

Applicable Laws/Regulations: National Credit Union Administration Rules and Regulations, Sections 716 and 741

Area of Responsibility: Operations

Last Board Review: January 2001 Last Revision: January 2001

Privacy Policy for the Protection of Nonpublic Personal Information

PURPOSE

Mindful of its obligation to respect the privacy of its members and customers, and to protect the security and confidentiality of those members' and customers' nonpublic personal information, the board of directors of St. Lawrence Federal Credit Union adopts this policy to provide guidance to the management and staff of the credit union in order to:

- Ensure the security and confidentiality of member/customer records and information.
- Protect against any anticipated threats or hazards to the security or integrity of such records.
- Protect against unauthorized access to or use of such records or information that could result in substantial harm or inconvenience to any member or customer of the credit union.

SCOPE

This policy applies only to nonpublic personal information about individuals who obtain financial products or services for personal, family, or household purposes. It does not apply to information about companies or individuals who obtain financial products or services for business, commercial, or agricultural purposes. The policy imposes the following requirements on the credit union to:

- Provide an initial notice to consumers about the credit union's privacy policies, describing the conditions under which the credit union may disclose nonpublic personal information to nonaffiliated third parties and affiliates, before the information is disclosed.
- Provide an annual notice of the credit union's privacy policies to consumers with which it establishes a customer relationship.

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- Provide a method for consumers to prevent the credit union from disclosing nonpublic personal information, subject to certain exceptions, to most nonaffiliated third parties and affiliates, referred to as "opting out." These opt-out disclosures must be in a form that is clear and conspicuous, and must fully describe the credit union's privacy policies.

PRIVACY AND OPT-OUT NOTICES

Initial Privacy Notice

The credit union will provide a clear and conspicuous notice that accurately reflects its privacy policies and practices to a member not later than when a member relationship is established. This notice may be provided within a reasonable time after the relationship is established if:

- Establishing the member relationship is not at the member's election.
- The notice would substantially delay the member's transaction and the member agrees to receive the notice at a later time.

The credit union will provide a clear and conspicuous notice that accurately reflects the privacy policies and practices to a consumer before disclosing any nonpublic personal information about the consumer to any nonaffiliated third party.

The credit union is not required to provide an initial notice to a consumer if it does not disclose any nonpublic information about the consumer to any nonaffiliated third party, and it does not have a member relationship with the consumer. A member relationship exists when the credit union and the consumer enter into a continuing relationship. This occurs when:

- The credit union originates or acquires the servicing rights to a loan to the consumer for personal, household, or family purposes and that is the only basis for a member relationship. If the credit union subsequently transfers the servicing rights to that loan to another financial institution, the member relationship transfers with the servicing rights.
- A consumer becomes a member under the bylaws of the credit union.
- A nonmember opens a credit card account with the credit union jointly with a member under the procedures of the credit union.
- A nonmember executes a contract to open a share or share draft account or obtains a loan from the credit union jointly with a member, including an individual acting as a guarantor.
- A nonmember opens an account and the credit union is designated as a low-income credit union.
- A nonmember opens an account pursuant to state law and the credit union is a state-chartered credit union.

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In the event an existing member obtains a new financial product or service used primarily for personal, family, or household purposes, the initial notice requirement is met if the credit union provides a revised policy notice that covers the member's new financial product or service. The credit union does not need to provide a new privacy notice if the initial, revised, or annual notice most recently provided to the member was accurate with respect to the new product or service.

The credit union may provide the required initial notice within a reasonable time after a member relationship is established if:

- Establishing the member relationship is not at the member's election.
- Providing the notice not later than the member relationship is established would substantially delay a member's transaction and the member agrees to receive the notice at a later date.
- Providing the notice not later than when a member relationship is established would not substantially delay the member's transaction when the relationship is initiated in person in the office of the credit union or through other means by which the member may view the notice (e.g., on a Web site).

When two or more consumers jointly obtain a financial product or service, other than a loan, the credit union may satisfy the initial policy notice by providing one initial notice jointly to those consumers.

The credit union will provide initial privacy notices so that each consumer can reasonably expect to receive actual notice in writing, or if the consumer agrees, electronically. It is reasonably expected that a consumer will receive actual notice if:

- The notice is hand-delivered to the consumer.
- A printed copy of the notice is mailed to the last known address of the consumer.
- For consumers who conduct transactions electronically, the notice is posted on the electronic site and the consumer is required to acknowledge receipt of the notice as a necessary step to obtaining a particular product or service.
- In the case of an isolated transaction with the consumer, that is, an ATM transaction, the notice is posted on the ATM screen and the consumer is required to acknowledge receipt of the notice as a necessary step to obtaining the particular product or service.

The credit union may not reasonably expect that a consumer will receive actual notice if:

- It only provides a posted sign of its privacy policies and practices in the branch or office of the credit union or in generally published advertisements.
- It sends the notice via electronic mail to a consumer who does not obtain a financial product or service from the credit union electronically.

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The credit union may not provide any notice by orally explaining the notice, either in person or by telephone.

For members only, the credit union must provide the initial notice so that the member can retain it or obtain it later in writing or, if the member agrees, electronically.

Annual Privacy Notice to Members

As a general rule, the credit union is required to provide a clear and conspicuous notice to members accurately reflecting its privacy policies and practices not less than annually during the continuation of the member relationship. Annually means at least once in any period of 12 consecutive months. It is not necessary to provide an annual notice to a former member.

Delivery of Annual Privacy Notice to Members

The credit union may reasonably expect that a member will receive actual notice of its privacy policies and practices if:

- The member uses the credit union's Web site to access financial products and services electronically and agrees to receive notices via the Web site and the current privacy notice is posted continuously in a clear and conspicuous manner on the Web site.
- The member has requested that the credit union not send any information regarding the member relationship, and the credit union's privacy notice remains available to the member upon request.

Contents of Initial and Annual Privacy Notices

In addition to any other information the credit union wishes to provide, the initial and annual privacy notices must include each of the following items of information that applies to the credit union or to the consumers to whom the credit union sends its privacy notices:

- The categories of nonpublic personal information the credit union collects. This requirement is satisfied if the following applicable categories are listed:

- . Information from the consumer
- . Information about the consumer's transactions with the credit union or its affiliates
- . Information about the consumer's transactions with nonaffiliated third parties
- . Information from a consumer reporting agency

- The categories of nonpublic personal information the credit union discloses. The requirement to categorize the nonpublic personal information disclosed is met if the credit union lists the categories described above, as applicable, with a few examples to illustrate the types of information in each category. If the credit union reserves the right to disclose all of the nonpublic personal information about consumers that it collects, it may simply state that fact without describing the categories or examples of the nonpublic personal information disclosed.

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- The categories of affiliates and nonaffiliated third parties to whom the credit union discloses nonpublic personal information. This requirement is satisfied if the credit union lists the following applicable categories and a few examples to illustrate the types of third parties in each category:

- . Financial services providers
- . Non-financial companies

. Others

- The categories of nonpublic personal information about former members that the credit union discloses and the categories of affiliates and nonaffiliated third parties to whom the credit union discloses this information.
- If the credit union discloses nonpublic personal information to a nonaffiliated third party, a separate statement of the categories of information disclosed and the categories of third parties with whom the credit union has contracted.
- An explanation of the right to opt out of the disclosure of nonpublic personal information to nonaffiliated third parties, including the methods by which the consumer may exercise that right at that time.
- Any disclosures the credit union makes under section 603(d)(2)(A)(iii) of the Fair Credit Reporting Act (15 USC 1681a(d)(2)(A)(iii)) (notices regarding the ability to opt out of disclosures of information among affiliates).
- The credit union's policies and practices with respect to protecting the confidentiality and security of nonpublic personal information. Describe in general terms who is authorized to have access to the information and state whether the credit union has security practices and procedures in place to ensure the confidentiality of the information in accordance with its policy. There is no requirement to describe technical information about the safeguards used.
- If the credit union discloses nonpublic personal information to third parties listed below as "exceptions," the credit union may state only that it makes disclosures to other nonaffiliated and third parties as permitted by law.

Short-Form Initial Notice with Opt-Out Notices for Nonmember Customers

The credit union may satisfy the initial notice requirements for a consumer who is not a member by providing a short-form notice at the same time it delivers an opt-out notice. A short-form initial notice must:

- Be clear and conspicuous.
- State that the credit union's notice is available upon request.
- Explain a reasonable means by which the consumer may obtain that notice.

The credit union must deliver its short-form notice in the same manner as it delivers its initial privacy notice to members, as described above. However, it is not required to

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deliver the privacy notice with the short-form initial notice, but may instead provide the consumer with reasonable means to obtain the privacy notice by providing a toll-free number that the consumer may call to request the notice, or maintain copies of the notice in the office of the credit union for those consumers who conduct business in person.

Future Disclosures

Future disclosures may include:

- Those categories of nonpublic personal information that the credit union reserves the right to disclose in the future.

- Categories of affiliates or nonaffiliated third parties to whom the credit union reserves the right to disclose in the future, but to whom it does not currently disclose nonpublic personal information.

Examples

Disclosures under exception for service providers and joint marketers. If the credit union discloses nonpublic personal information under the exception listed below to a nonaffiliated third party to market products or services that the credit union offers alone or jointly with another financial institution, the requirement that the credit union must provide a separate statement of the categories of information disclosed and the categories of third parties with whom it has contracted is satisfied if the credit union:

- Lists the categories of nonpublic personal information disclosed.
- States whether the third party is a service provider that performs marketing services on behalf of the credit union or on behalf of the credit union and another financial institution, or a financial institution with which the credit union has a joint marketing agreement.

Simplified notices. If the credit union does not disclose, and does not intend to disclose, nonpublic personal information about members and former members to affiliates or nonaffiliated third parties, this may simply be stated in addition to the information that must be provided below:

- The categories of nonpublic personal information the credit union collects.
- The credit union's policies and practices with respect to protecting the confidentiality and security of nonpublic personal information.
- In the event the credit union discloses nonpublic personal information to third parties listed below as "exceptions," the notice may state only that it makes disclosures to other nonaffiliated and third parties as permitted by law.

Joint notice with affiliates. A joint notice from the credit union and one or more of its affiliates or other financial institutions may be provided as long as the notice is accurate with respect to the credit union and the other institution.

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Form of Opt-Out Notice to Consumers and Opt-Out Methods

Format of Opt-Out Notice

If the credit union is required to provide an opt-out notice, it must provide a clear and conspicuous notice to each of its consumers that accurately explains the right to opt out. The notice must state:

- That the credit union discloses or reserves the right to disclose nonpublic personal information about its consumer to a nonaffiliated third party.
- That the consumer has the right to opt out of that disclosure.

- A reasonable means by which the consumer may exercise the right to opt out.

Examples

Adequate opt-out notice. A notice that the consumer can opt out of the disclosure of nonpublic personal information to a nonaffiliated party is considered to be adequate if the notice:

- Identifies all of the categories of nonpublic personal information the credit union discloses or reserves the right to disclose and all of the categories of nonaffiliated third parties to whom information is disclosed plus a statement that the consumer may opt of the disclosure of that information.
- Identifies the financial products or services that the consumer obtains from the credit union, either singly or jointly, to which the opt-out direction would apply.

Reasonable opt-out means. The credit union provides a reasonable means to exercise an opt-out right if it:

- Designates check-off boxes in a prominent position with the opt-out notice.
- Provides an electronic means to opt out, such as a form that can be sent via electronic mail or a process at the credit union's Web site, if the consumer agrees to the electronic delivery of information.
- Provides a toll-free telephone number that the consumer may call to opt out.

Unreasonable opt-out means. A reasonable means of opting out is not provided if:

- The only means of opting out is for the consumer to write a personal letter to exercise that right.
- The only means of opting out described in any notice subsequent to the initial notice is to use a check-off box which was provided with the initial notice but not included with the subsequent notice.

Specific opt-out means. A consumer may be required to opt out through a specific means, as long as that means is reasonable for the consumer.

Same form as initial notice. The credit union may provide an opt-out notice together with or on the same written electronic form as the initial notice.

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Initial notice required when opt-out notice is delivered subsequent to initial notice. If the credit union provides the opt-out notice later as required for the initial notice, a copy of the initial notice in writing must be included or, if the consumer agrees, must be provided electronically.

Joint relationships. In the event two or more consumers jointly obtain a financial product or service, other than a loan, the credit union may provide a single opt-out notice. The notice must explain how an opt-out direction by a joint consumer will be treated. Any joint consumer may exercise the right to opt out and the credit union may either:

- Treat an opt-out direction by a joint consumer to apply to all of the associated joint consumers.
- Permit each joint consumer to opt out separately.

If the credit union permits each joint consumer to opt out separately, it must permit one of the joint consumers to opt out on behalf of all the joint consumers. All joint consumers are not required to opt out before an opt-out direction is implemented.

Time to comply with opt out. The consumer's opt-out direction must be complied with as soon as reasonably practical after it is received.

Duration of consumer's opt-out direction. The consumer's direction to opt out is effective until the consumer revokes it in writing or, if the consumer agrees, revocation is received electronically. When a member relationship terminates, the member's opt-out direction continues to apply to the nonpublic personal information collected during or related to the relationship. If the individual subsequently establishes a new member relationship with the credit union, the opt-out direction that applied to the former relationship does not apply to the new relationship.

Delivery. The credit union is required to deliver an opt-out notice so that each consumer can reasonably expect to receive it in writing, or if the consumer agrees, electronically. It is reasonably expected that a consumer will receive actual notice if:

- The notice is hand-delivered to the consumer.
- A printed copy of the notice is mailed to the last known address of the consumer.
- For consumers who conduct transactions electronically, the notice is posted on the electronic site and the consumer is required to acknowledge receipt of the notice as a necessary step to obtaining a particular product or service.
- In the case of an isolated transaction with the consumer, that is, an ATM transaction, the notice is posted on the ATM screen and the consumer is required to acknowledge receipt of the notice as a necessary step to obtaining the particular product or service.

Revised Privacy Notices

Except as otherwise authorized below, the credit union must not, directly or through any affiliate, disclose any nonpublic personal information about a consumer to a nonaffiliated third party other than disclosed in the initial notice, unless:

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- The consumer has been provided with a revised notice that accurately describes the credit union's policies and practices.
- The consumer has been provided with a new opt-out notice.
- The consumer has been given a reasonable opportunity, before the information is disclosed to the nonaffiliated third party to opt out of the disclosure.
- The consumer does not opt out.

The credit union must provide a revised notice if it:

- Discloses a new category of nonpublic personal information to any nonaffiliated third party.
- Discloses nonpublic personal information to a new category of nonaffiliated third party.
- Discloses nonpublic personal information about a former member to a nonaffiliated third party, and the former member has not had the opportunity to exercise an opt-out right regarding that disclosure.

A revised notice is not required when nonpublic personal information is disclosed to a new nonaffiliated third party that was adequately described in a prior notice.

When required to deliver a revised privacy notice it must be delivered according to the following methods:

- The notice is hand-delivered to the consumer.
- If a printed copy of the notice is mailed to the last known address of the consumer.
- For consumers who conduct transactions electronically, the notice is posted on the electronic site and the consumer is required to acknowledge receipt of the notice as a necessary step to obtaining a particular product or service.
- In the case of an isolated transaction with the consumer, that is, an ATM transaction, the notice is posed on the ATM screen and the consumer is required to acknowledge receipt of the notice as a necessary step to obtaining the particular product or service.

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LIMITS ON DISCLOSURES

Limits on Disclosure of Nonpublic Personal Information to Nonaffiliated Third Parties, Part 716.10

Conditions for Disclosure

The credit union may not, except as otherwise authorized, directly or through an affiliate, disclose any nonpublic personal information about a consumer to a nonaffiliated third party unless:

- The consumer or member has been provided with a clear initial notice that accurately reflects the privacy policies and practices of the credit union.
- The consumer has been provided an opt-out notice.
- The consumer has been provided a reasonable opportunity, before the information has been disclosed to the nonaffiliated third party, to opt out of the disclosure.
- The consumer does not opt out.

Definition of Opt Out

Opt out is defined as a direction received from a consumer that the credit union not disclose nonpublic personal information about that consumer to a nonaffiliated third party other than permitted by law or regulation.

Examples of reasonable opportunity to opt out. The credit union provides a consumer with a reasonable opportunity to opt out if:

- The credit union mails the required notices outlined above to the consumer and allows the consumer to opt out by mailing a form, calling a toll-free telephone number, or any other reasonable means within 30 days from the date the notice was mailed.
- The member opens an online account with the credit union and agrees to receive the notices required above electronically, and the credit union makes the notices available to the member on its Web site and allows the member to opt out by any reasonable means within 30 days after the date that the member acknowledges receipt of the notice.
- In an isolated transaction, such as the purchase of a traveler's check by a consumer, the credit union provides the consumer with a reasonable opportunity of opt out if the notices required above are provided at the time of the transaction and the consumer is requested to decide as a necessary part of the transaction, whether to opt out before completing the transaction.

Application of Opt Out to All Consumers and All Nonpublic Information

The credit union must comply with the opt-out requirements regardless of whether the credit union and the consumer have established a member relationship. Unless the
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credit union complies it may not, directly or through an affiliate, disclose any nonpublic personal information about a consumer that has been collected, regardless of whether it was collected before or after receiving the direction to opt out from the consumer.

Partial Opt Out

A consumer may be allowed to select certain nonpublic personal information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out.

Limits on Redisclosure and Re-Use of Information

Information Received Under an Exception

In the event the credit union receives nonpublic personal information from a nonaffiliated financial institution under an exception as outlined below, the disclosure and use of that information is limited as follows:

- The credit union may disclose the information to the affiliates of the financial institution from which the information is received.

- The information may be disclosed to the credit union's affiliates, but the affiliates may disclose and use the information only to the extent that the credit union may disclose and use the information.
- The credit union may disclose and use information pursuant to an exception in the ordinary course of business to carry out the activity covered by the exception under which the information was received.

Example. If the credit union receives a member list from a credit union to provide correspondent services under the exception in Part 716.14(a) of the rule, it may disclose that information under any exception in Part 716.14 or 716.15 to provide those services. For example, the information may be disclosed in response to a properly authorized subpoena or to the credit union's attorneys, accountants, and auditors. This information could not be disclosed to a third party for marketing purposes or for the credit union's own marketing purposes.

Information Received Outside of an Exception

If nonpublic personal information from a nonaffiliated financial institution is received outside of an exception, the information may be disclosed only:

- To the affiliates of the financial institution from which the information is received.
- To the affiliates of the credit union, but these affiliates may, in turn, disclose the information only to the extent that the credit union can disclose the information.
- To any other person, if the disclosure would be lawful if made directly to that person by the financial institution from which the credit union received the information.
- Pursuant to any exceptions.

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Example. If the credit union obtains a customer list from a nonaffiliated financial institution outside the exceptions:

- It may use the list for its own purposes.
- It may disclose that list to another nonaffiliated third party only if the financial institution from which the list was purchased could have disclosed the list to that third party. In other words, the list may be disclosed in accordance with the privacy policy of the financial institution from which the list was received, as limited by the opt-out direction of each consumer whose nonpublic personal information the credit union intended to disclose.
- The list may be disclosed as permitted, such as to the attorneys or accountants of the credit union.

Information Disclosed Under an Exception

If the credit union discloses nonpublic personal information to a nonaffiliated third party under allowable exceptions, the disclosure and use of that information by the third party is limited to:

- The right of the third party to disclose the information to the affiliates of the credit union.
- The right of the third party to disclose the information to its affiliates, but its affiliates may, in turn disclose and use the information only to the extent that the third party may disclose and use the information.
- The right of the third party to disclose and use the information pursuant to an exception in the ordinary course of business to carry out the activity covered by the exception under which it received the information.

Information Disclosed Outside of an Exception

If nonpublic personal information is disclosed by the credit union to a nonaffiliated third party other than under an exception, the third party may disclose the information only:

- To an affiliate of the credit union.
- To its affiliates, but its affiliates, in turn, may disclose the information only to the extent the third party may disclose the information.
- To any other person, if the disclosure would be lawful if made directly to that person by the credit union.
- Pursuant to an exception.

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Limits on Sharing of Account Number Information for Marketing Purposes

General Prohibition on Disclosure of Account Numbers

The credit union must not, directly or through an affiliate, disclose, other than to a consumer reporting agency, an account number or similar form of access number or access code for a consumer's credit card account, share account, or transaction account to any nonaffiliated third party for use in telemarketing, direct mail marketing or other marketing through electronic mail to a consumer. This does not apply if the credit union discloses an account number or similar form of access number or code:

- To an agent or service provider of the credit union solely to perform marketing for its own products or services, as long as the agent or service provider cannot directly initiate charges to the account.
- To a participant in a private label credit card program or an affinity or similar program where the participants in the program are identified to the member when the member enters into the program.

An account number, or similar form of access number or access code, does not include a number or code in an encrypted form, as long as the recipient is not provided with a

means to decode the number or code. A transaction account is an account other than a share or credit card account. A transaction account does not include an account on which a third party cannot initiate a charge.

EXCEPTIONS

Exceptions to Opt-Out Requirements for Service Providers and Joint Marketing

General Rule

The opt-out requirements do not apply when the credit union provides nonpublic information to a nonaffiliated third party to perform services for the credit union or functions on its behalf if the credit union:

- Provides the initial notice.
- Enters into a contractual agreement with the third party that prohibits the third party from disclosing or using the information other than to carry out the purposes for which the information was disclosed.

If the credit union discloses nonpublic personal information to a financial institution with which it performs joint marketing, its contractual agreement with that institution meets the above requirements if it prohibits the institution from disclosing or using the nonpublic personal information except as necessary to carry out the joint marketing in the ordinary course of business to carry out the joint marketing.

The services that a nonaffiliated third party performs for the credit union under this part may include marketing of the credit union's own products or services or marketing of

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financial services offered pursuant to joint agreements between the credit union and one or more financial institutions.

Definition of joint agreement. A joint agreement means a written contract pursuant to which the credit union and one or more financial institutions jointly offer, endorse, or sponsor a financial product or service.

Exceptions to Notice and Opt-Out Requirements for Processing and Servicing Transactions

Exceptions for Processing Transactions at Consumer's Request

The requirements for initial notice, the opt out, and service providers and joint marketing do not apply if the credit union discloses nonpublic personal information as necessary to effect, administer, or enforce a transaction that a consumer requests or authorizes, or in connection with:

- The servicing or processing a financial product or service requested or authorized by a consumer.

- The maintenance or servicing of the consumer's account with the credit union, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity.
- A proposed or actual security right, secondary market sale (including sales of servicing rights) or similar transaction related to a transaction of the consumer.

Definition of Necessary to Effect, Administer, or Enforce a Transaction

Necessary to effect, administer, or enforce a transaction means that the disclosure is required, or is one of the lawful or appropriate methods, to enforce the rights of the credit union or the rights of other persons engaged in carrying out the financial transaction or providing the product or service; or the disclosure is required, or is a usual, appropriate, or acceptable method:

- To carry out the transactions or the product or service business of which the transaction is a part, and record, service, or maintain the consumer's account in the ordinary course of providing the financial service or financial product.
- To administer or service benefits or claims relating to the transaction or product or service business of which it is a part.
- To provide a confirmation, statement, or other record of the transaction, or information on the status or value of the financial service or financial product to the consumer or the consumer's agent or broker.
- To accrue or recognize incentives or bonuses associated with the transaction that are provided by the credit union or any party in connection with (1) the authorization, settlement, billing, processing, clearing, transfer, reconciliation, or collection of amounts charged, debited, or otherwise paid using a debit, credit, or other payment card, check, or account number, or other payment means; (2) the transfer of receivables, accounts, or interests therein; or (3) the audit of debit, credit, or other payment information.

Other Exceptions to Notice and Opt-Out Requirements, Part 716.15

Exceptions to Notice and Opt-Out Requirements

The requirements for initial notice to consumers, the opt-out provision, and service providers and joint marketers do not apply when nonpublic person information is disclosed:

- With the consent or at the direction of the consumer provided that the consumer has not revoked the consent or direction.
- To protect the confidentiality or security of the credit union's records pertaining to the consumer, service, product, or transaction; to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability; for required institutional risk control or for resolving consumer disputes or inquiries; to persons

holding a legal or beneficial interest relating to the consumer; or to persons acting in a fiduciary or representative capacity on behalf of the consumer.

- To provide information to insurance rate advisory organizations, guaranty funds or agencies, agencies that are rating the credit union, persons assessing the credit union's compliance with industry stands, and the attorneys, accountants, and auditors of the credit union.

To the extent specifically permitted or required under other provisions of law and in accordance with the Right to Financial Privacy Act of 1978, to law enforcement agencies, a state insurance authority, with respect to any person domiciled in that insurance authority's state that is engaged