

## TIPS FOR PROTECTING AGAINST IDENTITY THEFT DURING AN INSURANCE CLAIM

A policyholder has a duty to cooperate with an insurance company's investigation of a claim. However, during the investigation of an insurance claim, insurance companies often ask their policyholders to produce a ton of information. Not all of these requests are relevant to the specific claim at issue. And the requests are typically burdensome and over broad. Some of these requests will ask for private, sensitive financial information. These requests may ask for social security numbers for the policyholder and even family members depending on the type of insurance claim. They may also ask for dates of birth, driver's license numbers, birth certificates, passports, bank account numbers, information related to social media accounts (like Facebook), etc. The requests may even ask the policyholder to sign authorizations for the insurance company to order the policyholder's credit reports, bank statements, utility records, medical records, etc. You get the idea. In this age of electronic data breaches and identity theft, what assurance does a policyholder have that this information is being properly protected by the insurance company and by the insurance companies' third party vendors that may have

access to this highly sensitive information, and even against rogue insurance company employees? Below we attempt to provide some ways of maximizing protection for the insurance policyholder facing these sorts of requests from an insurance company investigating an insurance claim.

When presented with a request for sensitive information from an insurance company you or your representative can:

1. Reign in the scope of the request. Often, simply by communicating with the insurance company and engaging in a discussion over the scope and breadth of the items and information requested, one can narrow or limit the information that needs to be provided. In other words, why is all of this information really needed to process your insurance claim?
2. The parties can enter into a confidentiality agreement wherein the insurance company agrees to not disclose

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any of the sensitive information to anyone but those necessarily involved in the insurance claim or litigation and agreeing not to make any of the information public including redacting all sensitive information from any court filing.

3. If sensitive information is requested in the form of testimony during an examination under oath, sworn statement, or deposition demand to provide the information "off the record" so that there will not be a transcript floating around with your social security number, for example.

4. If the case is in litigation consider asking the court for a protective order. This is a request to the court to enter an order limiting what information has to be turned over and seeking a ruling on how that information is going to be handled, stored, and disposed of.

These are just some of the things that you or your lawyer can do to protect against a policyholder's private information falling into the wrong hands while still cooperating with an insurance company claims investigation.

## NOTEWORTHY FEBRUARY DATES

### Valentine's Day

The idea of Valentine's Day seems to have originated during the Middle Ages, somewhere around the 14th or 15th century. The holiday is named after Saint Valentine who was martyred. Other historians attribute the holiday as a celebration of the life of Saint Valentine. Valentine's Day is celebrated on February 14 as a festival of romantic love. Every February 14, across the United States and in other places around the world, candy, flowers, and gifts are exchanged between loved ones, all in the name of St. Valentine.

### Presidents' Day

Presidents' Day, or Washington's Birthday, as it is still legally known, was originally designed as a celebration of George Washington's birthdate. In 1880, Congress voted to make this the first national holiday which honored an individual. In 1968, Congress enacted the Uniform Monday Bill, to give workers as many long weekends as possible. This moved, as many holidays, to a standard Monday each year. Many states were already honoring Abraham Lincoln's birthday, February 12th, and this celebration was combined with George Washington's birthday, for one federal holiday. It is observed on the third Monday in February each year.



J.P. has built his entire career on protecting the rights of insurance policyholders, personal injury and wrongful death victims and fighting for the rights of Florida consumers and small businesses. Prior to attending law school, J.P. worked as a claims adjuster for a busy independent adjusting firm in Miami where he handled hundreds of claims. Before launching his own law practice in 1994, J.P. worked for a prominent insurance defense firm in Miami. He now uses the insight that he gained working for the insurance industry for the benefit of his clients. J.P. has recovered millions of dollars for victims of denied or underpaid insurance claims, victims of catastrophic personal injuries and wrongful death and on behalf of those that have been taken advantage of by Big Business and Big Insurance. In Miami-Dade County call J.P. at (305) 461-1095 or toll free at (866) 71-CLAIM or fill out the short online contact form at [www>YourAttorneys.com](http://www>YourAttorneys.com).

*Don't quit on your insurance claim just because your insurance company quit on you!*

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