



LOUISIANA DEPARTMENT OF INSURANCE
JAMES J. DONELON
COMMISSIONER

**BULLETIN 2021-04
(REVISED AND REISSUED)**

TO: ALL LICENSEES IN THE STATE OF LOUISIANA

FROM: JAMES J. DONELON, COMMISSIONER OF INSURANCE

RE: INFORMATION SECURITY PROGRAM OF THE INSURANCE DATA SECURITY LAW

DATE: JANUARY 24, 2022

Bulletin 2021-04, originally issued June 3, 2021 (revised and reissued June 10, 2021), is being revised and reissued to provide updated guidance on the method of filing annual certification and exemption forms pursuant to La. R.S. 22:2504.

The purpose of this bulletin is to remind licensees of the upcoming effective dates regarding the requirements of the Insurance Data Security Law (IDSL). Act 283 (HB 614) of the 2020 Regular Session of the Louisiana Legislature enacted the IDSL, La. R.S. 22:2501 *et seq.*, which establishes the standards applicable to licensees relative to data security, the investigation of a cybersecurity event, and notification to the Commissioner of Insurance (Commissioner) of a cybersecurity event.

Licensee Requirements and Exemptions

The IDSL applies to all licensees of the Louisiana Department of Insurance. “Licensee” is defined in La. R.S. 22:2503(7) to include any person licensed, authorized to operate, or registered or required to be licensed, authorized, or registered pursuant to Louisiana insurance laws. It expressly excludes (1) purchasing groups or risk retention groups chartered and licensed in a state other than Louisiana; and (2) assuming insurers that are domiciled in a state or jurisdiction other than Louisiana.

Licensees must develop, implement and maintain a comprehensive written information security program (ISP) that complies with the requirements of La. R.S. 22:2504 no later than **August 1, 2021**. The ISP must be based on the licensee’s risk assessment and it must contain administrative, technical and physical safeguards for the protection of nonpublic information. Additionally, the licensee’s ISP must be commensurate with the size and complexity of the licensee, its activities, including use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in its possession, custody or control. Nonpublic information is defined in La. R.S. 22:2503(9) for purposes of the IDSL. Furthermore, a licensee has the obligation to notify the Commissioner of a cybersecurity event in accordance with La. R.S. 22:2506.

Licensees that meet any of the criteria outlined in La. R.S. 22:2509(A) (for example, licensees who have fewer than twenty-five employees, less than five million dollars in gross annual revenue, or less than ten million dollars in year-end total assets) are exempt from compliance with La. R.S. 22:2504.

Unless the licensee falls within an exemption specified in La. R.S. 22:2509, it shall, no later than **August 1, 2022**, require each of its third-party service providers to implement appropriate administrative, technical, and physical measures to protect and secure the information systems and nonpublic information that are accessible to or held by the licensee's third-party service provider. Pursuant to La. R.S. 22:2503, a third-party service provider means "a person, not otherwise defined as a licensee, who contracts with a licensee to maintain, process, store, or otherwise have access to nonpublic information through its provision of services to the licensee."

Domestic Insurer Filing Requirements

Beginning **February 15, 2022**, each domestic insurer must annually submit a "Louisiana Insurance Data Security Law Information Security Program Certification Form" to the Commissioner by February 15th, certifying that the insurer complies with the requirements of La. R.S. 22:2504. If the insurer falls within an exemption specified in La. R.S. 22:2509, it must instead submit a "Louisiana Insurance Data Security Law Information Security Program Exemption Certification Form" certifying which exemption applies by February 15th annually. ***Only domestic insurers are required to submit the annual certification or exemption forms to the Commissioner.*** Annual certification and exemption forms are to be submitted through the Cybersecurity Reporting Module in Industry Access, found at <https://ia.lds.state.la.us/industryaccess/>.

Exemptions for other Jurisdictions

Pursuant to La. R.S. 22:2509(A)(7), the Commissioner approves the following jurisdictions which have enacted ISP requirements that are the same or substantially similar to La. R.S. 22:2504:

Alabama	Connecticut	Delaware
Indiana	Iowa	Maine
Michigan	Minnesota	Mississippi
New Hampshire	New York	North Dakota
Ohio	South Carolina	Tennessee
Virginia	Wisconsin	

Licensees subject to an above jurisdiction who comply with the ISP requirements of that jurisdiction and certify compliance on a "Louisiana Insurance Data Security Law Information Security Program Exemption Certification Form" are exempt from further ISP requirements in this state.

Bulletin 2021-04 (REVISED AND REISSUED)

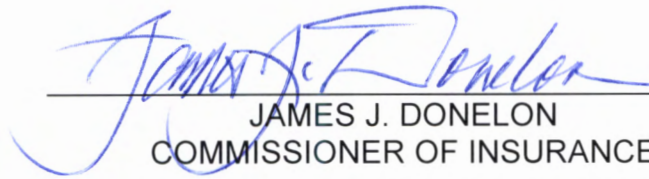
January 24, 2022

Page 3 of 3

Each licensee is strongly encouraged to review the IDSL in its entirety to determine if the law applies and, if so, what requirements are imposed. Information regarding the IDSL can be found at <https://www.lidi.la.gov/cybersecurity>.

Questions regarding Bulletin 2021-04 may be directed electronically at cyber.questions@ldi.la.gov.

Baton Rouge, Louisiana, the 24th day of January, 2022.



JAMES J. DONELON
COMMISSIONER OF INSURANCE