

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2033

Adding a Note to Civil Rule 26 concerning indirect court rule amendments made by Chapter 39 SLA 2024 (SB 134); and

Adding a Note to Evidence Rules 402 and 501 concerning indirect court rule amendments made by Chapter 39 SLA 2024 (SB 134).

IT IS ORDERED:

1. The following note is added to the end of Civil Rule 26:

Note: Chapter 39, SLA 2024 (SB 134) enacted data security standards for Alaska-licensed insurance companies and procedures for investigation and notification of a cybersecurity event. According to section 4 of the Act, AS 21.23.290(a)(3), enacted by section 1 of the Act, has the effect of changing Rule 26, Alaska Rules of Civil Procedure, by prohibiting discovery of evidence in the possession or control of the division of insurance that is provided by a licensee or an employee or agent acting on behalf of a licensee under AS 21.23.260(f) or 21.23.280(b)(2) – (5), (8), (10), or (11) or that is obtained by the director in an investigation or examination under AS 21.23.310.

2. The following note is added to the end of Evidence Rules 402 and 501:

Note: Chapter 39, SLA 2024 (SB 134) enacted data security standards for Alaska-licensed insurance companies and procedures for investigation and notification of a cybersecurity event. According to section 4 of the Act, AS 21.23.290(a)(4) and (c), enacted by section 1 of the Act, have the effect of changing Rules 402 and 501, Alaska Rules of Evidence, by (a) creating a new privilege that would prevent the director of the division of insurance, or an individual acting under the authority of the director, from being permitted or compelled to testify about confidential or privileged documents, materials, or information in a private civil action; and (2) precluding admissibility of evidence in a private action of documents, materials, or other information in the possession or control of the division of insurance that is provided by a licensee or an employee or agency acting on behalf of a licensee under AS 21.23.260(f) or 21.23.280(b)(2) – (5), (8), (10), or (11) or that is obtained by the director in an investigation or examination under AS 21.23.310.

DATED: December 18, 2024

EFFECTIVE DATE: January 1, 2025

/s/
Chief Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate