

NEW YORK CONFIDENTIALITY PROTOCOLS FOR VICTIMS OF DOMESTIC VIOLENCE AND ENDANGERED INDIVIDUALS

New York Insurance Law § 2612 Concerning Victims of Domestic Violence and Endangered Individuals

New York Insurance Law § 2612 establishes certain protections for victims of domestic violence:

- A. It prohibits an individual, insurer or other entity supervised by the New York Department of Financial Services, solely because a person is or has been a victim of domestic violence, from:
1. refusing to issue or renew, deny or cancel any insurance policy or contract;
 2. demanding or requiring a greater premium or payment from any person;
 3. designating domestic violence as a preexisting condition for which coverage will be denied or reduced;
 4. fixing any lower rate or discriminating in fees or commissions of agents or brokers for writing or renewing such a policy; and
 5. using the fact that a person is or has been a victim of domestic violence as an underwriting criterion.
- B. It provides that if any person, covered by an insurance policy that was issued to another person as the policyholder, delivers to the insurer a valid order of protection issued by a New York court of competent jurisdiction against the policyholder, then the insurer is prohibited for the duration of the order from disclosing to the policyholder the address and telephone number of the person covered by the order of protection, or of any person or entity providing covered services to that person. If a child is the covered person, then the right may be asserted by the child's parent or guardian.
- C. It provides that if any person, covered by group insurance policy, delivers to the insurer a valid order of protection, issued by a New York court of competent jurisdiction, against another person covered by the group policy, then the insurer is prohibited for the duration of the order from disclosing to the person against whom the order of protection was issued the address and telephone number of the person covered by the order of protection, or of any person or entity providing covered services to that person. If a child is the covered person, then the right may be asserted by the child's parent or guardian.
- D. It requires a health insurer to accommodate a reasonable request by a person covered by an insurance policy to receive communications of claim related information from the insurer by alternative means or at alternative locations if the person clearly states that disclosure of all or part of the information could endanger the person. If the covered person is a child, then the right may be asserted by the child's parent or guardian. Except with the express consent of the person making the request, a health insurer may not disclose to the policyholder: (1) the address, telephone number, or any other personally identifying information of the person who has made the request or the child for whose benefit a request was made; (2) the nature of the health care services provided; or (3) the name or address of the provider of covered services.

The following members of Arch Capital Group Ltd. are supervised by the New York Department of Financial Services and are subject to this law: Arch Insurance Company and Arch Indemnity Insurance Company. If you are covered under a New York issued policy by one of these companies and wish to request confidentiality you should follow the procedure below.

Procedure to Make a Request for Confidentiality:

A. To submit a valid court order of protection and/or a request to receive communications of claim related information by alternative means or at alternative locations to Arch Insurance Group please send us:

1. policy information with respect to the coverage applicable to you or a covered child on whose behalf you are making the request, if available;
2. the alternative address, telephone number or other method of contact you wish us to use; and
3. a valid court order of protection issued by a New York State Court and/or a statement that disclosure of claim related information could endanger the covered person seeking confidentiality.

This information should be sent to the following address:

Arch Insurance Group
300 Plaza Three
Jersey City, New Jersey 07311
Attention: General Counsel

B. To revoke a request for confidentiality, please send us a sworn statement that confidentiality is no longer necessary.

NYS Domestic and Sexual Violence Hotline

For further information about domestic violence, you may contact the New York State Domestic and Sexual Violence Hotline by calling **1-800-942-6906**.