A Proposed Implementation Structure for Using SERFF to Support Public Access to Product Filings

1. The SERFF system would be modified to allow Internet access to the portions of all lines of product filings submitted via or stored within SERFF that are designated by the state as available for public access. (This would include life, annuity, property/casualty and health product filings.)

2. Access to filings in the SERFF system would require a user to go to the state website and click a link that would direct the user to a public access interface for SERFF. The user would only be able to access filing documents and information designated for public access by that particular state. If the user wanted to access publicly available filings in another state, the user would have to navigate to that state’s website to gain access.

3. The NAIC will not have a role in deciding which filings should be made available or which states shall participate. Each state will decide if and when filings would be made available.

4. Public access to these filing will be subject to individual state law with respect to content and timing:
   a. Timing – The timing of permission can vary from state to state and even among product types within the state. For example, in a state that can protect the filing until disposition, the filing would not be made available until that state has assigned a disposition. If a state has legislation that requires or permits access to filing upon submission, for example, then the proposed solution in SERFF would allow the filing to be made available based on state prescribed timelines.
   b. Content – The SERFF system recognizes that state laws vary with respect to confidentiality (trade secret protections). Some states permit confidentiality requests and others do not. In either situation, only the portions of the filing the state determined to be publicly accessible would be made available.

5. Access to filing documents within SERFF is controlled completely by the state users of the system. States are provided roles with access levels that allow specific users to control default options for filing access as well as manual selections. Existing controls would remain in place leaving the state in complete control of both what and when is made available for public viewing.

It is important to note that what is being proposed is not a change to existing state laws regarding access to filings. The states will continue to manage filing access, applying their own regulations in the same manner they do today. State laws that govern what pieces of a filing are made available to the public and when will continue to be determined by the individual states. This proposal only offers the information requestor an alternative means of access to the filing data being sought.