

# STATE OF NEBRASKA



## DEPARTMENT OF INSURANCE

**Bruce R. Ramge**

Director

December 7, 2011

CB-127

**Dave Heineman**

Governor

### BULLETIN

#### **SUBJECT: REQUIREMENTS FOR COMPLIANCE WITH PRIVACY NOTICES**

The purpose of this bulletin is to set forth the views of the Nebraska Department of Insurance regarding insurance companies' compliance with requirements for Gramm Leach Bliley Act (GLBA) privacy notices set forth in the Nebraska Privacy of Insurance Consumer Information Act, Neb.Rev.Stat. §§44-901 to 44-925.

As required by the Financial Services Regulatory Relief Act of 2006, eight federal agencies<sup>1</sup> adopted a simplified Federal Model Privacy Form. The new Federal Model Privacy Form was developed for use by federally regulated financial institutions to increase consumers' understanding and ability to make informed decisions regarding the sharing of personal information as required by the privacy provisions of GLBA. Federally regulated financial institutions that elect to use the new Federal Model Privacy Form may rely on it as a safe harbor to provide the notices required under the federal GLBA privacy rules.

Insurance companies that do business in this state may use the new Federal Model Privacy Form or continue to use other types of privacy notices that differ from the Federal Model Privacy Form to meet the notice content requirements of the Nebraska Privacy of Insurance Consumer Information Act, Neb.Rev.Stat. §§44-901 to 44-925.

#### **Use of Model Privacy Form**

The use of the Model Privacy Form set forth in Attachment A of this bulletin, consistent with the instructions set forth in Attachments B and C, constitutes compliance with the notice content requirements of Neb.Rev.Stat. §§44-906 and 44-907.

Insurers may rely on use of the attached Model Privacy Form, consistent with the attached instructions, as a safe harbor of compliance with the privacy notice content requirements of the Nebraska Privacy of Insurance Consumer Information Act, Neb.Rev.Stat. §§44-901 to 44-925.

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<sup>1</sup> Office of the Comptroller of the Currency; Treasury (OCC); Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); Office of Thrift Supervision, Treasury (OTS); National Credit Union Administration (NCUA); Federal Trade Commission (FTC); Commodity Futures Trading Commission (CFTC) and Securities and Exchange Commission (SEC).

### **Use of Other Types of Privacy Notices**

Use of the attached Model Privacy Form is not required. Insurers may continue to use other types of privacy notices to meet the requirements of Neb.Rev.Stat. §§44-906 and 44-907 so long as the notices accurately describe the insurer's privacy practices and otherwise meet the requirements of Neb.Rev.Stat. §§44-906 and 44-908.

### **Information to be Included in Privacy Notices**

Under Neb.Rev.Stat. §44-906(2), if a licensee discloses nonpublic personal information to third parties as authorized under Neb.Rev.Stat. §§44-915 and 44-916, the licensee is not required to list those exceptions in the initial or annual privacy notices required by Neb.Rev.Stat. §§44-904 and 44-905.

When describing the categories of parties to whom these disclosures are made, it is sufficient for the licensee to state that it makes disclosures to other nonaffiliated companies:

- (1) For our everyday business purposes, such as [include all that apply] to process account transactions, maintain account(s), respond to court orders and legal investigations, or report to credit bureaus; or
- (2) As permitted by law.

## **Attachment A – Model Privacy Form**

There are four versions of the Model Privacy Form

- Version 1: Model Form with No Opt-Out (pages 4-5)
- Version 2: Model Form with Opt-Out by Telephone and/or Online (pages 6-7)
- Version 3: Model with Mail-in Opt-Out Form (pages 8-9)
- Version 4: Optional Mail-in Form (page10)

**Version 1: Model Form with No Opt-Out**

Rev. [insert date]

<b>FACTS</b>		
<b>WHAT DOES [NAME OF LICENSEE] DO WITH YOUR PERSONAL INFORMATION?</b>		
<b>Why?</b>	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.	
<b>What?</b>	<p>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</p> <ul style="list-style-type: none"> <li>• Social Security number and [income]</li> <li>• [account balances] and [payment history]</li> <li>• [credit history] and [credit scores]</li> </ul> <p>When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.</p>	
<b>How?</b>	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons [name of licensee] chooses to share; and whether you can limit this sharing.	
<b>Reasons we can share your personal information</b>	<b>Does [name of licensee] share?</b>	<b>Can you limit sharing?</b>
<b>For our everyday business purposes –</b> such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus		
<b>For our marketing purposes –</b> to offer our products and services to you		
<b>For joint marketing with other financial companies</b>		
<b>For our affiliates' everyday business purposes –</b> information about your transactions and experiences		
<b>For our affiliates' everyday business purposes –</b> information about your creditworthiness		
<b>For our affiliates to market you</b>		
<b>For nonaffiliates to market you</b>		
<b>Questions?</b>	Call [phone number] or go to [website]	

**Page 2**

<b>Who we are</b>	
<b>Who is providing this notice?</b>	[insert]
<b>What we do</b>	
<b>How does [name of licensee] protect my personal information?</b>	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. [insert]
<b>How does [name of licensee] collect my personal information?</b>	We collect your personal information, for example, when you <ul style="list-style-type: none"> <li>• [open an account] or [deposit money]</li> <li>• [pay your bills] or [apply for a loan]</li> <li>• [use your credit or debit card]</li> </ul> [We also collect your personal information from other companies.] <b>OR</b> [We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.]
<b>Why can't I limit all sharing?</b>	Federal law gives you the right to limit only <ul style="list-style-type: none"> <li>• sharing for affiliates' everyday business purposes – information about your creditworthiness</li> <li>• affiliates from using your information to market to you</li> <li>• sharing for nonaffiliates to market to you</li> </ul> State laws and individual companies may give you additional rights to limit sharing. [See below for more on your rights under state law.]
<b>Definitions</b>	
<b>Affiliates</b>	Companies related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> <li>• [affiliate information]</li> </ul>
<b>Nonaffiliates</b>	Companies not related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> <li>• [nonaffiliate information]</li> </ul>
<b>Joint marketing</b>	A formal agreement between nonaffiliated financial companies that together market financial products or services to you. <ul style="list-style-type: none"> <li>• [joint marketing information]</li> </ul>
<b>Other important information</b>	
[insert other important information]	

**Version 2: Model Form with Opt-Out by Telephone and/or Online**

Rev. [insert date]

<b>FACTS</b>		<b>WHAT DOES [NAME OF LICENSEE] DO WITH YOUR PERSONAL INFORMATION?</b>	
<b>Why?</b>	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.		
<b>What?</b>	<p>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</p> <ul style="list-style-type: none"> <li>• Social Security number and [income]</li> <li>• [account balances] and [payment history]</li> <li>• [credit history] and [credit scores]</li> </ul> <p>When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.</p>		
<b>How?</b>	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons [name of licensee] chooses to share; and whether you can limit this sharing.		
	<b>Reasons we can share your personal information</b>	<b>Does [name of licensee] share?</b>	<b>Can you limit sharing?</b>
	<b>For our everyday business purposes</b> – such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus		
	<b>For our marketing purposes</b> – to offer our products and services to you		
	<b>For joint marketing with other financial companies</b>		
	<b>For our affiliates' everyday business purposes</b> – information about your transactions and experiences		
	<b>For our affiliates' everyday business purposes</b> – information about your creditworthiness		
	<b>For our affiliates to market you</b>		
	<b>For nonaffiliates to market you</b>		
<b>To limit our sharing</b>	<ul style="list-style-type: none"> <li>• Call [phone number] – our menu will prompt you through your choice(s) or</li> <li>• Visit us online: [website]</li> </ul> <p><b>Please note:</b> If you are a <i>new</i> customer, we can begin sharing your information [30] days from the date we sent this notice. When you are <i>no longer</i> our customer, we continue to share your information as described in this notice. However, you can contact us at any time to limit our sharing.</p>		
<b>Questions?</b>	Call [phone number] or go to [website]		

**Page 2**

<b>Who we are</b>	
<b>Who is providing this notice?</b>	[insert]
<b>What we do</b>	
<b>How does [name of licensee] protect my personal information?</b>	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. [insert]
<b>How does [name of licensee] collect my personal information?</b>	We collect your personal information, for example, when you <ul style="list-style-type: none"> <li>• [open an account] or [deposit money]</li> <li>• [pay your bills] or [apply for a loan]</li> <li>• [use your credit or debit card]</li> </ul> [We also collect your personal information from other companies.] <b>OR</b> [We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.]
<b>Why can't I limit all sharing?</b>	Federal law gives you the right to limit only <ul style="list-style-type: none"> <li>• sharing for affiliates' everyday business purposes – information about your creditworthiness</li> <li>• affiliates from using your information to market to you</li> <li>• sharing for nonaffiliates to market to you</li> </ul> State laws and individual companies may give you additional rights to limit sharing. [See below for more on your rights under state law.]
<b>Definitions</b>	
<b>Affiliates</b>	Companies related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> <li>• [affiliate information]</li> </ul>
<b>Nonaffiliates</b>	Companies not related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> <li>• [nonaffiliate information]</li> </ul>
<b>Joint marketing</b>	A formal agreement between nonaffiliated financial companies that together market financial products or services to you. <ul style="list-style-type: none"> <li>• [joint marketing information]</li> </ul>
<b>Other important information</b>	
[insert other important information]	

**Version 3: Model Form with Mail-in Opt-Out Form**

Rev. [insert date]

**FACTS**

**WHAT DOES [NAME OF LICENSEE] DO WITH YOUR PERSONAL INFORMATION?**

**Why?** Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.

**What?** The types of personal information we collect and share depend on the product or service you have with us. This information can include:

- Social Security number and [income]
- [account balances] and [payment history]
- [credit history] and [credit scores]

**How?** All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons [name of licensee] chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does [name of licensee] share?	Can you limit sharing?
<b>For our everyday business purposes –</b> such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus		
<b>For our marketing purposes –</b> to offer our products and services to you		
<b>For joint marketing with other financial companies</b>		
<b>For our affiliates' everyday business purposes –</b> information about your transactions and experiences		
<b>For our affiliates' everyday business purposes –</b> information about your creditworthiness		
<b>For our affiliates to market you</b>		
<b>For nonaffiliates to market you</b>		

**To limit our sharing**

- Call [phone number] – our menu will prompt you through your choice(s) or
- Visit us online: [website]

**Please note:**  
If you are a *new* customer, we can begin sharing your information [30] days from the date we sent this notice. When you are *no longer* our customer, we continue to share your information as described in this notice. However, you can contact us at any time to limit our sharing.

**Questions?** Call [phone number] or go to [website]

**Mail-in Form**

<p><b>Leave Blank OR</b> [if you have a joint account, your choice(s) will apply to everyone on your account unless you mark below]</p> <p><input type="checkbox"/> Apply my choices only]</p>	<p>Mark any/all you want to limit:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Do not share information about my creditworthiness with your affiliates for their everyday business purposes.</li> <li><input type="checkbox"/> Do not allow your affiliates to use my personal information to market to me.</li> <li><input type="checkbox"/> Do not share my personal information with nonaffiliates to market their products and services to me.</li> </ul>	
	<b>Name</b>	
	<b>Address</b>	
	<b>City, State, Zip</b>	
	<b>[Account #]</b>	
		<p><b>Mail to:</b> [Name of licensee] [Address 1] [Address 2] [City, State, Zip]</p>

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<b>Who we are</b>	
<b>Who is providing this notice?</b>	[insert]
<b>What we do</b>	
<b>How does [name of licensee] protect my personal information?</b>	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. [insert]
<b>How does [name of licensee] collect my personal information?</b>	We collect your personal information, for example, when you <ul style="list-style-type: none"> <li>• [open an account] or [deposit money]</li> <li>• [pay your bills] or [apply for a loan]</li> <li>• [use your credit or debit card]</li> </ul> [We also collect your personal information from other companies.] <b>OR</b> [We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.]
<b>Why can't I limit all sharing?</b>	Federal law gives you the right to limit only <ul style="list-style-type: none"> <li>• sharing for affiliates' everyday business purposes – information about your creditworthiness</li> <li>• affiliates from using your information to market to you</li> <li>• sharing for nonaffiliates to market to you</li> </ul> State laws and individual companies may give you additional rights to limit sharing. [See below for more on your rights under state law.]
<b>Definitions</b>	
<b>Affiliates</b>	Companies related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> <li>• <i>[affiliate information]</i></li> </ul>
<b>Nonaffiliates</b>	Companies not related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> <li>• <i>[nonaffiliate information]</i></li> </ul>
<b>Joint marketing</b>	A formal agreement between nonaffiliated financial companies that together market financial products or services to you. <ul style="list-style-type: none"> <li>• <i>[joint marketing information]</i></li> </ul>
<b>Other important information</b>	
[insert other important information]	

### Version 4: Optional Mail-in Form

Mail-in Form		
<p><b>Leave Blank</b>  <b>OR</b>                      [if you have a joint account, your choice(s) will apply to everyone on your account unless you mark below  <input type="checkbox"/> Apply my choices only]</p>	<p>Mark any/all you want to limit:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Do not share information about my creditworthiness with your affiliates for their everyday business purposes.</li> <li><input type="checkbox"/> Do not allow your affiliates to use my personal information to market to me.</li> <li><input type="checkbox"/> Do not share my personal information with nonaffiliates to market their products and services to me.</li> </ul>	
	Name	
	Address	
	City, State, Zip	
	[Account #]	

**Mail To:** [Name of Licensee]  
 [Address 1]  
 [Address 2]  
 [City, State ,Zip]

## Attachment B – General Instructions

### 1. How the Model Privacy Form is Used.

- (a) The model form may be used, at the option of a licensee, including a group of licensees or financial institutions that use a common privacy notice, to meet the content requirements of the privacy notice and opt-out notice set forth in Neb.Rev.Stat. §§44-906 and 44-907.
- (b) The model form is a standardized form, including page layout, content, format, style, pagination, and shading. Licensees seeking to obtain the safe harbor through use of the model form may modify it only as described in these instructions.
- (c) Note that disclosure of certain information, such as assets, income, and information from a consumer reporting agency, may give rise to obligations under the Fair Credit Reporting Action [15 U.S.C. 1681 – 1681x] (FCRA), such as a requirement to permit a consumer to opt out of disclosures to affiliates or designation as a consumer reporting agency if disclosures are made to nonaffiliated third parties.
- (d) The word “customer” may be replaced by the word “member” whenever it appears in the model form, as appropriate.

### 2. The Contents of the Model Privacy Form.

The model form consists of two pages, which may be printed on both sides of a single sheet of paper, or may appear on two separate pages. Where a licensee provides a long list of licensees or financial institutions at the end of the model form in accordance with Instruction C.3(a)(1), or provides additional information in accordance with Instruction C.3(c), and such list or additional information exceeds the space available on page two of the model form, such list or additional information may extend to a third page.

- (a) **Page One.** The first page consists of the following components:
  - (1) Date last revised (upper right-hand corner).
  - (2) Title
  - (3) Key frame (Why?, What?, How?).
  - (4) Disclosure table (“Reasons we can share your personal information”).
  - (5) “To limit our sharing” box, as needed, for the financial institution’s opt-out information.
  - (6) “Questions” box, for customer service contact information.
  - (7) Mail-in opt-out form, as needed.
- (b) **Page Two.** The second page consists of the following components:
  - (1) Heading (Page 2).
  - (2) Frequently Asked Questions (“Who we are” and “What we do”).
  - (3) Definitions.
  - (4) “Other important information” box, as needed.

### 3. The Format of the Model Privacy Form.

The format of the model form may be modified only as described below.

- (a) ***Easily readable type font.*** Licensees that use the model form must use an easily readable type font. While a number of factors together produce easily readable type fonts, licensees are required to use a minimum of 10-point font (unless otherwise expressly permitted in these instructions) and sufficient spacing between the lines of type.
- (b) ***Logo.*** A licensee may include a corporate logo on any page of the notice, so long as it does not interfere with the readability of the model form or the space constraints of each page.
- (c) ***Page size and orientation.*** Each page of the model form must be printed on paper in portrait orientation. The size of which must be sufficient to meet the layout and minimum font size requirements, with sufficient white space on the top, bottom, and sides of the content.
- (d) ***Color.*** The model form must be printed on white or light color paper (such as cream) with black or other contrasting ink color. Spot color may be used to achieve visual interest, so long as the color contract is distinctive and the color does not detract from the readability of the model form. Logos may also be printed in color.
- (e) ***Languages.*** The model form may be translated into languages other than English.

### **Attachment C – Information Required in the Model Privacy Form**

The information in the model form may be modified only as described below:

**1. Name of the licensees or group of affiliated licensees or institutions providing the notice.** Insert the name of the licensee providing the notice or a common identity of affiliated licensees or institutions jointly providing the notice on the form wherever [name of licensee] appears.

**2. Page one.**

- (a) ***Last revised date.*** The licensee must insert in the upper right-hand corner the date on which the notice was last revised. The information shall appear in minimum 8-point font as “rev. [month/year]” using either the name or number of the month, such as “rev. July 2009” or “rev. 7/09”.
- (b) ***General instructions for the “What?” box.***
  - (1) The bulleted list identifies the types of personal information that the licensee collects and shares. All licensees must use the term “Social Security number” in the first bullet.
  - (2) Licensees must use five (5) of the following terms to complete the bulleted list: income; account balances; payment history; transaction history; transaction or loss history; credit history; credit scores; assets; investment experiences; credit-based insurance scores; insurance claim history; medical information; overdraft history; purchase history; account transactions; risk tolerance; medical-related debts; credit card or other debt; mortgage rates and payments; retirement assets; checking account information; employment information; wire transfer instructions.
- (c) ***General instructions for the disclosure table.*** The left column lists reasons for sharing or using personal information. Each reason correlates to a specific legal provision described in paragraph C.2(d) of this Instruction. In the middle column, each licensee must provide a “Yes” or “No” response that accurately reflects its information-sharing policies and practices with respect to the reason listed on the left. In the right column, each licensee must provide in each box one of the following three (3) responses, as applicable, that reflects whether a consumer can limit such sharing: “Yes” if it is required or voluntarily provides an opt-out; “No” if it does not provide an opt-out; or “We don’t share” if it answers “No” in the middle column. Only the sixth row (“For our affiliates to market to you”) may be omitted at the option of the licensee. See paragraph C.2(d)(6) of this Instruction.
- (d) ***Specific disclosures and corresponding legal provisions.***
  - (1) ***For our everyday business purposes.*** This reason incorporates sharing information under Neb.Rev.Stat. §§44-915 and 44-916 and with service providers pursuant to Neb.Rev.Stat. §44-913 other than the purposes specified in paragraphs C.2(d)(2) or C.2(d)(3) of these Instructions.

- (2) ***For our marketing purposes.*** This reason incorporates sharing information with service providers by {an institution} a licensee for its own marketing pursuant to Neb.Rev.Stat. §44-914. A licensee that shares for this reason may choose to provide an opt-out.
  - (3) ***For joint marketing with other financial companies.*** This reason incorporates sharing information under joint marketing agreements between two or more licensees or financial institutions and with any service provider used in connection with such agreements pursuant to Neb.Rev.Stat. §§44-914. A licensee that shares for this reason may choose to provide an opt-out.
  - (4) ***For our affiliates' everyday business purposes – information about transactions and experiences.*** This reason incorporates sharing information specified in sections 603(d)(2)(A)(i) and (ii) of the FCRA. A licensee that shares for this reason may choose to provide an opt-out.
  - (5) ***For our affiliates' everyday business purposes – information about creditworthiness.*** This reason incorporates sharing information pursuant to section 603(d)(2)(A)(iii) of the FCRA. A licensee that shares for this reason must provide an opt-out.
  - (6) ***For our affiliates to market to you.*** This reason incorporates sharing information specified in section 624 of the FCRA. This reason may be omitted from the disclosure table when: the licensee does not have affiliates (or does not disclose personal information to its affiliates); the licensee's affiliates do not use personal information in a manner that requires an opt-out; or the licensee provides the affiliate marketing notice separately. Licensees that include this reason must provide an opt-out of indefinite duration. A licensee that is required to provide an affiliate marketing opt-out, but does not include that opt-out in the model form under this part, must comply with section 624 of the FCRA and the Nebraska Privacy of Insurance Consumer Information Act, Neb.Rev.Stat. §§44-901 to 44-925, with respect to the initial notice and opt-out and any subsequent renewal notice and opt-out. A licensee not required to provide an opt-out under this subparagraph may elect to include this reason in the model form.
  - (7) ***For nonaffiliates to market to you.*** This reason incorporates sharing described in Neb.Rev.Stat. §§44-907 and 44-910(1). A licensee that shares personal information for this reason must provide an opt-out.
- (e) ***To limit our sharing:*** A licensee must include this section of the model form *only* if it provides an opt-out. The word “choice” may be written in either the singular or plural, as appropriate. Licensees must select one or more of the applicable opt-out methods described: telephone, such as by toll-free number; a Website; or use of a mail-in opt-out form. Licensees may include the words “toll-free” before telephone, as appropriate. A licensee that allows consumers to opt-out online must provide either a specific Web address that takes consumers directly to the opt-out page or a general Web address that

provides a clear and conspicuous direct link to the opt-out page. The opt-out choices made available to the consumer who contacts the licensee through these methods must correspond accurately to the “Yes” responses in the third column of the disclosure table. In the part titled “Please note”, licensees may insert a number that is 30 or greater in the space marked “[30].” Instructions on voluntary or state privacy law opt-out information are in paragraph C.2(g)(5) of these Instructions.

- (f) **Questions box.** Customer service contact information must be inserted as appropriate where **[phone number]** or **[website]** appear. Licensees may elect to provide either a phone number, such as a toll-free number, or a Web address, or both. Licensees may include the words “toll-free” before the telephone number, as appropriate.
  
- (g) **Mail-in opt-out form.** Licensees must include this mail-in form *only* if they state in the “To limit our sharing” box that consumers can opt-out by mail. The mail-in form must provide opt-out options that correspond accurately to the “Yes” responses in the third column in the disclosure table. Licensees that require customers to provide only names and addresses may omit the section identified as “[account #].” Licensees that require additional or different information, such as a random opt-out number or a truncated account number, to implement an opt-out election should modify the “[account #]” reference accordingly. This includes licensees that require customers with multiple accounts to identify each account to which the opt-out should apply. A licensee must enter its opt-out mailing address in the far right of this form (*see* version 3); or below the form (*see* version 4). The reverse side of the mail-in opt-out form must not include any content of the model form.
  - (1) **Joint accountholder.** Only licensees that provide their joint accountholders the choice to opt-out for only one accountholder, in accordance with paragraph C.3(a)(5) of these Instructions, must include in the far left column of the mail-in form the following statement: “If you have a joint account, your choice(s) will apply to everyone on your account unless you mark below.  Apply my choice(s) only to me.” The word “choice” may be written in either the singular or plural, as appropriate. Licensees that provide insurance products or services, provide this option, and elect to use the model form may substitute the word “policy” for “account” in this statement. Licensees that do not provide this option may eliminate this left column from the mail-in form.
  - (2) **FCRA Section 603(d)(2)(A)(iii) opt-out.** If the {institution} licensee shares personal information pursuant to section 603(d)(2)(A)(iii) of the FCRA, it must include in the mail-in opt-out form the following statement “ Do not share information about my creditworthiness with your affiliates for their everyday business purposes.”
  - (3) **FCRA Section 624 opt-out.** If the licensee incorporates section 624 of the FCRA in accord with paragraph C.2(d)(6) of these Instructions, it must include in the mail-in opt-out form the following statement

- “ Do not allow your affiliates to use my personal information to market to me.”
- (4) ***Nonaffiliate opt-out.*** If the licensee shares personal information pursuant to Neb.Rev.Stat. §44-910(1), it must include in the mail-in opt-out form the following statement “ Do not share my personal information with nonaffiliates to market their products and services to me.”
- (5) ***Additional opt-outs.*** Licensees that use the disclosure table to provide opt-out options beyond those required by Federal law must provide those opt-outs in this section of the model form. A licensee that chooses to offer an opt-out for its own marketing in the mail-in opt-out form must include one of the two following statements “ Do not share my personal information to market to me.” or “ Do not use my personal information to market to me.” A licensee that chooses to offer an opt-out for joint marketing must include the following statement “ Do not share my personal information with other financial institutions to jointly market to me.”
- (h) ***Barcodes.*** A licensee may elect to include a barcode and/or “tagline” (an internal identifier) in 6-point font at the bottom of page one, as needed for information internal to the institution, so long as these do not interfere with the clarity or text of the form.

### 3. Page two.

- (a) ***General Instructions for the Questions.*** Certain of the Questions may be customized as follows:
- (1) ***“Who is providing this notice?”*** This question may be omitted where only one licensee provides the model form and that licensee is clearly identified in the title on page one. Two or more licensees or financial institutions that jointly provide the model form must use this question to identify themselves as required by Neb.Rev.Stat. §44-909(6). Where the list of licensees or financial institutions exceeds four (4) lines, the licensee must describe in the response to this question the general types of licensees or financial institutions jointly providing the notice and must separately identify those licensees or financial institutions, in minimum 8-point font, directly following the “Other important information” box, or, if that box is not included in the institution’s form, directly following the “Definitions.” The list may appear in multi-column format.
- (2) ***“How does [name of licensee] protect my personal information?”*** The licensee may only provide additional information pertaining to its safeguarding practices following the designated response to this question. Such information may include information about the licensee’s use of cookies or other measures it uses to safeguard personal information. {Institutions} Licensees are limited to a maximum of 30 additional words.

- (3) ***“How does [name of licensee] collect my personal information?”*** Licensees must use five (5) of the following terms to complete the bulleted list for this question: open an account; deposit money; pay your bills; apply for a loan; use your credit or debit card; seek financial or tax advice; apply for insurance; pay insurance premiums; file an insurance claim; seek advice about your investments; buy securities from us; sell securities to us; direct us to buy securities; direct us to sell your securities; make deposits or withdrawals from your account; enter into an investment advisory contract; give us your income information; provide employment information; give us your employment history; tell us about your investment or retirement portfolio; tell us about your investment or retirement earnings; apply for financing; apply for a lease; provide account information; give us your contract information; pay us by check; give us your wage statements; provide your mortgage information; make a wire transfer; tell us who receives the money; tell us where to send the money; show your government-issued ID; show your driver’s license; order a commodity futures or option trade. Licensees that collect personal information from their affiliates and/or credit bureaus must include after the bulleted list the following statement: “We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.” Licensees that do not collect personal information from their affiliates or credit bureaus but do collect information from other companies must include the following statement instead: “We also collect your personal information from other companies.” Only licensees that do not collect any personal information from affiliates, credit bureaus, or other companies can omit both statements.
- (4) ***“Why can’t I limit all sharing?”*** Licensees that describe state privacy law provisions in the “*Other important information*” box must use the bracketed sentence: “See below for more on your rights under state law.” Other licensees must omit this sentence.
- (5) ***“What happens when I limit sharing for an account I hold jointly with someone else?”*** Only licensees that provide opt-out options must use this question. Other licensees must omit this question. Licensees must choose one of the following two statements to respond to this question: “Your choices will apply to everyone on your account” or “Your choices will apply to everyone on your account, unless you tell us otherwise.” Licensees that provide insurance products or services and elect to use the model form may substitute the word “policy” for “account” in these statements.
- (b) ***General Instructions for the Definitions.*** The licensee must customize the space below the responses to the three definitions in this section. This specific information must be in italicized lettering to set off the information from the standardized definitions.
- (1) ***Affiliates.*** As required by Neb.Rev.Stat. §44-906(1)(c), where ***[affiliate information]*** appears, the licensee must:

- (i) If it has no affiliates, state “[***name of licensee***] *has no affiliates*”;
  - (ii) If it has affiliates but does not share personal information, state “[***name of licensee***] *does not share with our affiliates*”; or
  - (iii) If it shares with its affiliates, state, as applicable: “*Our affiliates include companies with [***common corporate identity of licensee***] name; financial companies such as [***insert illustrative list of companies***]; nonfinancial companies such as [***insert illustrative list of companies***]; and others, such as [***insert illustrative list***].*”
- (2) ***Nonaffiliates.*** As required by Neb.Rev.Stat. §44-906 where [***nonaffiliate information***] appears, the licensee must:
- (i) If it does not share with nonaffiliated third parties, state “[***name of licensee***] *does not share with nonaffiliates so they can market to you*”, or
  - (ii) If it shares with nonaffiliated third parties, state, as applicable: “*Nonaffiliates we share with can include [***list categories of companies such as mortgage companies, insurance companies, marketing companies, and nonprofit organizations***].*”
- (3) ***Joint Marketing.*** As required by Neb.Rev.Stat. §44-914 where [***joint marketing***] appears, the {financial institution} licensee must:
- (i) If it does not engage in joint marketing, state: “[***name of licensees***] *doesn't jointly market*”; or
  - (ii) If it shares personal information for joint marketing, state, as applicable: “*Our joint marketing partners include [***list categories of companies such as credit card companies***].*”
- (c) ***General instructions for the “Other important information” box.*** This box is optional. The space provided for information in this box is not limited. Only the following types of information can appear in this box:
- (1) State and/or international privacy law information; and/or
  - (2) Acknowledgement of receipt form.

Questions concerning this bulletin should be directed to the Department’s legal division at 402-471-2201.



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Bruce R. Ramge  
Director