

1 Public Protection Cabinet
2 Department of Insurance
3 Financial Standards and Examinations Division
4 (New Administrative Regulation)
5 806 KAR 03:250. Cybersecurity reporting procedures.

6 RELATES TO: KRS 304.3-750 through KRS 304.3-768

7 STATUTORY AUTHORITY: KRS 304.2-110, 304.3-756, 304.3-760, 304.3-766

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the
9 Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to
10 the effectuation of any provision of the Kentucky Insurance Code. KRS 304.3-756 requires a non-
11 exempt licensee to develop, implement, and maintain a comprehensive information security
12 program based on an internal risk assessment. KRS 304.3-760 and KRS 304.3-766 require non-
13 exempt licensees to notify the Commissioner of Insurance of a cybersecurity event involving
14 nonpublic information. This administrative regulation establishes the reporting procedures for
15 non-exempt licensees to report a cybersecurity event and file a cybersecurity compliance report.
16 The administrative regulation also establishes the procedure for a licensee to file a cybersecurity
17 exemption form under KRS 304.3-752 and KRS 304.3-766.

18 Section 1. Definitions.

- 1 (1) “Cybersecurity Event” is defined by KRS 304.3-750(2).
2 (2) “Information security program” is defined by KRS 304.3-750(4).
3 (3) “Licensee” is defined by KRS 304.3-750(6).
4 (4) “eServices” is a secured electronic database developed and managed by the Department
5 of Insurance that houses a registration of public and nonpublic information of licensees.

6 Section 2. Compliance and Exemption Reporting.

7 (1) A licensee that is domiciled in this state and is not exempt from the requirements of KRS
8 304.3-750 to KRS 304.3-768 pursuant to KRS 304.3-752, or deemed in compliance with
9 KRS 304.3-750 to 304.3-768 pursuant to KRS 304.3-766, shall file a Cybersecurity
10 Compliance Attestation Form with the department by February 15th of each year, attesting
11 that the licensee has conducted all necessary risk assessments to fully develop an information
12 security program and is currently implementing and executing that information security
13 program as set forth in KRS 304.3-756.

14 (2) A licensee that is deemed compliant under KRS 304.3-766, shall file a Cybersecurity
15 Exemption Compliance Form with the department by February 15th of each year, attesting to
16 their compliance with the Health Insurance Portability and Accountability Act of 1996 or the
17 Gramm-Leach-Bliley Act of 1999.

18 (3) The Cybersecurity Compliance Attestation Form and the Cybersecurity Exemption
19 Compliance Form shall be filed electronically through the licensees’ eServices account on
20 the department’s secure Web site: <https://insurance.ky.gov/doeservices/UserRole.aspx>.

21 Section 3. Reporting a Cybersecurity Event.

22 (1) A licensee that is domiciled in this state and is not exempt under KRS 304.3-752 shall:

1 (a) Report to the commissioner the details of a cybersecurity event within three (3) business
2 days from the determination that a cybersecurity event has occurred; and

3 (b) Report the cybersecurity event on the Cybersecurity Event Form submitted electronically
4 through the licensees' eServices account located on the department's secure Web site:
5 <https://insurance.ky.gov/doieservices/UserRole.aspx>.

6 (2) A licensee that is not domiciled in this state but reasonably believes that the cybersecurity
7 event meets any of the qualifications described in KRS 304.3-760(1)(c), shall:

8 (a) Report to the commissioner the details of a cybersecurity event within three (3)
9 business days from the determination that a cybersecurity event has occurred; and

10 (b) Report the cybersecurity event on the Cybersecurity Event Form submitted
11 electronically through the licensees' eServices account located on the department's
12 secure Web site: <https://insurance.ky.gov/doieservices/UserRole.aspx>.

13 (3) A licensee who is deemed compliant under KRS 304.3-766 shall:

14 (a) Notify the commissioner of a cybersecurity event in the same manner and form no later
15 than the licensee notifies the affected consumers or federal regulatory authorities, as
16 applicable; and

17 (b) Submit the notification electronically to the commissioner via email:
18 DOI.CommissionerOffice@ky.gov.

19 Section 4. Amending a Cybersecurity Event Submission.

20 (1) A licensee, who has filed a Cybersecurity Event Form with the department shall:

1 (a) Within three (3) business days of the discovery of new information, update and
2 supplement any initial and subsequent cybersecurity event notifications to the
3 commissioner; and

4 (b) Amend a previously submitted Cybersecurity Event Form electronically through the
5 licensees' eServices account located on the department's secure Web site:
6 <https://insurance.ky.gov/doieservices/UserRole.aspx>.

7 Section 5. Incorporated by Reference.

8 (1) The following material is incorporated by reference.

9 (a) "Cybersecurity Compliance Attestation Form", 12/22;

10 (b) "Cybersecurity Exemption Compliance Form", 12/22; and

11 (c) "Cybersecurity Event Reporting Form", 12/22.

12 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
13 the Kentucky Department of Insurance, The Mayo-Underwood Building, 500 Mero Street,
14 Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Forms may also be
15 obtained on the Department of Insurance Internet Web site,
16 <https://insurance.ky.gov/ppc/CHAPTER.aspx>.

806 KAR 3:250

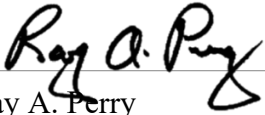
READ AND APPROVED:



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12/08/2022

Date



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12/9/2022

Date