



Department of Insurance

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division
Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Department of Insurance. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Department of Insurance personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Department of Insurance to destroy the records listed, after the appropriate retention periods have passed.

Department of Insurance personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for the Department of Insurance.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

This retention schedule covers the content of records created by the Department of Insurance, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

Department of Insurance

The Bureau of Insurance was established in the Office of Auditor of Public Accounts in 1870. The Auditor appointed the Insurance Commissioner. The Department of Insurance became a separate administrative department of state government in 1934 and the Governor appointed the Commissioner. In 1936, the Department became a division of the Department of Business Regulation. It became a department again when the Division of Insurance was removed from the Department of Business Regulation in 1950. In 2004, the Department of Insurance was renamed the Office of Insurance and was made a part of the Environmental and Public Protection Cabinet. In 2008, the Office again became the Department of Insurance and was placed under the Public Protection Cabinet. The Commissioner is appointed by the Cabinet Secretary.

The duties of the Department include:

- administering Kentucky's insurance laws,
- regulating the conduct of insurance business,
- licensing agents and other company representatives,
- administering insurance taxes,
- licensing insurance adjusters,
- enforcing the insurance code,
- making regulations based on the Department's interpretation of the code,
- disapproving companies that engage in illegal or unethical insurance practices,
- and, periodically examining all insurance companies doing business in Kentucky, to determine their solvency.

The Department is comprised of the following units: Administrative Services Division; Consumer Protection Division; Health and Life Division; Financial Standards and Examinations Division; Insurance Fraud Investigation Division; Office of Legal Services, Insurance Legal Division; Agent Licensing Division; Property and Casualty Division; and Market Conduct Regulation Section.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Public Protection
Insurance

Record Group
Number
1510

Series	Records Title and Description	Function and Use
06475	Request to Inspect Public Records (includes responses to these requests)	This series documents requests to inspect, research, or review public records created, used or maintained by Department of Insurance. In 1976, the General Assembly enacted the Open Records Act, KRS 61.870 to 61.884, which established a right of access to public records. All public records, regardless of format, must be open for inspection unless the records are exempted by one or more of the exemptions found in KRS 61.878, or are specifically exempted by another statute. All public agencies are required to make nonexempt public records available to any requester and provide suitable facilities for the exercise of the right of inspection. This series also includes the agency's responses to open records requests.
	Access Restrictions	
	Contents	Series may contain: Name of division within agency; date; records requested to inspect; number of copies of each document; cost; signature of requestor, company, address, phone; disposition of the request; signature of custodian, name of agency, amount received, date.
	Retention and Disposition	Retain in Agency five (5) years, then destroy.
06482	Open Records Register	This series documents the individuals who have requested to inspect the Department of Insurance public records and the records they requested. It provides a reference point should Department of Insurance need to review the number and type of records requested, as well as who requested them.
	Access Restrictions	
	Contents	Series may contain: administrative unit; date of inspection; name of person inspecting records; agency or group affiliated with, if applicable; address of person
	Retention and Disposition	Retain in Agency five (5) years, then destroy.

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Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
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Public Protection
Insurance
Administrative Services

Record Group
Number
1510A

Series	Records Title and Description	Function and Use
03567	General Correspondence	This series documents general information relative to personnel, budget, retention schedules and public records, reports and routine notices.
	Access Restrictions	None
	Contents	Series may contain: Information providing names, dates, addresses, Social Security information, relative to personnel, budget, public records, reports and memoranda
	Retention and Disposition	Retain in Agency five (5) years, then destroy.
03589	Billings of Examiner's to Insurance Companies	This series documents in detail examiner expenses resulting from a financial examination or market conduct examination of an insurance company authorized to do business in Kentucky. These examinations are required pursuant to KRS 304.2-210. The Department of Insurance bills the insurance company based on the examination work papers, time and travel expenses. The examiner's expenses and work papers are sent to the Financial Standards and Examination Division for approval in a financial examination, or to the General Counsel, Legal Division, for market conduct examinations. Administrative Services directly bills the insurance company upon approval from the above mentioned units. Fees are determined by the National Association of Insurance Commissioners (NAIC). The NAIC has an approved schedule for the billing of insurance companies that is used by all state Offices. As required in KRS 304.2-290, the agency promptly deposits all funds received as a result of examinations into the State Treasury 's Examination Expense Revolving Fund, created for the use by Department of Insurance.
	Access Restrictions	None
	Contents	Series may contain: Name of examiner; date span; travel expenses; exam fee; date of exam; name and address of company; rate of fee; total amount of billing
	Retention and Disposition	Retain in Agency two (2) years; transfer to the State Records Center for three (3) years. Destroy after audit
03710	Printing Order	This series documents the work order submitted by Insurance to the Division of Printing, Finance and Administration Cabinet, for any type of printing specifications and needs, be it (multi-page) forms, calendars, letterhead, envelopes, ledgers, etc. It also serves as the billing document.
	Access Restrictions	None
	Contents	Series may contain: Date; date required; person requesting; job description; billing address; printing order specifications (number of pages, number of copies, size, typeset, layout, color of ink, type of paper, color of paper, weight, binding, collated); accounting details (fund, cabinet, Office, budget unit, etc.); date completed/delivered; received by; copy prep; copy distribution
	Retention and Disposition	Retain in Agency two (2) years; transfer to the State Records Center for three (3) years; destroy after audit.

STATE ARCHIVES AND RECORDS COMMISSION
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Kentucky Department for Libraries and Archives

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Public Protection
Insurance
Agent Licensing

Record Group
Number
1510N

Records Title	Function and Use
Series and Description	Function and Use
03084 Company Files (V)	CLOSED SERIES: This series documents the licensing process and other requirements of the Office that, pursuant to KRS 304.9-150, a prospective applicant must meet to act as a General Lines agent. The application process is initiated by the sponsoring insurance company. A prospective agent must be sponsored prior to applying for a license. Approved applicants must submit to and pass the Office's examination to be properly licensed. The series also contains appointment information on the licensed agent that documents the agent may act as a representative of a particular company. Appointments are required by KRS 304.9-150. It also documents that licenses are renewed as required by law. General lines agents transact one or more of the following: property insurance; casualty insurance; surety insurance; marine and transportation insurance; health insurance; and mortgage guaranty insurance. Renewals occur as follows: Even years- property and casualty agents; Odd years- life and health agents. Since November 1998, the information found in this series has been maintained as the individual agent licensing file (05405).
Access Restrictions	None
Contents	Series contains: Application for license form which provides information on the type of license applied for; name of applicant; social security number of applicant; corporate or firm information; examination location; applicant certification; sponsoring company certification; appointment notifications for licensed agent; computerized listing of renewals to include certification of licensing statue; and related correspondence
Retention and Disposition	Retain in Agency three (3) years; then transfer to the State Archives Center for permanent retention.
03085 Surplus Lines Brokers File (V)	CLOSED SERIES: This series documents that the resident (in-state) agent has met the licensing requirements of the Office to act as a surplus lines broker. A surplus lines broker is one who is licensed to sell various types of high risk insurance. The prospective broker must have been previously licensed as a general lines agent before he can make application to broker surplus lines. Unlike a general lines agent, a surplus lines broker does not have to be sponsored by an insurance company but can initiate the licensing process on his own. A surplus lines broker must meet the financial responsibility requirements of the Office by securing a penal bond in the amount of \$20,000 and have insurance in force. The series provides documentation that these requirements have been met. In addition, it documents that renewals of licenses that occur during even numbered years have taken place. Surplus lines brokers must submit to and pass an examination to receive a license. Since November 1998, the information found in this series has been maintained as the individual agent licensing file (05405)
Access Restrictions	None
Contents	Series contains: Application for license form which provides information on the type of license applied for, name of applicant, social security number of applicant, examination location, and agent certification; proof of penal bond and insurance in force; and related correspondence
Retention and Disposition	Retain in agency or transfer to the State Records Center until activity decreases, then transfer to the State Archives Center for permanent retention.
03086 Adjusters Files (V)	CLOSED SERIES: This series documents that the requirements of the Office have been met by an agent to become properly licensed as an independent or public adjuster. An independent adjuster is one who adjusts for a specific insurance company. A public adjuster is not associated with any one particular company and is therefore free to serve the public at large. It also documents that the prospective adjuster has met the financial responsibility requirements of the Office by submitting proof of surety bond and/or insurance in force, and has submitted to and passed the examination for adjuster. An independent or public adjuster may investigate, report on, or settle claims. Additionally, this file documents that the license has been properly renewed. Renewals occur annually. Since November 1998, the information found in this series has been maintained as the individual agent licensing file (05405)
Access Restrictions	None
Contents	Series contains: Application for license form which provides information on the type of license applied for, name of applicant, social security number of applicant, examination location, and certification information; copy of surety bond and/or insurance in force; and renewal documentation
Retention and Disposition	Retain in agency or transfer to the State Records Center until activity decreases, then transfer to the State Archives Center for permanent retention.

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Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
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Public Protection
Insurance
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Record Group
Number
1510N

Records Title Series and Description	Function and Use
03087 Staff Adjuster File (V)	CLOSED SERIES: This series was created during April 1985 as a result of legislation passed during the 1984 legislative session. Legislation passed set the requirements for an individual to act as a staff adjuster. A staff adjuster is one who is employed as a staff member of a particular insurance company and who can only act as an adjuster for that one company. The individual must have worked for one year prior to applying for a license. If the individual can provide the Office with an affidavit supporting the experience, he does not have to submit to an examination, but can be grandfathered in. An examination is required for those not meeting this requirement. In addition, the series documents that financial requirements have been met through submission of copies of surety bonds and/or insurance in force. It also documents that annual renewals have occurred. Since November 1998, the information found in this series has been maintained as the individual agent licensing file (05405)
Access Restrictions	None
Contents	Series contains: Application for license; copy of affidavit of experience (if applicable); and renewal documentation
Retention and Disposition	Retain in agency or transfer to the State Records Center until activity decreases, then transfer to the State Archives Center for permanent retention.
03088 Solicitors Files (V)	CLOSED SERIES: This series documents that the licensing requirements of the Office, to include submitting to and passing an examination, have been met by the applicant for a solicitor license. A solicitor is an individual employed by an agent or an insurance company to solicit applications for insurance, other than life and health. The solicitor acts as a representative of the agent/agency but cannot bind any coverage as an agent can. A solicitor can only be employed by one agent or agency at a time and must be sponsored by that agent or agency prior to receiving a license. This series also documents that annual renewal of licenses has occurred. This class of license was discontinued in Kentucky on July 14, 2000,.
Access Restrictions	None
Contents	Series contains: Application for license; documentation by sponsoring agent or agency that solicitor will be employed upon receipt of license; and computerized listing to verify renewal requirements
Retention and Disposition	Retain in agency or transfer to the State Records Center until activity decreases, then transfer to the State Archives Center for permanent retention.
03089 Business Entity Files (Formerly Corporation Files) (V)	This series documents that requirements of the Office have been met by the corporation or firm to act as an agent. Under the terms of KRS 304.9-130, a firm (company) or corporation may be licensed as an agent. Each individual acting for the firm or corporation must meet the Office's requirements and qualifications for a license, just as would an individual licensee. The firm or corporation must have a licensed agent in its employ and be sponsored by an insurance company. The corporation must file with the Office its articles of incorporation and resolutions. Computerization of this file began during 1986.
Access Restrictions	None
Contents	Series contains: Articles of incorporation, organization or existence; correspondence; certification letters from other states; appointments; terminations; copies of any enforcement actions; lists of designated agents. May contain: Financial responsibility forms.
Retention and Disposition	Retain in agency or transfer to the State Records Center until activity decreases, then transfer to the State Archives Center for permanent retention.

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Series	Records Title and Description	Function and Use
03090	Financial Responsibility File (V)	CLOSED SERIES: This series documents that the financial responsibility requirements of the Office have been met by a prospective agent prior to receiving a license. Prospective agents must have filed copies of same with the Office before application for a license can be processed. The file is updated daily. If the individual has not shown proof of financial responsibility, as required, within one year of having taken the license examination, the file will be closed until such time as the agent can meet all Office requirements. Since November 1998, the information found in this series has been maintained in either the individual agent licensing file (05405) or the business entity file (03089).
	Access Restrictions	None
	Contents	Series contain: Certification of insurance in force; copies of surety or cash bond, for whom bond was issued, sum of coverage, and effective date; and related correspondence, if applicable
	Retention and Disposition	Retain in Agency or transfer to the State Records Center until activity decreases, then transfer to the State Archives Center for permanent retention.
03091	Answer Sheet File (V)	This series provides supporting documentation regarding the examination procedure of the Office. The answer sheet is completed by the examinee and electronically scored. In 1983, this file was established as a separate series and is maintained separately from examination results (Passed Exam Results 03092). The series is now maintained in electronic format on the Office's Oracle database, accessible through Agent Licensing Management Application (ALMA).
	Access Restrictions	None
	Contents	Series contains: Name of examinee; examination center; examinee social security number; examination booklet number; examination title; time examination began; time examination ended; and a copy of each examination notice which is stapled to the individual's answer sheet
	Retention and Disposition	Retain in Agency five (5) years; destroy
03093	Agent Termination File	CLOSED SERIES: This series provides information on agents whose current appointments to specific insurance companies have been terminated. Under the terms of KRS 304.9-280, an insurance company may terminate as agent appointment at any time. The information is required to be transmitted to the Office via a termination form. Only general lines agents and solicitors must be appointed to maintain a current license. Prior to 1983, termination information was filed in General Correspondence (03094). Since November 1998, the information found in this series has been maintained in either the individual agent licensing file (05405) or the business entity file (03089).
	Access Restrictions	KRS 304.9-280 (2)
	Contents	Series contains: Termination form, which contains the name of agent being terminated; social security number of agent; company Internal Revenue Service number; type of license agent holds; name of terminating company; reason and effective date of termination; and company signature. May also contain written statement of facts submitted by the respective insurance company
	Retention and Disposition	Retain in Agency two (2) years; transfer to the State Records Center for three (3) years. Destroy. Total retention is five (5) years.

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Series	Records Title and Description	Function and Use
03094	General Correspondence	This series provides documentation regarding problems involved in the processing of applications for licenses, renewals of licenses, or any other situation or circumstance where the Office requires additional information to process a request. The inquiry may be to an insurance company or to an agent, etc. Responses to inquiries must be received by the Office within 90 days. If not, that company or individual file is closed until such time as clarification can be obtained. The series also provides documentation as to no-shows for examinations and/or failures to pass examinations. Applications for licenses expire after 120 days, unless all Office requirements are met.
	Access Restrictions	None
	Contents	Series contains: Correspondence from the Office to insurance companies or individuals relating to specific problem areas regarding the licensing process; expired applications for licenses; examination re-take forms on those agents who failed initial test; notice of examination date and time; and any other information relating to the processing of applications
	Retention and Disposition	Retain in Agency one (1) year; transfer to the State Records Center for four (4) years; total retention is five (5) years.
03236	Agent Training Programs and Instructors File	This series documents, as required in KRS 304.9-105(4)(b), that forty hours classroom instruction be given to proposed agents using instructional materials which are approved by the Executive Director. A course outline must accompany the filing as well as information on the instructors showing their qualifications to teach. Agent Training Programs and Instructors records are filed and approved by the Division. The Division maintains and updates these files as necessary, and must keep them in-house for quick reference and update. The programs are randomly updated, dependent on company program changes. Even though programs filed in the early years after the law became effective have been changed, information filed with them may still be relevant. In most cases, the actual educational materials are not submitted.
	Access Restrictions	None
	Contents	Series contains: Course outlines, cover letters/correspondence, resume for instructor qualifications, fee receipt for instructor
	Retention and Disposition	Retain in Agency and destroy when obsolete
03620	Agency Survey File - (Investigation Reports)	CLOSED SERIES: This series documents the examiner's visit to an agency and, as required by KRS 304.9-390, verifies that the agency and agents have and display the proper license(s) under which the agency conducts business. If an insurance agency does not have the proper license(s), it is contacted by the Office and the necessary licensing procedures are completed, after which this survey has served its purpose. Since August 2004, the information found in this series has been maintained in the individual agent licensing file (05405) and the Business Entity File (03089).
	Access Restrictions	None
	Contents	Series contains: Name and address of agency; information concerning ownership of agency (individual, partnership, corporation), and licensing of each; display of licenses; whether or not the Kentucky Insurance Code is available; Does the agency have solicitors?; Are they paid?; How?; Licensed?; names of employees in agency; facilities used for premium financing; list of companies represented by the agency; name of agency head; name of examiner; date
	Retention and Disposition	Retain in Agency one (1) year; transfer to the State Records Center for four (4) years. Destroy after audit. Total retention is five (5) years.

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Records Title	Function and Use
Series and Description	Function and Use
04038 Consultant File	CLOSED SERIES: This series documents those that have taken the consultant's exam, passed, and have met other licensing requirements of the Office, as required in KRS 304.9-320. A consultant is like a financial advisor, or one who, as an independent contractor in relation to his client, for fee or compensation, advises any person insured or soon to be under an insurance contract relative to rights, exchange, or surrender of rights/benefits. The file verifies renewals, updates financial responsibility, and aids in regulatory activities. A consultant may or may not be an insurance agent, but will not necessarily represent a particular company, unless perhaps as a licensed agent of a company. The exams are given twice a year, and are renewed every two years. There are no continuing education requirements. The Progress Report to the Commissioner (M0029) identifies those that have passed or failed the test. Since November 1998, the information found in this series has been maintained in the individual agent licensing file (05405).
Access Restrictions	None
Contents	Series contains: Application; exam results; correspondence; financial responsibility documentation; renewal information; type of consultant (life/health or general lines)
Retention and Disposition	Retain in Agency one year after consultant becomes inactive; transfer to State Records Center for nine (9) years; destroy. Total retention is ten (10) years.
04178 Certificate of Completion File (V)	This series documents an agent's completion of continuing education units, as required in KRS 304.9-295. The Office requires twenty-four hours of continuing education to be completed every two years, in order to maintain an active license. The certification is signed by or on behalf of the organization (provider) sponsoring the continuing education course, who then furnishes the Office with the necessary documentation of course completion by the agent. An agent who fails to comply with the continuing education requirements will have his license cancelled. 806 KAR 9:220, Section 4, requires the agent and the provider to retain a copy of the certificate for three years. An agent may carry twelve hours over into the next biennium. Information from the series is tracked on a subsystem of the Agent Licensing Management Application (ALMA).
Access Restrictions	None
Contents	Series contains: Student name; continuing education course identification (course title, certification number, course completion date, credit hours, provider's name, provider's certification number); provider certification (name, signature, date); student certification (name, signature, social security number, date)
Retention and Disposition	Retain in Agency one (1) year; transfer to the State Records Center for four (4) years. Total retention is five (5) years. Destroy after audit
04179 Continuing Education Provider File	This series documents the providers approved to offer and conduct continuing education courses for licensed agents. The Office requires that agents complete twenty-four hours of course work each continuing education biennium. Course completion is documented in the Certificate of Completion File (04178). Providers that wish to participate in the program must submit an application for approval of course curriculum, credit hours, as well as course instructors. The provider renews his application and course curriculum each biennium. A primary consideration for approval of instructional materials is that the materials contribute directly to the professional competence of an agent. All courses and instructors require a filing fee and courses require approval fee. Providers must certify to the Office of Insurance a listing of all agents in attendance of their approved courses by submission of a Kentucky Course Roster.
Access Restrictions	None
Contents	Series contains: Provider application (name and address of provider submitting course, name/phone number of contact person; course title, date of course, location, instructor; method of instruction, classroom/lecture, seminar, correspondence study, method of determining successful completion, exam, attendance; credit hours requested on life/health/property/casualty/general); continuing education instructor qualification form (name of instructor, address, title of course, provider, minimum standards of instructors/speakers; related educational background; related employment background); Proprietary Board of Education approval/exemption and approval documentation; course fee and instructor fee payments; course rosters.
Retention and Disposition	Retain in Agency one (1) year after non-renewal of application. Transfer to State Records Center for four (4) years. Destroy after audit. Total retention is five (5) years.

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Public Protection
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Agent Licensing

Record Group
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1510N

Series	Records Title and Description	Function and Use
05405	Individual Agent License File	This series documents that requirements of the Office of Insurance have been met by the individual to act as an agent. Under the terms of KRS 304.9, an individual may be licensed as an agent, adjuster, administrator, consultant, surplus lines broker, managing general agent, reinsurance intermediary, rental vehicle agent, rental vehicle managing employee, specialty credit producer, and viatical settlement broker/provider upon meeting the Office's requirements and qualifications for a license. This series also contains appointments, which are required to utilize the agent license, financial responsibility that must be maintained at all time by resident agents, proof of continuing education requirements prior to 2002, and other pertinent documents regarding the license.
	Access Restrictions	None
	Contents	Insurance License Individual Applications; renewals; Proof of Financial Responsibility, financial responsibility cancellation forms; certification/clearance letters and requests; insurer terminations; insurer appointments; general correspondence; name and address changes; legal documents; pre-licensing certificates; AOC background reports; voluntary surrenders, original returned licenses; proof of returned mail; inter-Office memos; news clippings; copies of drivers licenses; exam notices, results and answer sheets; work authorization; business cards; NASD registration; National Producer Database printouts; Regulatory Information Retrieval System printouts; SADD printouts; Electronic application printout; agent affidavits; military affidavits; death certificates; SSN corrections.
	Retention and Disposition	Retain in Agency two (2) years after file becomes inactive; transfer to State Records Center for thirteen (13) years; total retention is fifteen (15) years after file becomes inactive.

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RETENTION SCHEDULE

Public Protection
Insurance
Consumer Protection and Education

Record Group
Number
1510C

Series	Records Title and Description	Function and Use
03351	Local Government Tax Ordinances	This series documents information, as required in KRS 91A.080, that local governments have filed copies of all ordinances and amendments thereto that impose a license fee or tax on insurance companies and licensed insurance brokers for doing business within the jurisdiction of the local government. The Department of Insurance ("DOI") uses the information to develop a schedule of rates regarding taxes to notify each insurance company and licensed broker engaged in the business of insurance in Kentucky (series 03352). In the event a local government makes a change in the fee, DOI shall be notified.
	Access Restrictions	None
	Contents	Series may contain: Ordinances passed by local governments which impose a license fee or tax by percent of premiums collected within the jurisdiction and by line of insurance. Ordinance contains: name of local government; amount of fee/tax imposed; date imposed; signatures of officials; and lines of insurance
	Retention and Disposition	Retain permanently in Agency
03352	Local Government Premium Tax Schedule (V)	This series documents the information provided to insurance companies and licensed insurance brokers so that the proper tax can be paid to the appropriate local government entity in which business is conducted. This series is a direct result of Local Government Tax Ordinances, series 03351. The tax schedule is completed once a year and is used by insurance companies and licensed insurance brokers to view any changes from the previous year.
	Access Restrictions	None
	Contents	Series may contain: Bulletin; schedule of tax rates; instructions; tax code number; list of payees and addresses; quarterly form; and annual form
	Retention and Disposition	Retain in Agency five (5) years, then destroy.
03353	Kentucky Local Government Premium Tax Filings Report	This series documents the annual report of insurance companies and licensed insurance brokers of local government premium taxes paid during the preceding calendar year to each local government pursuant to 806 KAR 2:095. The report documents the premiums received, taxes payable, collection fees retained where applicable, and what amounts are collected from the policyholders quarterly and annually. A quarterly report is filed with the local government and the annual report is filed with Department of Insurance ("DOI") and the local government. DOI reviews the report for accuracy and is used in market conduct examinations.
	Access Restrictions	None
	Contents	Series may contain: Name of city; year; name of insurance company; employer identification number; name of company officer preparing return; lines of insurance; tax rate; premiums received; tax payable; collected from policyholders; additional tax due, and number of quarter; computations of additional payment due; and certification.
	Retention and Disposition	Retain in Agency five (5) years, then destroy.
03357	Policyholder Service Complaint File (V)	This series documents the investigation of consumer complaints and inquiries against insurance companies and agents pursuant to KRS 304.2-160 and 806 KAR 2:050. Resolution of complaints are categorized as "Justified", "Not Justified", "Question of Fact and Inquiry Only".
	Access Restrictions	KRS 61.878 (1)(a)(i)(j); KRS 61.878 (1)(a) re personal information
	Contents	Series may contain: Correspondence between DOI, Insurance Company, Agents, Provider, Insurer or Authorized Third Party; copies of insurance policies; photographs; subpoenas; notices; Orders; Agreed Orders; special investigative unit forms; death certificates; Third Party Authorization Form; Power of Attorney form; guardianship form; Executor/Executrix forms; copies of insurance cards, medical records and claim forms.
	Retention and Disposition	Retain in Agency five (5) years after case closure, then destroy.

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Series	Records Title and Description	Function and Use
03619	Detail Premium Tax Report by Company/City/County - (LGTS Printout)	This series documents the premium taxes paid to a city by an insurance company. Market Conduct examiners use the report to compare what is filed on the Kentucky Local Government Premium Tax Filings Report (03353) versus what is found during the market conduct examination of an insurance company. Investigations and/or hearings may result from information that has not been filed correctly, if at all.
	Access Restrictions	None
	Contents	Series may contain: Name of the city; name of insurance company; city code; annual premiums received; tax payable; interest paid
	Retention and Disposition	Retain in Agency five (5) years, then destroy.

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Series	Records Title and Description	Function and Use
03424	Annual Statements of Domestic Insurance Companies	This series is the documentation of the financial condition of an insurance company whose home office resides within the state of Kentucky. It is submitted by March 1 of each year as required in KRS 304.3-240. The report is a summary of operations of an insurance company. Any financial transaction completed in the company during the previous year would be reflected in the statement. The statements are reviewed for irregularities that might exist. The division has the responsibility to ensure that when such conditions exist, the necessary corrections are completed. The problems are to be corrected within the respective year. Requests to view a company's statement may be made by any individual or company. The statement contains a five-year financial summary and is compiled by the insurance company.
	Access Restrictions	None
	Contents	Series may contain: Date of incorporation; date when business was commenced; address of home office; lists of directors and officers; statements of income and disbursements; names of banks where assets are held; real estate, stocks, and bonds owned or sold; premium volumes; loss ratios; and five-year summaries
	Retention and Disposition	Retain in Agency five (5) years; transfer to the State Records Center forty-five (45) years; destroy. Total retention is fifty (50) years.
03425	Domestic Supplemental Filings	This series provides additional information not found in the annual statement (03424). Submission of the filings completes the annual statement and fulfills requirements. The National Association of Insurance Commissioners (NAIC), under the terms of KRS 304.2-240 (2), is authorized to draw up the annual statement form and accompanying instructions. The instructions allow for insurance companies to complete portions of the annual statement (03424), and submit them on dates beyond March 1 of each year. The supplement provides information for statistical reports, if requested. The supplements would be retained the same length of time as the corresponding annual statement. Prior to ca. 1995, supplemental filings were maintained separately from the appropriate annual statement. Since 1995, they have been maintained together.
	Access Restrictions	None
	Contents	Series may contain: Certificate on advertising; reserve evaluation; products liability insurance expense exhibit; malpractice exhibits; liability closed claims reporting form; liability and health insurance statistical report
	Retention and Disposition	Retain in Agency five (5) years; transfer to the State Records Center for forty-five (45) years; total retention is fifty (50) years.
03428	Domestic Company Examination Report	This series documents the examination report completed on insurance companies whose home offices reside in Kentucky, as required in KRS 304.2-210. It results from a study of the financial activities of insurance companies. The report is similar to an audit, except that it is completed by the insurance examiners. (The annual statements are written by the insurance company.) The examiner can make recommendations to a company regarding its financial activities (i.e., investments abiding by statutes, handling of claims, payment of dividends). Examination cycles are four (4) years for assessment or cooperative insurance companies (KRS 299.460); and liability self-insurance groups (KRS 304.48-110). Examination cycles are three (3) years for the remainder of companies). Individual examinations generally take from six (6) months to one (1) year to complete. Since 2000, the office has only examined domestic insurance companies and no longer examines foreign insurance companies.
	Access Restrictions	KRS 304.2-270, General comments only
	Contents	Series may contain: Scope of examination; history; corporate affiliations; management and control (stockholders, Board of Directors, committees); corporate records; fidelity bond; employee's welfare and benefits; plan of operation; reinsurance; service agreements; lease agreements; statutory deposits; accident and health loss experience; business in force; accounts and records; financial statement general comments
	Retention and Disposition	Retain in Agency eight (8) years; transfer to the State Records Center for twelve (12) years; total retention is twenty (20) years.

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Series	Records Title and Description	Function and Use
03430	Examination Work Papers (V)	This series documents a portion of the work required to prepare and complete an insurance company's Examination Reports. It is the examiner's working file. The series is referenced when the next examination occurs, three (3) or four (4) years later. An examination normally takes six (6) months to one (1) year to complete. The NAIC accredits state offices of insurance.
	Access Restrictions	KRS 304.2-270
	Contents	Series may contain: Statements of financial activities (stock, investment, revenue, assets, liabilities); history relative to policy experience; accounts and records
	Retention and Disposition	Retain in Agency three (3) years; transfer to the State Records Center for three (3) years; total retention is six (6) years.
03431	Charter File - Domestic Insurance Company (V)	This series documents the right of a domestic insurance company to exist and do business in Kentucky. The file contains all legal authorizations required for licensing - Articles of Incorporation, By-laws, and biographical data of executive officers. It describes the creation and, to some degree, the history of a company. It contains information that cannot be found elsewhere. All revisions of key documents are maintained in this file.
	Access Restrictions	None
	Contents	Series may contain: Articles of incorporation; by-laws; biographical data of executive officers; reinsurance and assumption agreements; service of process; plan of operation; amended copies of any of the above
	Retention and Disposition	Retain in Agency five (5) years after withdrawal of a company; transfer to State Records Center for forty five (45) years; total retention is fifty (50) years.
03432	Advisory Organization Registration File	This series documents the legal authority of an advisory organization to do business in Kentucky. An advisory organization collects statistical data for members (insurance companies that subscribe to the organization), develops statistical plans (territory or class definitive information), distributes manuals of rating rules and rating manuals, conducts research and field inspections to prepare fire defense classifications, identifies and classifies information on the causes or prevention of losses, and collects information for calculating rates. An advisory organization is not allowed to file rates or other information on behalf of an insurer. Information from the series is needed as long as the organization does business in Kentucky. The files would seldom be referenced after ceasing business in Kentucky, unless signs of illegal activity were present.
	Access Restrictions	None
	Contents	Series may contain: Articles of incorporation; by-laws; rules of operation; list of members; name of agent for service of process; plan of operation
	Retention and Disposition	Retain in Agency one (1) year after becoming withdrawn; transfer to State Records Center for four (4) years; total retention is five (5) years.
03433	Certificate of Authority (V)	This series documents the license file and defines the types of insurance a company can write. When a company withdraws, merges or adds a new line of insurance, the Insurance is notified so the Certificate of Authority can be completed. If a merger takes place, the file is combined with the merged company. If a new line of insurance is marketed, an amended Certificate of Authority is completed and sent to the company. If withdrawn, the file is pulled. Most activity is created from inquiries, i.e., the previous name of an insurance company from which insurance has been purchased.
	Access Restrictions	None
	Contents	Series may contain: Certificates of Authority (COA); amended COA; original application (name of company, address, lines of insurance, state of incorporation, insuring powers); President's name
	Retention and Disposition	Retain in Agency ten (10) years after withdrawal or merger of a company; transfer to State Records Center for fifteen (15) years; total retention is twenty five (25) years

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Series	Records Title and Description	Function and Use
03434	Deposits of Securities	This series documents the securities or reserves deposited in designated banks or withdrawn by insurers under the supervision of the Office. KRS 304.3-140 establishes minimum financial requirements that an applicant for an insurance company license must meet to show that it is competent and intends to act in good faith in the capacity for which it has been licensed. The security is for faithful performance by the insurer of all its undertakings and liabilities under its title policies or other guarantees of title to property. The deposit is held in trust for the protection of the insurer's policyholders and/or creditors. Upon meeting the financial requirements established by this regulation, the insurance company must maintain at all times the minimum security deposit.
	Access Restrictions	None
	Contents	Series may contain: Security of deposits by the insurer; Form 144 (the deposit or withdrawal ticket); name of company; name of bank; description of deposit or withdrawal; total amount of deposit or withdrawal
	Retention and Disposition	Retain in Agency five (5) years after closure of account; transfer to State Records Center for three (3) years; total retention is eight (8) years.
03435	Card File on Mergers and Withdrawals	This series documents information and is the key reference regarding insurance companies, both foreign and domestic. It provides answers to seventy-five percent (75%) of the inquiries received in the division. It provides the name and address of a company, date of incorporation, name changes, phone number and transaction information.
	Access Restrictions	None
	Contents	Series may contain: Name of company; location of home office; date of incorporation; dates of activity or transaction (mergers, withdrawals, name changes)
	Retention and Disposition	Retain in Agency permanently.
04152	Charter File - Foreign Insurance Company - (Company's home base is other than Kentucky) (V)	This series documents the right or authority of a foreign insurance company to exist and to do business in Kentucky. A foreign company is one whose home office is in another state. The file contains all legal authorizations required for licensing--Articles of Incorporation, By-laws, biographical data of executive officers. All revisions of key documents are maintained in this file.
	Access Restrictions	None
	Contents	Series may contain: Articles of incorporation; by-laws; biographical data of executive officers; reinsurance and assumption agreements; plan of operations; amended copies of any of the above
	Retention and Disposition	Retain in Agency two (2) years after withdrawal of a company; transfer to State Records Center for three (3) years; total retention is five (5) years.
04545	Insurer Rehabilitation/Liquidation File	This series documents the corporate, claim and policy information of insolvent domestic (in-state) insurance companies. The records come into the custody of Insurance as a result of final bankruptcy proceedings. All actions related to an insurer rehabilitation or liquidation are carried out in accordance with Subtitle 33 of KRS Chapter 304, the Insurers Rehabilitation and Liquidation Law. The Commissioner's Office, the Office of General Counsel, and the Financial Standards and Examination Division provide input records to the series.
	Access Restrictions	KRS 61.878 (1) (a); Kentucky Rule of Evidence 503
	Contents	Series may contain: Documents related to insurer rehabilitation or liquidation proceedings, which specifically relate to attorney/client privilege; copies of reports to the courts; asset management documentation; information related to claimants; court pleadings; and related correspondence
	Retention and Disposition	Retain in Agency one (1) year. Transfer to the State Records Center for twenty four (24) years. Destroy after case closure and all appeals have been exhausted. Total retention is twenty five (25) years.

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Series	Records Title and Description	Function and Use
04657	Holding Company Files	This series documents annual disclosure statements that reflect relationships between domestic insurance companies and their affiliations. It provides necessary information for the protection of policyholders in Kentucky. As required in KRS 304.37.020, every insurer that is a member of an insurance holding company system must register and supply the following accurate and current information: identification of every member of the system; financial condition; ownership; capital structure; and any loans or transactions for the benefit of an affiliate. The Commissioner terminates the registration of any insurer which demonstrates that it is no longer a member of an insurance holding company system. Two or more affiliated insurers may file an amended registration statement, consolidating their report. Any insurer which is a member of a holding system may register and file on behalf of any affiliated insurer. Any principal insurer or affiliate may submit a disclaimer indicating all material relationships between them, and the basis for discontinuance. After this filing, the insurer or affiliate may not be required to register. As required in 806 KAR 37:010, forms B and C specify the information for annual registration statements by insurance holding companies. * May contain Holding Company Files as part of series 03431, Charter Files - Domestic Insurance Companies.
	Access Restrictions	KRS 304.37-050 Financial information
	Contents	Series may contain: Form B-Holding company registration statement describing the identity and control of registrant; organizational chart; biographical data of executive officers; transactions such as loans between the insurer/affiliates; sales; unusual transactions; beneficial guarantees; service contracts; reinsurance agreements; consolidated tax allocation agreements; litigation proceedings from preceding fiscal year; financial statements; Form C-Summary of registration statement; signature and certification; any prior changes from previous filing; statement that transactions are not in avoidance of review; forms for amendment and consolidation; disclaimer file; request for extension/unknown information; verification of principal insurer
	Retention and Disposition	Retain in Agency permanently
06508	Service Warranty Files (Insurers Financial Solvency Files)	This series documents the financial solvency of insurers authorized or registered to conduct business in Kentucky through administrative oversight, financial analysis and financial examinations to ensure compliance with the requirements of KRS Chapter 304 and the regulations promulgated thereto.
	Access Restrictions	
	Contents	Series may contain: Registration, contracts and contract revisions, bonds, insurance policies, financial statements, renewals, correspondence
	Retention and Disposition	Retain in Agency five (5) years, then destroy.

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Series	Records Title and Description	Function and Use
03235	Health Maintenance Organization Form and Rate Filings (V)	This series is used to resolve complaints, review related filings, verify rates and to answer inquiries from consumers. Health Maintenance Organizations operate and file their forms in accordance with KRS 304, Subtitle 38. This record documents the coverage of any HMO plan in Kentucky and the rates for the coverage. The series consists of forms and rates filed by the HMO for different plans of coverage, and also consists of advertising filed and approved. Out-of-state companies can sell HMO plans in Kentucky, if properly licensed.
	Access Restrictions	None
	Contents	Series contains: Certificate of authority; reinsurance agreement; statements of coverage; rates; advertising; F-1 face sheet and verification form
	Retention and Disposition	Retain in Agency fifty (50) years; destroy after audit
03237	Self-Funded Health Plans (V)	This series documents Self-Funded Health Plans in which an employer, through its own funding, provides hospital or surgical benefits to its employees. The plans are administered by either: 1) the employer; 2) a third party administrator; or 3) a commercial insurer. Although self-funded plans are exempt from the majority of state insurance laws, as described in KRS 304.1-120, there are certain requirements that the plans must adhere to: 1) As required in KRS 304.32-300 - 320, all plan administrators must notify the Office thirty days prior to implementing the plans; 2) All plan administrators must be filed and maintained by the Division and kept at hand for quick reference and updating. This series is maintained electronically in an Excel spreadsheet.
	Access Restrictions	None
	Contents	Series contains: Correspondence from the plan administrator notifying the Office of the plan, the conversion policies, and related correspondence
	Retention and Disposition	Retain in Agency and destroy when obsolete
05004	Health Company Policy Forms and Rates Filings (V)	This series documents health insurance companies' forms and rates that have been approved for use in Kentucky. Policies represented in this series are indemnity type, fee for service, but are not network-based (i.e., are not HMO's). Company forms and rates filings are filed in compliance with the Kentucky Insurance Code. The series consists of policy forms and rates for health and credit health. The files are referred to in order to resolve complaints, verify rate increases, review related forms, and to answer inquiries from consumers. Many contracts (policies) are being either sold or are still held by policyholders in Kentucky. Policy Experience Exhibits, which are required to be filed for health and credit health are also filed under the company's name and National Association of Insurance Commissioner's number.
	Access Restrictions	None
	Contents	Series contains: Company policy forms such as policy application, rider, endorsement, advertising material, booklets or pamphlets, or others maybe found in this file. In addition to the company forms filed, there are also Office forms required in filing certain types of forms, i.e. Face Sheet and Verification Form F-1 LH, Certification Form PC-2, Actuarial Certification Form PC-4 (Health), cover letters and correspondence, policy experience exhibits, prospectuses and annual reports, which are required for certain types of policies
	Retention and Disposition	Retain in Agency fifty (50) years; destroy after audit

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Series	Records Title and Description	Function and Use
05013	Kentucky Health Insurance Market Research Records	This series documents Kentucky's health insurance market, beginning with the year 1995. It aids in providing an understanding of the major insurance reforms enacted at both the state and federal level. It also documents the creation of statutorily appointed entities whose members are involved in policy development related to Kentucky's health insurance market. NOTE: Series may contain reports, minutes and publications which may need to be retained permanently.
	Access Restrictions	Ky. Rule of Evidence 503
	Contents	Series contains: Information related to task forces and subcommittees formed to review/recommend health insurance legislation; publications and reports produced regarding the Kentucky health insurance market and research leading to the publications or reports. It also contains information about Kentucky Kare (defunct); Kentucky Health Purchasing Alliance (defunct); Kentucky Health Policy Board (defunct); the Health Insurance Advisory Council; and the Kentucky Health Care Improvement Authority.
	Retention and Disposition	Retain in Agency one (1) year; transfer state publications, reports and minutes to the State Records Center for fourteen (14) years. Destroy balance of file. Total retention is fifteen (15) years.
05331	Utilization Review and Independent Review Entity File	This series documents the registration of insurers and private review agents to perform utilization reviews, as required in KRS 304.17A-607. Utilization review is a review of the medical necessity and appropriateness of hospital resources and medical services given or proposed to be given to a covered person for the purposes of determining payment. As part of the registration process, private review agents and insurers are required to file an application and submit written policies and procedures to demonstrate compliance with insurance code laws. The Office also certifies independent review entities. An independent review entity is an individual or organization that performs external reviews. The program provides covered persons with a formal, independent review to address disagreements between the covered person and that person's insurer regarding an adverse determination made by the insurer, its designee, or a private review agent (KRS 304.17A-621). Utilization and independent review agents have to reapply every two years.
	Access Restrictions	None
	Contents	Series contains: Application form and policies and procedures for utilization review registration, and independent review entity registration
	Retention and Disposition	Retain in Agency two (2) years; transfer to the State Records Center for four (4) years; destroy. Total retention is six (6) years.
05417	Health Benefit Plan Rate Filing	This series documents the health benefit plan rates and rating methodology filed by insurers with the Office of Insurance, as required under KRS 304.17A-095. These documents are filed with the Office for approval and include information (e.g., Actuarial Memoranda, actual rates or formulas, income and expense worksheets) to demonstrate the need for the filed rate or formula. Insurers are required to file annually, though filings can be amended throughout the year. A filing can be disapproved or withdrawn by the Office. In that instance, the insurer must refile with appropriate changes to the plan rates.
	Access Restrictions	KRS 61.878(1)(C)(1)
	Contents	Series contains order of approval or disapproval, income and expense worksheet, actuarial memorandum, rates or rating formula, trend analysis, provider discount amounts, and required forms.
	Retention and Disposition	Retain in Agency two (2) years; transfer to the State Records Center for eight (8) years; total retention is ten (10) years.

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Series	Records Title and Description	Function and Use
06506	Network Adequacy and Accessibility File (Managed Health Care Plans) (N)	This series documents managed health care plans, including a list and reports of primary and specialty providers and an adequate number of accessible acute care hospital services, to ensure that the needs of enrollees in a managed care plan are met, pursuant to KRS 304.17A-515. Pursuant to KRS 304.17C-040, this series documents reports that an insurer that offers a limited health service benefit plan to enrollees also has a provider network available to all enrollees in the plan within thirty (30) minutes or thirty (30) miles of each enrollee's place of residence or work, to the extent available. Furthermore, this Series contains the Medicare Select Network tests per the requirements of 806 KAR:570 Section 11.
	Access Restrictions	
	Contents	Series may contain: Correspondence, provider adequacy and accessibility reports, summaries, and DOI required Enclosure Forms
	Retention and Disposition	Retain in Agency five (5) years after date filed, then destroy.

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Records Title	Function and Use
Series and Description	Function and Use
04872 Case Referral File	This series documents the referrals alleging fraudulent acts by individuals or entities received by the Division. The referrals are evaluated to determine if a criminal investigative case file (series 04873) should be opened. Some referrals require additional information before an evaluation can be made. Others may be placed in a "pending" category, where an investigative file will be opened, providing sufficient resources are available. Referrals can be closed, that is not pursued, due to lack of merit; or closed because they are too difficult to investigate and prosecute, in relation to pending cases and the current cases being investigated. The receipt of one referral may not result in an immediate investigation. Several referrals relating to a particular company, agent, etc. may be necessary before a formal investigation can begin. KRS 304.47-020 defines fraudulent insurance acts and the penalties associated with them.
Access Restrictions	KRS 304.47-060 (4); KRS 61.878 (1)(h)(i)(j)(k)
Contents	Series contains: Referral form; letters describing criminal fraud allegation; and supporting documentary evidence
Retention and Disposition	Retain in Agency and destroy referrals that do not result in an investigation after twenty (20) years.
04873 Investigative Case File (V)	This series documents the formal investigations into alleged fraudulent insurance acts undertaken by the Division. It is a working file for the investigator or attorney which documents possible criminal actions by the perpetrator. The Division reports any alleged violations of law, which the investigations disclose, to the appropriate licensing agency, the Commonwealth's Attorney, Attorney General, or other prosecuting agency having jurisdiction with respect to the violation(s), as required in KRS 304.47-050 (4). In addition to filing a report with the appropriate prosecuting agency, the Executive Director may, through the Attorney General, prosecute violations in the Circuit Court of the county in which the alleged wrongdoer resides or has his principal place of business, in the Circuit Court of the county in which the fraudulent act was committed, or, with the consent of the parties involved, in the Franklin County Circuit Court.
Access Restrictions	KRS 61.878 (1)(h)(i)(j)(k)
Contents	Series contains: Referral information from insurance companies, private citizens, law enforcement agencies; witness interviews and depositions; evidence, such as copies of checks, insurance applications, policies, bank records, medical records, accident reconstruction reports, and business records; agency records; and information derived from search warrants and subpoenas
Retention and Disposition	Retain in Agency five (5) years after case closure and all appeals have been exhausted; transfer to State Records Center for twenty (20) years; total retention is twenty five (25) years.
04874 Evidence File - (Contains other than documentary materials) (V)	This series documents the evidence gathered as a result of investigations of alleged fraudulent insurance acts. Evidence refers to any item collected by the Division during its investigations which may be produced or exhibited during a criminal trial or hearing, as proof of facts and made part of the case. While there is certain documentary evidence which is contained in investigative case files (series 04873), other evidence may be collected, such as computers, case file material, bank records, computer printouts, etc., in such volume that inclusion in the specific case file is not possible. A special room within the Division has been set aside for the storage of these materials. In addition, procedures have been developed for the purpose of establishing a chain of custody in court, and for the purpose of establishing that the evidence has not been tampered with and is admissible in a court case.
Access Restrictions	KRS 61.878 (1)(h)(i)(j)(k)
Contents	Series contains: Insurance files; audio/videotapes; computers; computer printouts; bank records; photographs; and other physical evidence
Retention and Disposition	Retain in Agency and destroy five (5) years after final disposition of case and when no longer needed for litigation or other administrative purposes

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Series	Records Title and Description	Function and Use
04875	Special Investigative Unit Plan File - (Plans are submitted by insurance companies per 806 KAR 47:030)	This series documents the receipt of Special Investigative Plans submitted by insurance companies, as required in 806 KAR 47:030. All insurance companies licensed to do business in the state of Kentucky are required to employ special investigative units to combat insurance fraud. The plans provide particulars as to the composition of each company's unit and the methods used to communicate instances of insurance fraud to the division. The plans also set forth the insurance companies' policies and procedures to detect and investigate suspected fraudulent claims. The division uses the information to coordinate criminal investigations and to effectuate communication and cooperation among the special investigative units, the division, and other relevant law enforcement agencies.
	Access Restrictions	None
	Contents	Series contains: Each plan contains 1) methods to detect and investigate suspected fraudulent claims; 2) development and implementation of an antifraud strategy; 3) provisions to educate and train claims handlers; 4) policies to cooperate with insurer's claims handlers, legal personnel, technical support personnel, and database support personnel; 5) procedures to facilitate insurer communication; and 6) procedures to encourage and coordinate communication with the division and other law enforcement agencies
	Retention and Disposition	Retain in Agency and maintain current plans. Destroy previous plans when superseded

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Series	Records Title and Description	Function and Use
03350	Motor Vehicle Self Insurance Quarterly Claim Report	This series provides information to the office about motor vehicle liability claims paid during each quarter. 806 KAR 39:050 requires each self-insured company to provide to the office, no later than January 10, April 10, July 10 and October 10 of each year, a report on forms prescribed by the Executive Director, on all claims incurred during the preceding calendar year.
	Access Restrictions	None
	Contents	Series may contain: Name of self-insured; quarterly claim period; person responsible for preparing report; address; phone; name of payee; date of loss; type of claim; amount paid; date paid; adjusting company; status; and amount claimed on open claims
	Retention and Disposition	Retain in Agency one (1) year, transfer to the State Records Center for four (4) years, then destroy. Total retention is five (5) years.
03356	Order Books	This series contains all original orders (agreed orders, subpoenas, and notice and orders setting hearings) which document action against insurance companies, agents, and other miscellaneous actions. It is used to research action taken against insurance companies and agents, and for legal research by attorneys in the office.
	Access Restrictions	None
	Contents	Series may contain: Original documents contain information on insurance companies, agents and document the administrative action taken (fine, revocation of certificate/license, etc). Each order contains: name of company/agent, date signed, and action taken
	Retention and Disposition	Retain permanently in Agency.
03358	Attorney Case File (V)	This series documents the handling of complaints received from policyholders. It represents a legal inquiry regarding an insurance company(s), agent(s), or an inquiry from another division within the office. The series does not involve litigation or formal legal activity. It is a working file for the attorney which documents responses to a policyholder service complaint or other inquiries relative to the Kentucky Insurance Code. The attorney does an investigation and provides a legal opinion (usually by letter).
	Access Restrictions	KRS 61.878 (1)(a)(i)(j)
	Contents	Series may contain: Correspondence between the office and insurance companies, agents, policyholder; copies of insurance policies; copies of Agreed Orders
	Retention and Disposition	Retain in Agency one (1) year after case is closed, transfer to State Records Center four (4) years; then destroy. Total retention is five (5) years after closure.
03359	Office Hearing File (V)	This series documents administrative hearings held by the office and may include insurance companies, agents, and/or other miscellaneous matters and may result from violations of the Kentucky Insurance Code. The hearings are held at Insurance before a Hearing Officer (someone on a personal service contract or staff attorney). After the hearing is held, the Hearing Officer issues a recommendation (revocation of license, fine, suspension, probation, etc.). The files are created when there is a company merger or acquisition, and evidence is found to substantiate a policyholder service complaint against an insurance company or agent, and/or rate filings. The case is closed after issuance of a Final Order. A party may appeal the Order to the Franklin Circuit Court within thirty (30) days of the filing date of the Final Order. The file is often referred to in order to verify or substantiate activities for which charges against an agent or insurance company were brought.
	Access Restrictions	None
	Contents	Series may contain: Hearing Notices, Orders, hearing transcript, correspondence, research notes, and Final Order reflecting disposition of case
	Retention and Disposition	Retain in Agency one (1) year after case is closed, transfer to State Records Center for twenty four (24) years; then destroy. Total retention is twenty five (25) years after closure.

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Series	Records Title and Description	Function and Use
03360	Coded Agent File (V)	This series documents disciplinary action taken against insurance agents licensed to sell insurance in Kentucky who have violated the Kentucky Insurance Code. It is created when complaints are received from policyholders against an insurance agent's business practices. Action is taken against the agent in the form of an Agreed Order or Insurance Administrative Hearing. Final action may result in the revocation of the agent's license, suspension or probation of the agent's license, voluntary surrender of the agent's license, or civil penalty.
	Access Restrictions	None
	Contents	Series may contain: Statement of charges, Agreed Order, hearing transcript, and other miscellaneous documents pertinent to the file
	Retention and Disposition	Retain in Agency five (5) years after case is closed, transfer to State Records Center for forty five (45) years, then destroy. Total retention is fifty (50) years after case closure.
03361	Attorney Court Litigation File	This series documents a staff attorney's litigation working file when court action is taken naming Insurance and/or its employees as a party in an appeal to the Court against a ruling/order issued by the office. Insurance may file a legal action as a result of: 1) foreign or domestic insurance company liquidation or rehabilitation, 2) failure to collect a civil penalty, and 3) enjoin violations.
	Access Restrictions	KRS 61.878 (1)(i)(j)
	Contents	Series may contain: Court pleadings, correspondence, research notes, and related correspondence
	Retention and Disposition	Retain in Agency one (1) year after case is closed, transfer to State Records Center for nine (9) years; then destroy. Total retention is ten (10) years after case closure.
03362	Beverly Hills Supper Club Fire Litigation File	Closed Series: This series was generated by numerous claims filed against the Office (then Office) on behalf of persons (and the estates of persons) injured or killed in the Beverly Hills Supper Club Fire in May 1978. At the particular time of the incident, the state fire marshal was employed by the then Office. It was the responsibility of the attorney employed by the then Office to represent the fire marshal, who was being sued for negligence. The case was dismissed.
	Access Restrictions	None
	Contents	Series contains: Correspondence, pleadings, exhibits, affidavits
	Retention and Disposition	Transfer to the State Archives Center for permanent retention.
03364	Routine Correspondence	This series documents general requests for information and responses to those requests by General Counsel. Inquiries may be in regard to the status of insurers, clarification of the types of coverage available by insurers, rates of premiums, legal interpretation of the Kentucky Insurance Code, and other general requests for information.
	Access Restrictions	None
	Contents	Series may contain: Copies of inquiries from individuals and insurance companies
	Retention and Disposition	Retain in Agency five (5) years, then destroy.

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Series	Records Title and Description	Function and Use
03365	Reference and Informational Material	The Office's General Counsel is on the mailing list of the National Insurance Law Service, and on a routine basis receives materials which are kept in the office library, in particular, copies of insurance laws from other states. Insurance receives copies of new laws or regulations enacted in other states which replace those that are outdated. The information is used as needed as cases arise that pertain to situations where other states' laws are a factor in the settlement of a case pending in Kentucky. The information is useful in studying or researching changes that may be needed in the Kentucky insurance law.
	Access Restrictions	None
	Contents	Series may contain: Periodicals; insurance laws from other states; books
	Retention and Disposition	Retain in Agency five (5) years, then destroy.
03420	U. S. Grand Jury Investigation File	Closed Series: Beginning in 1979, the Office (then Office) was the subject of an investigation by a United States Grand Jury and the Attorney General of Kentucky. The investigation dealt with insurance agent licensing and the awarding of contracts by the state. Many records were subpoenaed and various recommendations were made to improve Office (then Office) procedures. Many of these recommendations were adopted, sometimes through Office (then Office) regulations. Thus, these records serve not only as a history of this period in the Office, but also as an object lesson concerning the creation of sound procedures.
	Access Restrictions	None
	Contents	Series contains: Grand Jury subpoenas; responses to subpoenas; documents furnished to the Federal Bureau of Investigations and the Office of the Attorney General; witness statements and interviews; Attorney General's recommendations; records relating to return of subpoenaed documents; licensing investigation (unauthorized licenses issued)
	Retention and Disposition	Retain in Agency five (5) years; transfer to the State Archives Center for permanent retention.
03492	Johnson Bonding Company, Inc. Litigation File - Bail Bondsmen (V)	CLOSED SERIES: This series reflects the litigious information representing a historical and legal situation that will not be duplicated in the Office of Insurance or the Commonwealth of Kentucky. Litigation is still pending in the courts (of more than one Kentucky county, primarily McCracken County where the Johnson Bonding Company had its home office). The suit addresses additional questions of the total amount of the sufficiency of security to satisfy the same. As of April 2005, ongoing litigation concerns property rights of litigants. The Bail Bondsmen program was repealed by the 1976 General Assembly. The outcome of the case against the Johnson Bonding Company will add to the historical significance of this program.
	Access Restrictions	None
	Contents	Series contains: Master files; audit reports; judgments; court judgments (of current litigation); correspondence; copy of record of pending actions
	Retention and Disposition	Retain in Agency one (1) year after closure of litigation file; transfer to State Archives Center for permanent retention.

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Series	Records Title and Description	Function and Use
03700	Master File - Bail Bondsmen	<p>Closed Series: This series documented that an individual serving as a bail bondsman had met the necessary requirements to act in that capacity. As defined in KRS 431.550, a bail bondsman is any person, partnership or corporation engaged for profit in the business of furnishing bail, making bonds or entering into undertakings, as surety, for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment and/or death before any court in the Commonwealth. It documented that the individual had deposited with the custodian of insurance securities the amount of \$2,500-\$50,000, as had been required by the then Office of Insurance. The deposit was security for liability incurred by the bail bondsman. It also documented that the bail bondsman had filed a schedule of rates of premiums to be charged with the then Office, for the purpose of regulating such rates. Semi-annual reports were submitted on bonds executed, fees charged, amounts of security received, name of courts in which bonds were posted, disposition, and power of attorney supporting bond. The elimination of the commercial bail bonding business was a constitutional exercise of the police power of the state to protect its citizens from a business found to be detrimental to their welfare.</p> <p>Access Restrictions None</p> <p>Contents Series contains: Application of license; security deposits; renewal applications; fingerprint and photo certification; correspondence; references; notice of outstanding judgments; reply form-record check; Power of Attorney to execute bail bonds</p> <p>Retention and Disposition Transfer to the State Archives Center for permanent retention.</p>
03701	Judgments - Bail Bondsmen	<p>Closed Series: This series contains copies of bail bond judgments from courts throughout Kentucky and notices of outstanding and unpaid judgments on performance of bail bonding companies. The series was created due to the failure of the bail bondsman to pay the bond for an offender, who also failed to appear in court as scheduled. The bail bondsman was served with a Notice of Forfeiture, making him responsible for the bond of that offender. The criminal was served with a Bench Warrant to appear before the court. If he failed to appear and provide bail, the bail bondsman and offender were served with the Forfeiture Judgment, making them subject to whatever penalty(s) the court and/or the then Office might impose. The then Office had the authority to revoke the license of the bail bondsman.</p> <p>Access Restrictions None</p> <p>Contents Series contains: Notice of forfeiture; bench warrant; forfeiture judgment on bonding company; name of bonding company; name of bail bondsman; date of judgment; case number; amount of bond; charge</p> <p>Retention and Disposition Transfer to the State Archives Center. Destroy upon approval of the State Archivist</p>
05403	Association Filings - (Applications of qualified eligible employer associations)	<p>This series documents the list of original members of the association committee of the Health Insurance Advisory Council and the required filings of the associations per the requirements of KRS 304.17A-005 (9) (a). An employer organized association is any entity that was qualified by the Department of Insurance as an eligible association prior to April 10, 1998, actively marketed a health insurance program to its members since September 8, 1996, and which is not insurer-controlled. Insurer-controlled means that an insurer has or had a substantial involvement in the organization or day-to-day operation of the entity for the principal purpose of creating a device, arrangement, or scheme by which the insurer segments employer groups according to their actual or anticipated health status or actual or projected health insurance premiums.</p> <p>Access Restrictions None</p> <p>Contents Series may contain: Applications of those qualified eligible employer associations; address, phone number; insurance details</p> <p>Retention and Disposition Retain in Agency five (5) years, transfer to the State Records Center for fifteen (15) years. Total retention is twenty (20) years.</p>

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Series	Records Title and Description	Function and Use
03234	Company Policy Forms and Rates Filings (V)	This series documents companies' policy forms and rates information filed with Department of Insurance (DOI) per requirements of KRS Chapter 304.14-120, KRS 304.15-700 and KRS 304.19-090 and approved by the DOI Commissioner. The information is also filed with the National Association of Insurance Commissioners (NAIC).
	Access Restrictions	KRS 61.878(1)(c)(1) and KRS 304.2-150(3)(b)
	Contents	Series may contain: Company policy forms such as policy, contract, application, rider, endorsement, advertising material; actuarial memorandums; rates; certifications; correspondence; orders of disapproval, if applicable; illustration certifications; informational filings; company's annual reports; marketing material; and disclosure statements
	Retention and Disposition	Retain in Agency ten (10) years, then destroy.

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Series	Records Title and Description	Function and Use
03354	Market Conduct Examination Work Papers	This series documents the work papers used to compile examination reports of insurance companies. The information used to compile Record Series 03355 (Market Conduct Examination Report) consists of claims, payments to insureds, organization of the company, complaints of Kentucky insureds, advertising, and agents. Examiners are employed through personal service contracts with insurance companies to do the research and complete the reports.
	Access Restrictions	KRS 61.878 (1)(i)(j)
	Contents	Series may contain: Reviews/evaluations of insurance company records; life/health reports contain information on history and plan of operation, sales and advertising, underwriting, rating practices, filings, claims, practice, non-forfeiture options, consumer and Office complaints, and municipal premium taxes; property and casualty reports contain information on statistical rating studies and profitability, sales and advertising, history and management, underwriting and rating practices (homeowner and auto), complaints, and claims management
	Retention and Disposition	Retain in Agency ten (10) years then destroy.
03355	Market Conduct Examination Report File	This series documents the market conduct of insurance companies. Examiners from the Office complete reports utilizing work papers obtained from insurance companies (03354). The reports are then reviewed and approved, unless some action is taken against the companies. If there is a discrepancy in a report, the Office contacts the company to resolve it, which can sometimes result in a fine or a revocation. The reports contain information on claims, payments to insureds, organization of the company, complaints of Kentucky insureds, advertising, and agent records. A report is not completed on every company every year. A random selection is made to determine which company will be examined each year. If there have been problems with a particular company, a report will be completed.
	Access Restrictions	KRS 304.2-270 (Domestic exams only)
	Contents	Series contains: History and plan of operation; sales and advertising; underwriting; rating practices; filing; claims practices; non-forfeiture options; consumer and Office complaints; and municipal premium taxes. Property and casualty reports contain: statistical rating studies and profitability; sales and advertising; history and management; underwriting and rating practices (homeowner and auto); and claims management
	Retention and Disposition	Retain in Agency five (5) years; transfer to the State Records Center for five (5) years; total retention is ten (10) years.

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Series	Records Title and Description	Function and Use
03129	Surplus Lines Broker Affidavits and Quarterly Reports (V)	This series documents insurance business lawfully placed by Kentucky licensed surplus lines brokers with insurance companies which are not admitted to do business in Kentucky pursuant to KRS 304.10 - KRS 304.10-400. The broker must complete an affidavit stating that a diligent search of the admitted insurance market was conducted and the insurance cannot be placed except with a non-admitted company. Also included in this series are the quarterly statements filed on a "quarter in arrears" basis by each broker documenting the amount of surplus lines insurance transacted during the reporting quarter and the amount of taxes collected. The quarterly statements must include a breakdown of the premiums and taxes by non-admitted insurer.
	Access Restrictions	KRS 304.2-150 (3)(b)
	Contents	Series may contain: Affidavits; copies of insurance policies; daily reports; Broker name; date insured; insurance company name; insured's name; description of risk; type of class of coverage; amount of premium; surplus lines tax; policy number; tax total; certification statement; signature of notary public and quarterly statements.
	Retention and Disposition	Retain in Agency five (5) years, then destroy after audit.
03130	Property and Casualty Rate, Rule and Form Filings - (Individual companies) (V)	This series documents forms, rates, and supplementary rating information as required to be filed with the Department of Insurance ("DOI") per the requirements of KRS 304.13-051, KRS 304.13-053, and KRS 304.14-120 by every authorized insurer, liability self-insured group, workers compensation self-insurance group, advisory organization, statistical agent, or form provider. All materials filed with DOI must be adhered to as filed, until amended in a subsequent filing. Furthermore, this Series contains consent-to-rate applications filed pursuant to KRS 304.13-100 and K806 KAR 13:020.
	Access Restrictions	KRS 61.878 (1)(c)(1); KRS 304.2-150 (3)(b)
	Contents	Series may contain: Copies of manuals; policy contract forms; forms; loss costs; rate tables; statistical data; research reports; Consent-to-rate forms; endorsement; policy number; inception and expiration date; name and address of agent of record; insurer name; and related correspondence.
	Retention and Disposition	Retain in Agency twenty- five (25) years, then destroy.
03131	No-Fault Rejection Form (V)	This series documents the rejection by individuals of limitations on their rights to sue for bodily injury claims as a result of a motor vehicle accident. All persons are deemed to have accepted these tort limitations unless a rejection is on file with Department of Insurance ("DOI") prior to an injury. A rejection remains in effect until canceled by the individual signing and filing a new form with DOI. Per the requirements of the Kentucky Motor Vehicle Reparations Action of July 1, 1975, all registrants, owners, and operators of motor vehicles shall procure insurance covering basic reparation benefits and liability coverage for their ownership, maintenance, and use of motor vehicles to assure prompt medical treatment, prompt payment for such treatment, to reduce the need for litigation and ensure reasonable prices for motor vehicle insurance.
	Access Restrictions	KRS 61.878 (1)(a) re personal information
	Contents	Series may contain: Statement of acceptance of no-fault and what that entails and lists options provided for rejection of no-fault; provides for the listing of all members of the household and their acceptance or rejection of no-fault; name, date of birth, Social Security Number, address, and signature.
	Retention and Disposition	Retain permanently in Agency
03133	No-Fault Verification Request	This series provides for verification by the Division of rejection or acceptance of imitations on an individual's tort rights pursuant to KRS 304.39-060. In the event of litigation, Department of Insurance ("DOI") has documentation as proof of the verifications.
	Access Restrictions	KRS 61.878 (1)(a) re personal information
	Contents	Series may contain: Account number; date for which status is requested; requestor name and address; corporation or individual name; possible name alternate; address; Social Security Number; date of birth; and signature of requestor
	Retention and Disposition	Retain in Agency five (5) years from date of response, then destroy.

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Series	Records Title and Description	Function and Use
03134	Declaration of Compliance - (By company) (V)	This series documents that insurance companies are complying with the laws governing Kentucky no-fault insurance. Pursuant to KRS 304.39-100 (2), insurance companies authorized to transact business in Kentucky are required to file with the Department of Insurance ("DOI"), as a condition of its continued operations, a form which certifies that it will provide the basic reparation benefits and minimum security for tort liabilities. Non-admitted companies can voluntarily sign and file the form as well.
	Access Restrictions	None
	Contents	Series may contain: A certification statement that insurance company is complying with no-fault insurance laws; day of declaration of compliance; insurance company name; and title and signature of insurance officer
	Retention and Disposition	Retain permanently in Agency.
03136	Settlements and/or Judgments Rendered Against Health Providers - (Medical malpractice files) (V)	This series contains reports of malpractice claims against a health care provider by the malpractice insurer or self-insured provider. KRS 304.40-310 requires closed claim reports be filed with Department of Insurance ("DOI") within sixty (60) days of the claim's closing. DOI is charged with maintaining the reports for statistical and research purposes and providing the information to relevant Kentucky medical licensure boards.
	Access Restrictions	None
	Contents	Series may contain: Name of the insurer; claim number; name and address of health care provider; name and address of claimant; nature of the claim; information on damages asserted and injuries involved; amount of settlement or judgment; related correspondence where applicable; and date the claim was reported to DOI.
	Retention and Disposition	Retain in Agency ten (10) years, then destroy.
03137	Medical Malpractice Reports to Licensure Boards	This series documents quarterly reports of malpractice settlements and judgments (Series 03136, Settlements and/or Judgments Rendered Against Health Care Providers) to the appropriate Medical Licensure Boards as required by KRS 304.40-310(2).
	Access Restrictions	
	Contents	Series may contain: A listing of medical providers by medical category/license for whom a claim or judgment reported to DOI in prior quarter.
	Retention and Disposition	Retain in Agency five (5) years from date sent to a Licensure Board, then destroy.
03138	General Correspondence	This series documents general requests for information and responses by the Division. Inquiries may be in regard to the status of insurers, clarification of the types of coverage available by insurers, rates of premiums, or any other general request for information. Additionally, correspondence may relate to clarification of regulations and/or the Department of Insurance's responsibilities in regard to specific regulations or requirements.
	Access Restrictions	None
	Contents	Series may contain: Responses to inquiries from individuals and insurance companies
	Retention and Disposition	Retain in Agency five (5) years, then destroy.

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Series	Records Title and Description	Function and Use
03139	Consumer Information/Premium Comparison Report	This series documents information regarding premiums for homeowners or private passenger insurance, including all rates, supplementary rate information, and supporting information filed under KRS 304.13-011 to KRS 304.13-161 pursuant the requirements of KRS 304.13-08. Department of Insurance ("DOI") is further required to disseminate and provide the information to consumers in published form, either electronically or in paper format. The publication is available on DOI's website.
	Access Restrictions	
	Contents	Series may contain: Insurance company name; name of preparer; National Association of Insurance Commissioners (NAIC) company code; customer service phone number; Preparer's name and contact information; filing identification and effective date for rates used to calculate the premiums by territory.
	Retention and Disposition	Retain in Agency five (5) years, then destroy
04995	Surplus Lines Miscellaneous Correspondence	This series documents the receipt of general information from Surplus Lines companies. The correspondence relates to a company's position within the state and the writing of surplus lines insurance.
	Access Restrictions	None
	Contents	Series may contain: Name and address of Surplus Lines company and correspondence
	Retention and Disposition	Retain in Agency two (2) years; transfer to the State Records Center for three (3) years. Total retention is five (5) years.
06466	Risk Purchasing Group Registration File (V)	This series documents a Risk Purchasing Group Registration and Notice of Intent, as well as a Service of Process Agent. Pursuant to the Liability Risk Retention Act of 1996, specifically 15 U.S.C. Section 3903, and KRS 304.45-010 -KRS 304.45-150, risk purchasing groups may be formed to purchase liability insurance. After five (5) years of inactivity with Department of Insurance, staff contacts the Risk Purchasing Group to determine activity status.
	Access Restrictions	KRS 61.878 (1)(a) re personal information, i.e., Social Security Numbers
	Contents	Series may contain: Name and address of Risk Purchasing Group, form of organization; domicile state, name, address and contact information for principal officer and administrator; names, addresses, Social Security Numbers of all officers and directors of Group; description of common business/activities of group members; lines and classes of coverage to be purchased, insurance carriers, attestation re prior criminal history and professional licenses; Service of Process Agent name, address, and phone number, related correspondence.
	Retention and Disposition	Retain in Agency five (5) years after group has been determined to be inactive, then destroy.
06467	Exempt Entity Registrations File (V)	This series documents entities exempt from the rate and policy form review requirements of KRS 304.13-051 and KRS 304.14-120 and diligent effort to place insurance with the admitted market per KRS 304.10-040. The three (3) entities exempt from those requirements are defined by KRS 301.11-020 and are: Industrial Insureds, Government Entity Insureds, and Exempt Commercial Policyholders and the statute sets out specific eligibility criteria for each class. Entities seeking exempt status must register their qualifications prior to the effective date of the insurance transaction.
	Access Restrictions	
	Contents	Series may contain: Insured name, address, phone number; exemption class; filing fee; original and renewal applications; DOI's confirmation of registration; investigation, if applicable.
	Retention and Disposition	Retain in Agency eight (8) years after date of last renewal, then destroy.

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Series	Records Title and Description	Function and Use
06468	Charitable Health Care Reimbursement	This series documents reimbursement payments to Cabinet for Health and Family Services ("CHFS") for medical malpractice insurance premium costs for Charitable Health Care Providers registered with CHFS pursuant to KRS 304.40.075 and 806 KAR 40:020.
	Access Restrictions	
	Contents	Series may contain: Copy of insurance policy of the Charitable Health Care Provider; cost of medical malpractice insurance; name and address of provider; classification of provider (i.e., medical, dentistry, etc.), copy of approval for reimbursement, date applied and date of reimbursement.
	Retention and Disposition	Retain in Agency five (5) years, then destroy.
06469	Medical Malpractice Insurer Data Call File	This series documents the Department of Insurance ("DOI") annual retrospective review of all medical malpractice insurer's premiums, profit and expense information related to medical malpractice risks to determine if the profits made for those risks were consistent with reasonable loss ratio guidelines per the requirements of KRS 304.40-075 (6) and 806 KAR 40:020 Section 4. If DOI determines that the profits were not consistent with reasonable loss ratio guidelines, DOI shall determine the amount of the premiums to be refunded to the Commonwealth of Kentucky. Insurer's data from the preceding year shall be provided to DOI by March 1.
	Access Restrictions	
	Contents	Series may contain: Company name, National Association of Insurance Commissioners Company and Group numbers; date; Group name; contact name, address, phone number, email address; five calendar years experience; expenses and provisions for the latest year.
	Retention and Disposition	Retain in Agency five (5) years, then destroy.
06470	Mine Subsidence Quarterly Reports (Premium Payments) (V)	This series documents reports to the Department of Insurance ("DOI") administrator of premiums collected and a list of all losses paid, including the policy number and location of structures insured and reinsured by Kentucky Mine Subsidence Insurance Fund pursuant to KRS 304.44-090. KRS 304.44-070 requires every insurer to keep the ceding commission as fixed by the administrator and the remainder of the premiums shall be remitted by the insurer to the Kentucky Mine Subsidence Insurance Fund.
	Access Restrictions	
	Contents	Series may contain: Reports containing amount of premiums collected, paid losses, policy number, location of structures insured and reinsured by Kentucky Mine Subsidence Insurance Fund; ceding commission; preparer's name and date
	Retention and Disposition	Retain in Agency six (6) years from date of submittal, then destroy.
06471	Mine Subsidence Reinsurance Agreements	This series documents the Reinsurance Agreements between insurers and the Kentucky Mine Subsidence Insurance Fund ("KMSIF"). Per the KRS 304.44-050, all insurers writing property insurance covering structures in the Commonwealth shall enter into an agreement with the Kentucky Mine Subsidence Insurance Fund Administrator in which each insurer agrees to cede one hundred percent (100%) up to three hundred thousand dollars (\$300,000) of any subsidence coverage issued, and, in consideration of the ceding commission retained by the insurer, agrees to undertake adjustment to losses, and payment of taxes, and to absorb all other expenses of the insurer necessary for the sale of policies and administration of the mine subsidence insurance program.
	Access Restrictions	
	Contents	Series may contain: Name and address of insurer; terms of agreement; signatures and date of agreement; related correspondence.
	Retention and Disposition	Retain in Agency eight (8) years after termination or expiration of contract and audit, then destroy.

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06472	Mine Subsidence Premium Review	This series documents the periodic review of the premium level and experience data applicable to the operation of the Kentucky Mine Subsidence Insurance Fund and revisions as required per KRS 304.44-020. Premiums shall be established at a rate or within a schedule of rates sufficient to satisfy all foreseeable claims upon the fun during the period of coverage, giving due consideration to relevant loss or claim experience or trends, to cover normal costs of operation of the fund and provide a reasonable reserve fund for unexpected contingencies.
	Access Restrictions	
	Contents	Series may contain: Data regarding number of policies written, locations, size and types of risks, claims and expenses, actuarial study and recommendations; and related correspondence.
	Retention and Disposition	Retain in Agency twenty-five (25) years, then destroy.
06484	Mine Subsidence Claim File (V)	This series documents the records or property damage claims made with the Kentucky Mine Subsidence Insurance Fund (KMSIF) per KRS 304.44-020. Investigations are conducted to discover the merits of the claim and execution of payment as required through the KMSIF Plan of Operation. Property owners living in counties that have been qualified by their fiscal courts for mine subsidence insurance coverage will have the mine subsidence endorsement attached to their property insurance policies unless owners sign a waiver of coverage. KRS 304.44-060 defines counties that are exempt from the coverage. Coverage is triggered upon collapse of an underground coal mine causing direct damage to insured structures. Insurance companies are charged with investigating the claim and paying the property owners for damages as prescribed under the mine subsidence coverage endorsement; insurance companies then submit their claim file to the KMSIF for reimbursement.
	Access Restrictions	KRS 61.878 (1)(a) re personal information
	Contents	Series may contain: Insurance policy declarations; notice of loss forms; engineer reports; photographs; property damage estimates; and ancillary documentation from insurance companies, including investigative reports; execution of payments; related correspondence.
	Retention and Disposition	Retain in Agency five (5) years after date of closure of claim, then transfer to State Archives for permanent retention.