



Kansas Insurance Department

Sandy Praeger, Commissioner of Insurance

Bulletin 2010-1

To: All Insurance Companies Writing Property and Casualty Insurance

From: Sandy Praeger, Commissioner of Insurance

Date: July 9, 2010

Re: Rate and Form Filing Trade Secret Confidentiality

Before July 1, 2010, the Kansas Insurance Department, acting on the advice of an Assistant Attorney General in the Kline administration, offered a degree of protection to trade secrets filed in support of rate and form filings made pursuant to K.S.A. 40-955.

On July 1, 2010, the Attorney General issued an opinion holding that the law does not allow the Department to grant such protection. See Kansas Attorney General Opinion 2010-17, at <http://www.ksinsurance.org/departments/LegalIssues/bulletins/AGO2010-017.pdf>.

The Department will allow companies to withdraw their K.S.A. 40-955 filings which have not yet been approved. In addition, as to filings made prior to July 1, 2010, the Department will notify companies ten days before any release of trade secrets in order that they may challenge the release of such materials either administratively or by court action.

The release of materials in filings made on or after July 1, 2010 will be administered in accordance with K.S.A. 40-955 and Kansas Attorney General Opinion 2010-17.

If you have questions regarding this matter, you may contact either Jim Newins or John Dowell at 785-296-3071.