

# Advisory

TO: ALL ENTITIES AND INDIVIDUALS REGULATED BY THE ILLINOIS DEPARTMENT OF INSURANCE

FROM: MICHAEL T. McRAITH, DIRECTOR OF INSURANCE

DATE: FEBRUARY 9, 2010

RE: CHANGES TO FREEDOM OF INFORMATION ACT

This advisory provides notice to all entities and individuals regulated by this Department and any others who may provide documents to this Department (collectively, “filers”) of certain changes to the Illinois Freedom of Information Act (the “Act”).

Effective January 1, 2010, Section 7(1)(g) of the Act now provides:

- (g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

In the event filers seek to assert the proprietary, confidential or privileged nature of documents submitted to this Department, the new language imposes on filers affirmative obligations to submit such documents in a manner that plainly establishes that the documents are “furnished under a claim” that such documents are proprietary, confidential or privileged.

These revisions to the Act do not supplant or change existing law and Insurance Code provisions establishing the confidentiality of materials or filings specified in those existing laws or Code provisions. Filers are urged to consider these and all other revisions to the Act when making filings with or otherwise providing documents to this Department.