

836-005-0405

Disclosure of Information about Complaints Regarding Unlawful Claims Settlement Practices

(1) Subject to subsections (2) through (4), the director shall provide to a person who submits a request, records associated with complaints submitted to the director, for which:

(a) The director has confirmed the complaint to be about an alleged unlawful practice described in ORS 746.230;

(b) The complaint:

(A) Has been closed and the complainant has been provided a closing letter; or

(B) Has been open for more than 120 days;

(c) The complaint was submitted after January 1, 2017; and

(d) The complaint was submitted during a period in which disclosure of complaint information was authorized under ORS 731.264(3).

(2) For each complaint subject to disclosure, the director shall provide:

(a) The complaint intake form;

(b) Any narrative description submitted by the complainant with the initial complaint;

(c) Any request for information submitted by the director to an insurer on behalf of the complainant in order to resolve the complaint; and

(d) Any closing letter provided to the complainant by the director, which summarizes:

(A) The complaint;

(B) Steps the director took to investigate and resolve the complaint; and

(C) Any findings and conclusions reached by the director.

(3) Before providing records to a requestor, the director:

(a) Shall remove any information that could be used to identify any individual;

(b) Shall remove any information for which disclosure is prohibited under applicable federal or state law;

(c) May remove any information exempt from public records requests under ORS 192.410 to 192.505; and

(d) May require the requestor to pay any fees listed in OAR 440-005-0025 and OAR 440-005-0030, unless waived under ORS 192.440.

(4) The director shall not provide complaint records:

(a) Unless a request is submitted to the director in writing;

(b) If a request is made with regard to a particular person, unless the request is made with regard to an insurer; nor

(c) If the director determines that release of such records would clearly and convincingly cause harm to the public interest in the particular instance. If such a determination is made, the director shall provide to the requestor, a written explanation of why the records will not be disclosed.

Stat. Auth.: ORS 731.264, 2016 Or Laws ch 62 (Enrolled Senate Bill 1591)

Stats. Implemented: ORS 731.264