

**304.2-150 Records -- Inspection -- Destruction -- Subject to Open Records Act.**

- (1) The commissioner shall carefully preserve in the department and in permanent form, a correct account of all his or her transactions and of all fees and moneys received by him or her by virtue of his or her office, together with all financial statements, examination reports, correspondence, filings, and documents duly received by the department. The commissioner shall hand the same over to his or her successor in office.
- (2) The commissioner shall keep a suitable record of all insurer certificates of authority and of all licenses issued under this code, together with all applicable suspensions and revocations and of the causes thereof.
- (3) Unless otherwise provided by law, records of the department shall be open to the extent provided by the Kentucky Open Records Act, KRS 61.872 to 61.884:
  - (a) The following records shall be open:
    1. Rate and form filings and information filed in support thereof;
    2. Other records as provided by law; and
    3. All information filed by the department with the National Association of Insurance Commissioners, which that association makes available;
  - (b) The following records shall be closed:
    1. All information received in confidence from insurance supervisory officials of other states or countries, or the National Association of Insurance Commissioners, including, but not limited to, information from the insurance regulatory information system. However, records described in this paragraph may be used by the commissioner in enforcement prosecutions and proceedings for disciplinary action, and may be disclosed to other law enforcement authorities; and
    2. Other records as provided by law; and
  - (c) When inspection of department records is denied, any person challenging the denial shall follow the procedures set forth in the Kentucky Open Records Act, KRS 61.872 to 61.884.
- (4) After five (5) years, the commissioner may destroy unneeded or obsolete records and filings in the department.
- (5) The department shall not charge a fee inconsistent with fees charged by other state agencies for copies of records requested by the public pursuant to this section.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 930, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 380, sec. 29, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 93, sec. 1, effective July 15, 1994; and ch. 496, sec. 2, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 437, sec. 4, effective July 15, 1986. -- Created 1970 Ky. Acts ch. 301, subtit. 2, sec. 15, effective June 18, 1970.