

.

1.

가.

가 .

1)

, (S&L)

(National Bank)

(State

Bank)

2

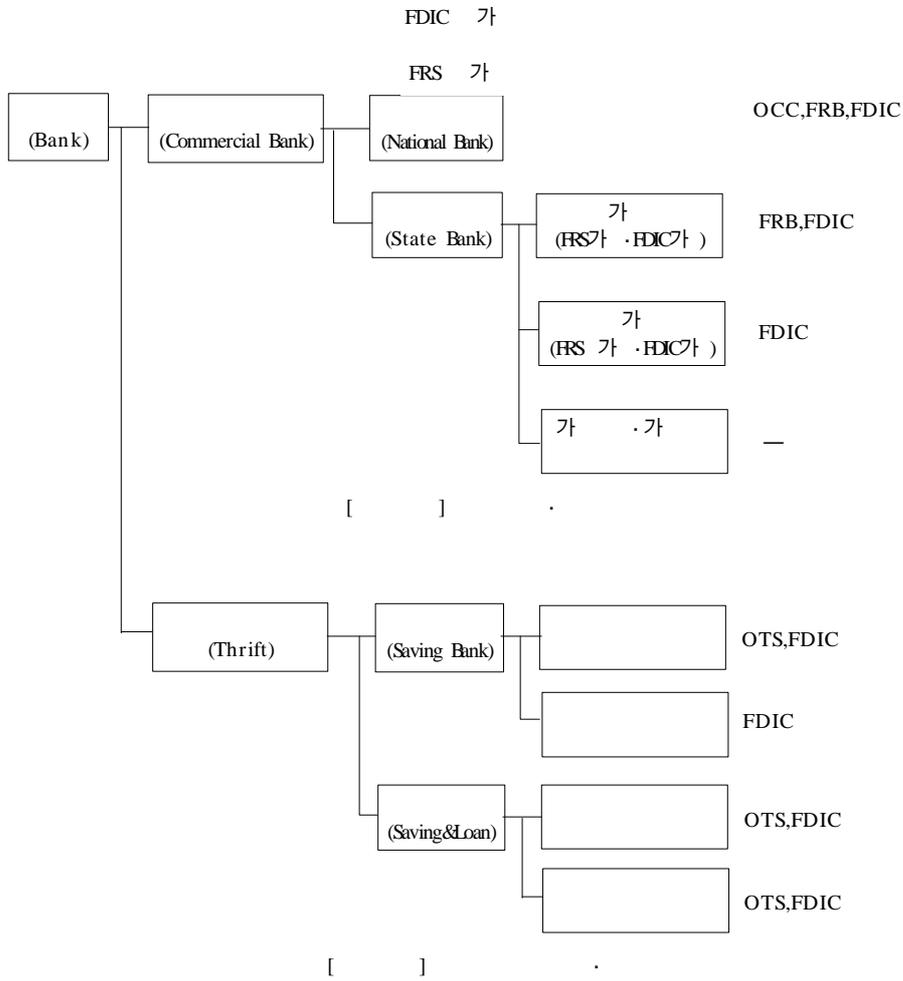
1863

< -1>

2

가

< -1>



- : 1)
- 2) OCC : Office of the Comptroller of Currency,
 FRB : Federal Reserve Board,
 FRS : Federal Reserve System,
 FDIC : Federal Deposit Insurance Corporation,
 OTS : Office of Thrift Supervision,

2)

(Bank Holding Company : BHC)가 . 가 (One-Bank Holding Company), 가 (Multi-Bank Holding Company) .

(州業務規制) () , , 1956 가 .

가 1970 가 . , GLB (Gramm-Leach-Bliley Act)

(Financial Holding Company : FHC) , 가 .

3)

(,)

< -1 >

	(FRB) 가		
	(OCC)		
	(FDIC) 가		가
	(OTS)		
	(SEC)		(審決)
	(SRO)		NYSE NASD

- : 1) 가
- 2) SEC : Securities and Exchange Commission
- 3) SRO : Self Regulatory Organization

. GLB

. GLB

1)

(BHC)

(FHC)

가

2)

(FRB)

3)

- (Glass-Steagal Act)¹⁾

1) 1933 (Banking Act of 1933)

가

GLB

가

4)

GLB

5)

GLB

6)

가

가

(

)가

가

, GLB

Glass

Steagal

(Glass-Steagal Act)

GLB

「 2. 가」

. GLB

1)

GLB

2002 11 29

NARAB(National

Association of Registered Agents and Brokers :

) . NARAB NAIC

2002

11

NARAB 가

가)

NAIC NARAB Working Group

州

(批准)

(州間)

NAIC

가

NAIC가 (州間)

) NAIC
NAIC

2000 1

(Producer Licensing Model Act)

) NARAB 가
GLB 2002 11 29

NAIC 2002 11 가 GLB
NARAB 가

(2003 1 2) < -2>
, 48 가 GLB

< -2>

	48
	2 (DC)
	1 ()

2) GLB 가

가) Swiss Re 2)

GLB

GLB

) LOMA 3)

GLB

Small

Town . GLB

2가

가

가

, State Farm ,

가

) ABIA 4)

GLB

, GLB

GLB

가

(interest conflict)

(Enron)

GLB

가

2) Mr. Laster, Senior Economist, Swiss Re Group
 3) Ms. Gora, Manager of Research, Life Office Management Association
 4) Mr.Reynolds,Managing Director, American Bankers Insurance Association

3가

(ROE : Return on Equity)

가 (PER)

M&A

가

(Private Mortgage)

) ICBA

GLB

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. GLB

,

(Community Bank)

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2.

가.

1)

19

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GLB

GLB

< -3 >

1974	Privacy Act Of 1974
1984	Cable TV Privacy Act
1998	Children`s Online of 1998
	Driver`s Privacy Protection Act
	Electronic Communication Privacy Act
	Electronic Funds Transfer Act
	Electronic Signatures in Global Commerce Act
	Fair Credit Reporting Act
가	Family Education Rights and Privacy Act
1999	(GLB) Financial Service Modernization Act of 1999
	Electric Freedom of Information Act
	Right to Financial Privacy Act
	Telecommunications Act
	Video Privacy Protection Act

가)

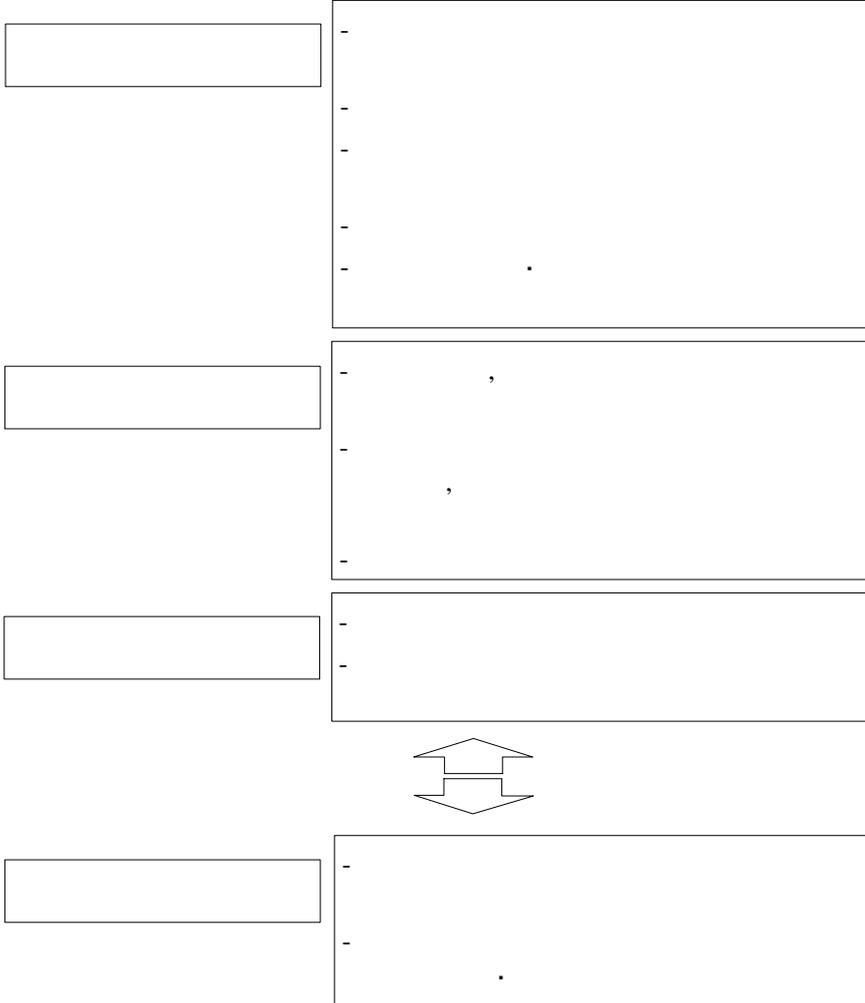
1974

((USC) 5 552a) .

(access)

가
 가
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 1970
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 「 」 「 3
 가
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1984

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1984

가

가 , 가
가

1996

가
1986

1988

가

1974 가

(20 1232a).

, 1998 가
가

() , .
 가) (safe harbor)
 EU 「 3 」
 EU 25 EU가 3
 3 「
 (adequate level of privacy protection)」

, , ,
 , 3 (遵守)
 가 . , 가 EU

EU 3 .
 EU ,
 「 3 」
 가가 가 .
 EU
 가 가 「 (safe harbor)」 .
 7 6)
 (< -4>) , EU EU
 , 2000 11 .

6) (4(2)b(a)) ,

< -4> (safe harbor)

	3
	가 3 가
	3 「 」 「 」
(access)	가 가
(security)	
	가

: , [http:// www.export.gov/ safeharbor](http://www.export.gov/safeharbor)

EU 「 」 EU
가

가
()⁷⁾ , () ,
.

(Federal Trade Commission Act) , 가
,
, 2002 7 ,
221 .

. GLB

1)
GLB
, 3

가)
GLB (affiliate)⁸⁾
가
가

7) GLB ()
8) GLB (affiliate)

) 3

3

(: opt out)
9)

3

가

2) ()

(

가)

()

3

Initial Privacy Notice

가 ()

가 Initial Privacy Notice

가

9) (opt in)

가

가 GLB

()

Annual Privacy Notice

가
 1 ()
 가 Annual Privacy Notice . ,
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Revised Privacy Notice

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 Revised Privacy Notice .
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: OCC, Privacy Law and Regulations

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- 1) GLB 가
2001 7
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GLB 가 10).

10)

- : Office of the Comptroller of the Currency
- : US Public Interest Research Group
- : American Bankers Association

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가)

GLB ()

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, EU 가

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Protection Model Act : 「1982 (Insurance Information and Privacy Model Act)」 1982

GLB 가
13 가 1982 가

, NAIC
, 1998 「 (The Health Information Privacy Model Act: 「1988)」

1999 GLB 2002 2 , NAIC
working group . working group
GLB 가

가
「 (Privacy of Consumer Financial and Health Information Regulation: 「2000)」

) 2000

NAIC
(各州) 가 2000

2000 GLB

2000 , 가

3

, 3 가

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2000 GLB
가

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3) NCOIL

가) NCOIL

(The National Conference of Insurance

Legislators : NCOIL)

NCOIL GLB 5

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(Financial Information Privacy Protection Model Act : 「NCOIL

」) , 2000 1

) NCOIL
 NCOIL NAIC
 2가 NAIC . NCOIL NAIC

NAIC
 " " NAIC
 NAIC 24 , NCOIL

NAIC
 , NCOIL

4)

가)
 NAIC NCOIL
 . 2002 5 1 49 DC
 - 2002 : 36 DC,
 22 14
 DC
 - 1982 : 13
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GLB

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2002 6

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74%

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5) HHS

가

(United States Department of Health and Human Service:

「HHS」)

HHS

가) HHS

1996

HIPAA

(Health Insurance Portability Accountability Act of 1996)

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1999 8

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, HHS

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HHS

1999 1

(Standards for Privacy of Individually Identifiable Health Information)

52,000 ,

2000 12 28 .

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HHS .

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, HHS 2

2003 4 14 .

3.

Small Town

(12USC92)¹¹⁾

(12USC24 (7))

가

, 1999)

(Gramm-Leach-Bliley Act : GLB

가

(GLB 104 (b), 12CFR Part14.60).¹²⁾

가.

1999 GLB

1996 10 OCC

“

가

”(OCC Advisory

Letter 96-8) ,

(AL 96-8C). GLB

11) 1916 5,000

12) (loan)
가
「
」
(Financial holding company)

, GLB

GLB

가

(5000)

가 . . ,

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1)

,

(agent)

(broker)

가 ,

가 .

(他州)

가

13).

가 .

()

("NASD")

, NASD

(NASD Rule 1031, 1032).

2)

Small Town

" (loan)

가 .

(NY 2103)

(NY 2104)

13)

(sub-licensee)

2103 (c),

(NY).

. 가

가 .

1)

7.3001(a)).

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가 (12CFR
가

(OGC Opinion 84-14, "OGC").

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가 가

2)

GLB

(12 CFR Part14)

(12CFR Part 14.50).

(NY2101, OCG95-24).

(NY2114, 2115, 2116) ()

(NY2114 (a)),
가 14).

(:)가
. 가

4.

가 .

Insurance Commissioners : NAIC) (National Association of
(Model Act)

14) (12CFR Part 14)

1,000 , 10) (UPT 8
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UPT

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UPT

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“

(defined violation)”(NY2402 (b))

가

가

“

(determined violation)"(NY2402 (c))가

가

15).

가)

가

가

(NY2604).

RBC (Solvency margin)

(NY1322 (h)).

UTP

가

가

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(UTP 4 A)

(UTP 4 B)

, 가

15)

" "

가

가

(OGC91-22).

가 가

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가

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가 가 가

가 “

(Advertisements of Life Insurance and Annuities Model Regulation :

)” “

(Life Insurance

Illustrations Model Regulation :

)”

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(2 A),

(4 , 5 , 6)

(9 A) ,

(

4 A, 9 B).

32 (21 가

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가 (NY2123 11NYCRR219.1 219.7).

()

NASD

16).

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1

(3 B).

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(:)

가

가

가

41 (33 가

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가

(NY3209 11NYCRR53-1.1 53-1.6,

16) NASA Rule 2210-2 “

10

NASD

(3 A).

53-2.1 53-2.6).

가

(5 A),

3 (9 D).

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(9 B).

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(9 B).

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가 . . Yes No 印 , No가 가 .			
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		(6)	(6)
		(6)	(4)
		(6)	(6)
		(5)	

가

(replacement)가 . 가

“

(Life insurance and annuities replacement model regulation :)” NAIC .

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가

가

, 가 1980

1990

(twisting)¹⁷⁾

(churning)¹⁸⁾

가 , NAIC

45 (42

가)

가 (NY2123 , 4226 , 11NYCRR51).

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가

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()

17) (twisting) ,

18) (churning) 가

가

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 (2 J).
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 - (拂濟保險, reduced paid-up insur-
 - ance)
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가 ,
 13

< >
 (churning)

가

○

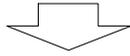
-3>

(3).

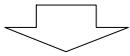
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< -3 >

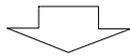
- () , ()



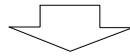
- () , ()



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○

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(, 4 A).

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 가 (4 B).
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(4 E).
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(5 A)

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30

가 .

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(6).

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가 5 ,

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6 A).

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가 ,

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(6 B).

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6 C).

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가 ,

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(UTP 4 H).

가

가

(NY2324 , 4224)

가

“15 19) 가 ()

”

가

(NY2324 (a))²⁰⁾²¹⁾.

가

5%

(NY2324 (a)).

(

50%)

가

10%

(NY2103 (), 2104 (d)).

19) (15)

(OGC2000-138)

(OGC02-05-17).

(keepsake)

5

2000

(Ch482L.2000)

15

20)

가

(OGC2000-46),

(OGC2001-32),

(OGC2001-30),

(OGC2001-10)

가

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(OGC2001-74)

21)

가 ()

가

2001

가

(OGC01-02-16).

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(UTP 4 G).

가

가,
(NY2606 2612),

가 (redlining) .
(redlining) .

5

가 . ,

30

(NY 3429 3433 ,

11NYCRR218.1 7).

) (Financial planning)

가 .

(:)

가

가

가

22),

23)

가

(5 N).

가

가

(commission)

(fee)

가

(UTP 3 M).

가

22) CFP (Certified Financial Planner Board)

가

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가

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가

23)

(Investment Advisers Act)

SEC

(15USC80b-3(a))

가 (: ,

,)

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,

.

가 가

3) (Telemarketing)

가

(NY General Business Law)

(NY Gen. Bus. 399-z).

2001 4 “

(Do Not Call Telemarketing Sale Calls Registry)”

가 가

()

(CPB : Consumer Protection Board)가

()

1 . 4 . 7 . 10 1 . 30

가 1 5,000

20

가 24).

(NY Gen. Bus. 399-pp

24) “The Telemarketing and Consumer Fraud and Abuse Prevention Act(15USC6101 6108)” 가

“Do not call ”

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(11NYCRR219.1 219.7).

4)

,
가

Independent Insurance Agents & Brokers of
America (IIABA, IIAA), National Association of Life Underwriters,
National Association of Fraternal Insurance Counselors

가

가

1988

(Insurance Marketplace

Standards Association : (IMSA)

IMSA

IMSA

가)

IMSA

(ACLI)

가 가

25).

, IMSA
가 . 1980 1990
(churning twisting)
, 1990

가 가
(churning) 1996
17 3,500
1982 1995 13 1,070
2 8,000

) IMSA

IMSA

IMSA가

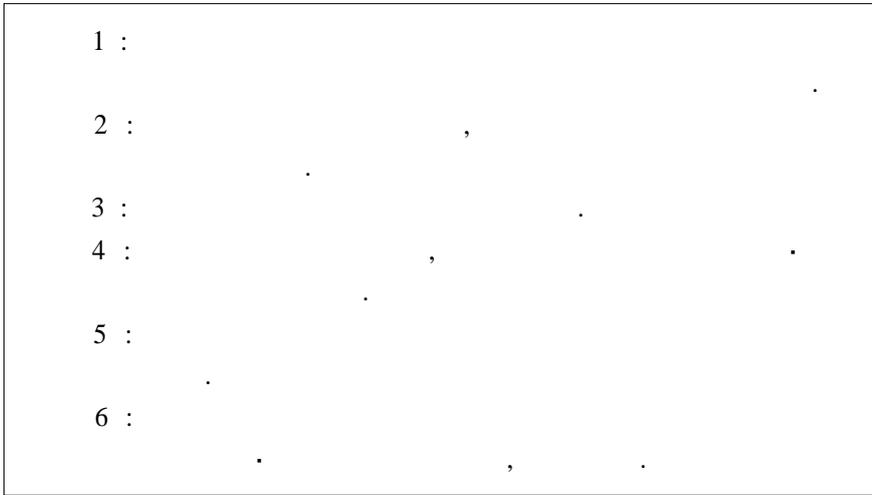
(Principles of Ethical Market Conduct :)

가 , IMSA가 가
가 . IMSA
3 가 가

IMSA

25) IMSA , , GE ,
206 (,
68%)가 가 , IMSA

IMSA



GLB

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Title40, 287 (a))

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, GLB

가

(GLB 305).

(safe harbor)

(GLB 104 d)

NAIC

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1)

가

GLB 305

(12CFR Part14) (

)가

2001 10

OCC

가

(12CFR Part14)

(FDIC) 가

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-8>

12CFR Part14

가

< -8 >

OCC	12CFR Part14		2,176
			18
FRB	12CFR Part208	FRS 가	975
FDIC	12CFR Part343	FDIC 가 · FRS 가	5,027
		FDIC 가	520
OTS	12CFR Part536		810

: 2002 6 가 ,

: 「Federal Register 2002.12.4」 FDIC

가)

「 」 ,
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 가 ,
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 「 . 가 」 ()
 . ,

(12CFR Part14.20(d)).

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(300 1 9 , 234),

(12CFR Part14. 10)²⁶).

가

(12CFR Part14. 20(f)).

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(12CFR Part14.50(a)).

27)

26)

(OCC Hankbook p30).

27)

(platform area)

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가 FDIC

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(12CFR Part 14. 30(a)).

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(12USC 1972) (12USC 1972(1)(A)),
(12USC 1972 (1)(B)) 가 (
:)
28)29).

28)

< >

(12CFR Part14.30(b)).

(FDIC) 가 , 가
 가 , 가
 ,

< >

(domestic violence)

(12CFR Part14.30(c)). ,

(12USC 1972 (1)). (12CFR
 Part225.7) 가 . 「
 (eligible products)」
 (combined-balance discounts program) . ,
 FRB 가
 「 」 (FRB BHC Legal
 Interpretation 2001. 5.16) 2
 (immediate family) .
 29) (HOEP : Home Ownership and
 Equity Protection Act), 2 「
 (Single Premium Credit Insurance : SPCI)」
 가 2002 10 (12CFR Part 226)

(NY2612),

(誤認)

Insurance disclosures)

Credit disclosures) 2 ,

< >

(12CFR Part14. 40(a))³⁰.

(「 」) 가

가

(12CFR Part14.40(d)),

30) (direct mail)

「 , , , 」

(12CFR Part14. 40(c)).

< >

(12CFR Part14.40(b))³¹⁾.

< >

1 (GLB 301

). , OCC
, (compliance) ,
가 . 가

. OCC
가 가

「 (Insurance Activities Comptroller's Handbook 2002.
7)」 .

, 가
(Program Management Plan)

31) (direct mail)

(top management)

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OCC

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2)

(12CFR Part14)

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GLB

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GLB

(safe harbor)

(safe

harbor)

가) GLB

(safe harbor)

GLB

GLB

(GLB 104 (a)),

(GLB 104 (d)).

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가

GLB

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(GLB 104 (d)(2)(B)).

GLB

(13)

2000 2001

NAIC

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UTP 5

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< -9> GLB

UTP 5

<p>GLB (safe harbor) GLB 104 (d)(2)(B)() ()</p>	<p>UTP 5</p>
<p>○ () () (())</p>	<p>○ B(2)) (5</p>

GLB (safe harbor) GLB 104 (d)(2)(B)() ()	UTP 5
○ (())	○ , (5 B(3)) ○ B(4) (5)
○ 가 (())	○ ()가 (5 B(5)) ○ 가 (5 B(6))
○ (())	○ (5 B(7)) 가
○ () ()	() . 가)((5 B(8))
○ 3 (())	○ .

GLB (safe harbor)	UTP 5
GLB 104 (d)(2)(B)() ()	
○	○
(())	(5) B(12))
○ 14.40(b)) (12CFR Part	○ 가 , (5 B(11))

가)

GLB

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(NY2113 , 2501)」 2000
 . , C.418.L.2000

(C.493.L.2000)

가

(NY2114 (a), 2115 (a),

2116)

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(NY2502 (c)),

(NY2502 (e))

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GLB

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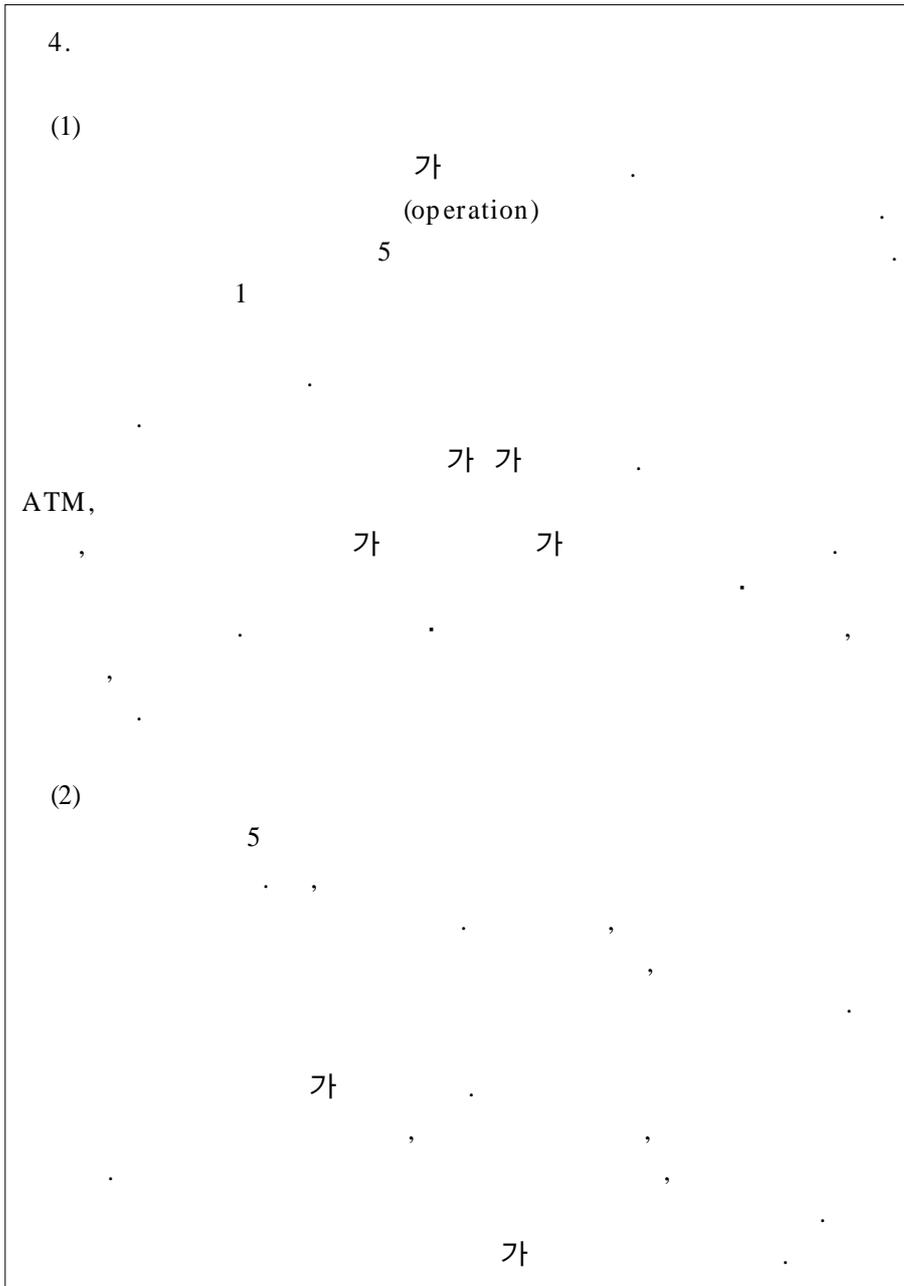
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가 . ,



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 ○ ()
 ○ , ATM

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 ○ ()
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 ○ 가
 6 8 가

 7.

 : Mail Preference Service
 c/ o Direct Marketing Association, PO Box 9008, Farmingdale,
 NY11735-9008
www.the-dma.org/consumers/offmailinglist.html

: Telephone Preference Service

c/ o Direct Marketing Association, PO Box 9014, Farmingdale,
NY11735-9014

www.the-dma.org/consumers/offtelephonest.html

: E-mail Preference Service

c/ o Direct Marketing Association

www.e-mps.org/en/

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1
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1-999-567-8688

Experian

Consumer Services, 901 West Bond, Lincoln, NE68521

Equifax, Inc

Options, PO Box 740241, Atlanta, GA30374

Trans Union LLC's

Name Removal Option, PO Box 97328, Jackson, MS39288-7328

8. Privacy Policy

() . ()

www.bankofamerica.com

1-888-341-5000

9.
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() 2002 1 1
, 2001 1
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(www.bankofamerica.com).