, is controlled by, or is under common control with another company.

Clear and Conspicuous means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

A licensee makes its notice reasonably understandable if it:

Presents the information in a written notice in clear, concise sentences, paragraphs, and sections;

Uses short explanatory sentences or bullet lists whenever possible;

Uses definite, concrete, everyday words and active voice whenever possible;

Avoids multiple negatives;

Avoids legal and highly technical business terminology whenever possible; and

Avoids explanations that are imprecise and readily subject to different interpretations.

A licensee designs its notice to call attention to the nature and significance of the information in it if the licensee:

Uses a plain-language heading to call attention to the notice; uses a typeface and type size that are easy to read;

Provides wide margins and ample line spacing; uses boldface or italics for key words; and

In a form that combines the licensee's notice with other information, uses distinctive type size, style, and graphic devices, such as shading or sidebars.

If a licensee provides a notice on a web page, the licensee designs its notice to call attention to the nature and significance of the information in it if the licensee:

Uses text or visual cues to encourage scrolling down the page if necessary to view the entire notice;

Ensures that other elements on the web site (such as text, graphics, hyperlinks or sound) do not distract attention from the notice; and

Either:

Places the notice on a screen that consumers frequently access, such as a page on which transactions are conducted; or

Places a link on a screen that consumers frequently access, such as a page on which transactions are conducted, that connects directly to the notice and is labeled appropriately to convey the importance, nature and relevance of the notice.

Code means the Illinois Insurance Code [215 ILCS 5].

Collect means to obtain information that the licensee organizes or can retrieve by the name of an individual or by identifying number, symbol or other identifying particular assigned to the individual, irrespective of the source of the underlying information.

Company means a person, corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship or similar organization.

Consumer means an individual who seeks to obtain, obtains or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, and about whom the licensee has nonpublic personal information, or that individual's legal representative. An individual is not a licensee's consumer solely because he or she is a beneficiary of a trust for which the licensee is a trustee or solely because he or she has designated the licensee as trustee for a trust. Consumer includes, but is not limited to, the following:

An individual who provides nonpublic personal information to a licensee in connection with obtaining or seeking to obtain financial, investment or economic advisory services relating to an insurance product or service is a consumer regardless of whether the licensee establishes an ongoing advisory relationship;

An applicant for insurance prior to the inception of insurance coverage is a licensee's consumer;

An individual who is a consumer of another financial institution is not a licensee's consumer solely because the licensee is acting as agent for, or provides processing or other services to, that financial institution;

If the licensee discloses nonpublic personal financial information about the individual to a nonaffiliated third party other than as permitted under Sections 4002.130, 4002.140 and 4002.150 of this Part; and

An individual who is a beneficiary of a life insurance policy underwritten by the licensee is a consumer;

An individual who is an insured or an annuitant under an insurance policy or an annuity, respectively, issued by the licensee is a consumer; and

An individual who is a mortgagor of a mortgage covered under a mortgage insurance policy is a consumer.

Consumer Reporting Agency means the same as in Section 603(f) of the federal Fair Credit Reporting Act (15 USC 1681a(f)).

Control means:

Ownership, control or power to vote 25% or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons;

Control in any manner over the election of a majority of the directors, trustees or general partners (or individuals exercising similar functions) of the company;

Control by contract or agreement of any person that is designated as an attorney-in-fact for a Lloyd's Plan insurer as set forth in Article V of the Code [215 ILCS 5/Art. V] or for a reciprocal or interinsurance exchange as set forth in Article V 1/2 [215 ILCS 5/Art. V½]; or

The power to exercise, directly or indirectly, a controlling influence over the management or policies of the company, as the Director determines.

Customer means a consumer who has a customer relationship with a licensee.

Customer Relationship means a continuing relationship between a consumer and a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family or household purposes, which includes, but is not limited to, the following:

The consumer is a current policyholder of an insurance product issued by or through the licensee; or

The consumer obtains financial, investment or economic advisory services relating to an insurance product or service from the licensee for a fee.

A consumer does not have a continuing relationship with a licensee if:

The consumer applies for insurance but does not purchase the insurance;

The licensee sells the consumer airline travel insurance in an isolated transaction;

The individual is no longer a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;

The consumer is a beneficiary or claimant under a policy and has submitted a claim under a policy choosing a settlement option involving an ongoing relationship with the licensee and is not a current policyholder;

The consumer is a beneficiary or a claimant under a policy and has submitted a claim under that policy choosing a lump sum settlement option and is not a current policyholder;

The customer's policy is lapsed, expired, or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than annual privacy notices, material required by law or regulation, communication at the direction of a state or federal authority, or promotional materials;

The individual is an insured or an annuitant under an insurance policy or annuity, respectively, but is not the policyholder or owner of the insurance policy or annuity; or

For the purposes of this Part, the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

Director means the Director of the Illinois Department of Insurance.

Financial Institution means any institution the business of which is engaging in activities that are financial in nature or incidental to such financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956 (12 USC 1843(k)), but does not include:

Any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 USC 1);

The Federal Agricultural Mortgage Corporation or any entity charged and operating under the Farm Credit Act of 1971 (12 USC 2001); or

Institutions chartered by Congress specifically to engage in securitizations, secondary market sales (including sales of servicing rights) or similar transactions related to a transaction of a consumer, as long as the institutions do not sell or transfer nonpublic personal information to a nonaffiliated third party.

Financial Product or Service means any product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under Section 4(k) of the Bank Holding Company Act of 1956 (12 USC 1843(k)), which includes a financial institution's evaluation or brokerage of information that the financial institution collects in connection with a request or an application from a consumer for a financial product or service.

Insurance Product or Service means any product or service that is offered by a licensee pursuant to the insurance laws of this State, including a licensee's evaluation, brokerage or distribution of information that the licensee collects in connection with a request or an application from a consumer for a insurance product or service.

Licensee means all insurers, insurance producers, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered, or domiciled pursuant to the Illinois Insurance Code or any other Act of Chapter 215 of the Illinois Compiled Statutes. Licensee shall also include unauthorized insurers who accept business placed through a licensed surplus line producer in this State, but only in regard to the surplus line placements placed pursuant to Section 445 of the Illinois Insurance Code [215 ILCS 5/445].

Nonaffiliated Third Party means any company or person, except a licensee's affiliate or a person employed jointly by a licensee and any company that is not the licensee's affiliate (but nonaffiliated third party includes the other company that jointly employs the person), which includes, but is not limited to, any company that is an affiliate solely by virtue of the direct or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities of the type described in Section 4(k)(4)(H) or insurance company investment activities of the type described in Section 4(k)(4)(I) of the federal Bank Holding Company Act (12 USC 1843(k)(4)(H) and (I)).

Nonpublic Personal Financial Information means personally identifiable financial information and any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available; but does not include: health information; publicly available information, except as any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available; or any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available. Any list of individuals' names and addresses that contains only publicly available information, is not derived in whole or in part using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution is not nonpublic personal financial information.

Opt Out means a direction by the consumer that the licensee not disclose nonpublic personal financial information about that consumer to a nonaffiliated third party, other than as permitted by Sections 4002.130, 4002.140 and 4002.150 of this Part.

Person means any natural person, corporation, association, partnership or other legal entity.

Personally Identifiable Financial Information means, including but not limited to: any information that a consumer provides to a licensee to obtain an insurance product or service from the licensee; account balance information and payment history; that an individual is or has been one of the licensee's customers or has obtained an insurance product or service from the licensee; any information about the licensee's consumer if it is disclosed in a manner that indicates that the individual is or has been the licensee's consumer; any information that a consumer provides to a licensee or that the licensee or its agent otherwise obtains in connection with collecting on a loan or servicing a loan; any information the licensee collects through an Internet cookie (an information-collecting device from a web server); information from a consumer report; information about a consumer resulting from a transaction involving an insurance product or service between a licensee and a consumer; or information the licensee otherwise obtains about a consumer in connection with providing an insurance product or service to that consumer, except health information; names and addresses of customers of an entity that is not a financial institution; and information that does not identify a consumer, such as aggregate information or blind data that does not contain personal identifiers such as account numbers, names or addresses.

Publicly Available Information means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

Federal, state or local government records, including information in government real estate records and security interest filings;

Widely distributed media, including information from a telephone book, a television or radio program, a newspaper or a web site that is available to the general public on an unrestricted basis. A web site is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public; or

Disclosures to the general public that are required to be made by federal, state or local law.

Reasonable Basis means that a licensee believes that information is lawfully made available to the general public and that the licensee has taken steps to determine:

That the information is of the type that is available to the general public, such as a telephone number found in a telephone book or if the consumer states that the number is listed, or is the type of information that is included on a public record; and

Whether an individual can direct that the information not be made available to the general public and, if so, that the licensee's consumer has not done so.