

.

1.

가.

가 .

1)

, (S&L)

(National Bank)

(State

Bank)

2

1863

< -1>

2

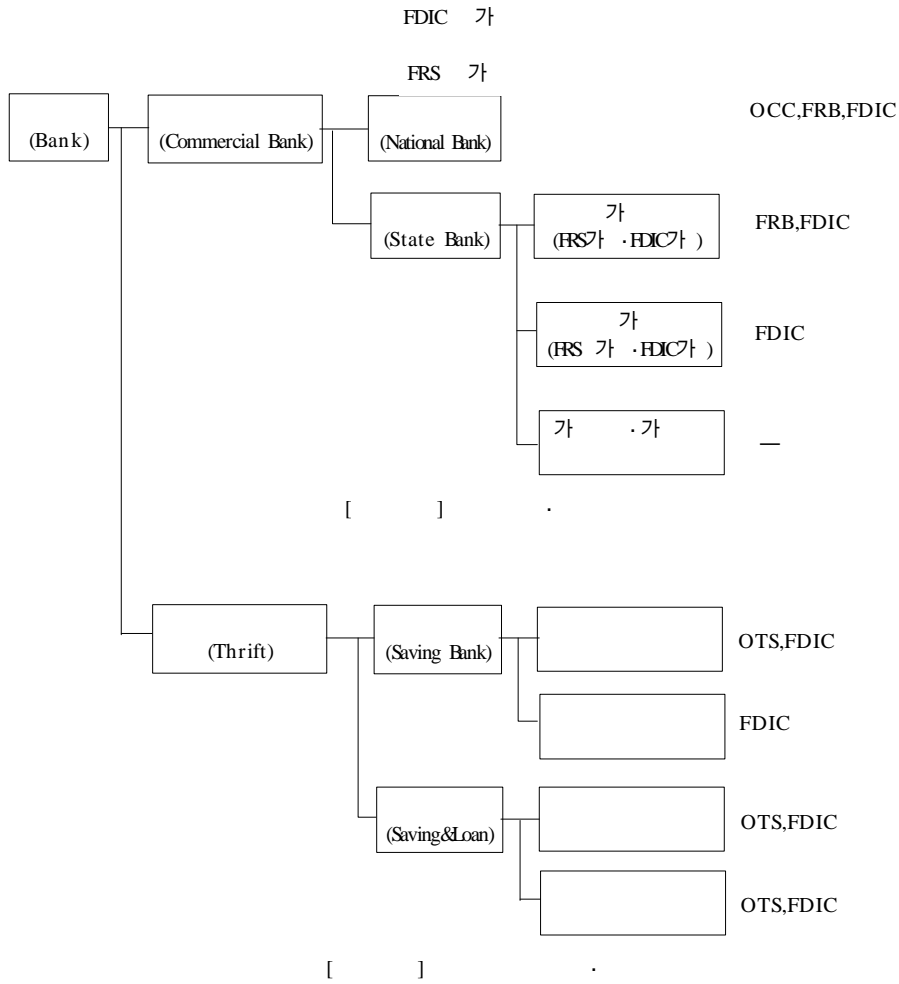
가

,

.

.

< -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)

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

. ( ),  
 (州業務規制)  
 가 .  
 , 1956

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)<sup>1)</sup>

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

. GLB

,

(Community Bank)

,

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)

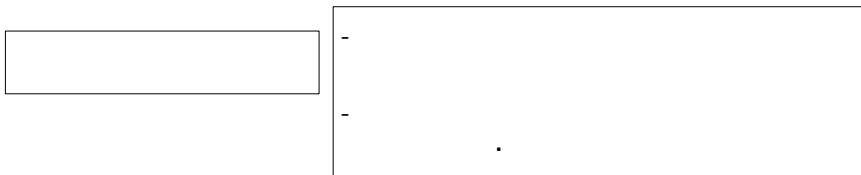
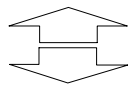
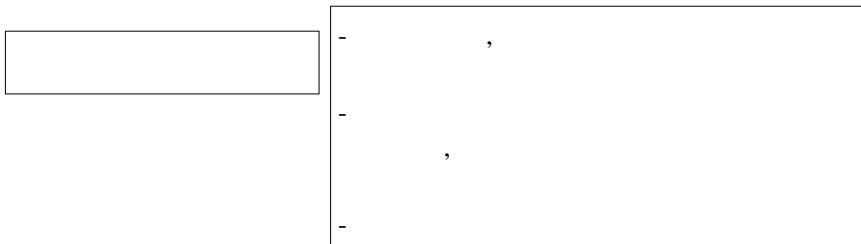
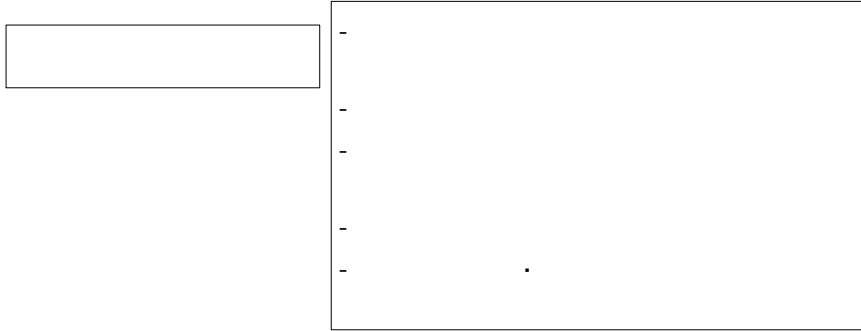
1974

( (USC) 5 552a ) .

(access)

가  
 가  
 가  
 )  
 1970  
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 -2> ). 「 」 「 ,  
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 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  
( )<sup>7)</sup> , ( ) ,  
.

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

. GLB

1)  
GLB  
, 3

가)  
GLB (affiliate)<sup>8)</sup>  
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 . ,  
 가 ( ) .  
 가  
 ,  
 , 12  
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Revised Privacy Notice

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 가 ( )  
 Revised Privacy Notice .  
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 「 ( )  
 」 , 가 . 가  
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 ATM

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GLB  
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GLB

GLB

< -5>

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	GLB	
	(	(
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	3	3
	3	

: OCC, Privacy Law and Regulations

. GLB

- 1) GLB 가  
 2001 7  
 ,  
 GLB 가 10).

10)

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

,  
가)

GLB ( )

,

, EU 가

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가

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, 가 .

, 가

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, 2

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가 .

가 5%

)

가

( )

가

2) NAIC

가) NAIC

GLB , NAIC

3

가

, GLB NAIC 1980



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

. , 3 가

2000 GLB  
가

3

( )

3) NCOIL

가) NCOIL

(The National Conference of Insurance

Legislators : NCOIL)

NCOIL GLB 5

「

(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  
 - : 1 ( )

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, 2001

GLB

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2002 6

가

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74%

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가

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가

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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

가

, 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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가

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, HHS

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2003 4 14 .

3.

Small Town

(12USC92 )<sup>11)</sup>

(12USC24 (7))

가

, 1999 )

(Gramm-Leach-Bliley Act : GLB

가

(GLB 104 (b), 12CFR Part14.60).<sup>12)</sup>

가.

1999 GLB

1996 10 OCC

“

가

”(OCC Advisory

Letter 96-8) ,

(AL 96-8C). GLB

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11) 1916 5,000

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

, GLB

GLB

가

( 5000 )

가 . . ,

,

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)

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13)

(sub-licensee)  
2103 (c),

(  
NY ).



. 가

가 .

1)

7.3001(a)).

,  
가 (12CFR  
가

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

,  
,

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 ,

( )

UPT ,

“

(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

)

(UTP 4 A)

(UTP 4 B)

, 가

15)

" "

가

가

(OGC91-22).

가 가

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가

가

가

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

) ,

가 (NY2123 11NYCRR219.1 219.7).

( )

NASD

16).

,

1

( 3 B).

< >

( : )

가

가

가

41 ( 33 가

)

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).  
2

,  
가  
가 (,  
가 .

( 9 B).  
.  
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,  
가 ( 9 B).  
가

< -6> 가

가



< -6>

가		
Yes	No	No가
		Yes
		No
		(6)
		(6)
		(4)
		(6)
		(5)

가

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

< >

가  
 , 가 1980  
 , .  
 1990 (twisting)<sup>17)</sup> (churning)<sup>18)</sup>  
 가 , NAIC  
 . 45 ( 42  
 가 ) ,  
 가 (NY2123 , 4226 , 11NYCRR51).

< >

가

,

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( )

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17) (twisting) ,

,

.

18) (churning) 가

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가

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

가

13

< >  
 (churning)

가

○

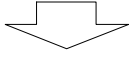
-3>

( 3 ).

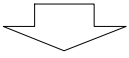
<

< -3 >

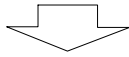
- ( ) , ( )



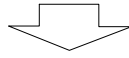
- ( ) , ( )



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- , , , ( ) , , , )

○

. 가

( , 4 A).

)  
가 ( 4 B).  
, 5

( 4 E).  
가  
가 .

-

( 5 A)

-

5 ( )  
( ) ,

-

5

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30

가 .

○

( 6 ).

-

가 5 ,

( 6 A).

-

가 , 5

( 6 B).

-

가 , (

6 C).

)

2

가 , .

(UTP 4 H).

가

가

(NY2324 , 4224 )

가

“15 19) 가 ( )

” 가

(NY2324 (a))<sup>20)21)</sup>.

가

5%

(NY2324 (a)).

(

50% )

가

10%

(NY2103 ( ), 2104 (d)).

19) (15 )

(OGC2000-138) , 15

(keepsake)

(OGC02-05-17).

5

2000 (Ch482L.2000) 15

20) 가 ,

(OGC2000-46),

(OGC2001-32),

(OGC2001-30),

(OGC2001-10)

가 ( )

(OGC2001-74)

21) 가 ( )

가

2001 가

(OGC01-02-16).

)

(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

가 )

가

23)

(Investment Advisers Act)

SEC

(15USC80b-3(a))

가 ( : ,

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, ,

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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 ”

)

(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 : )

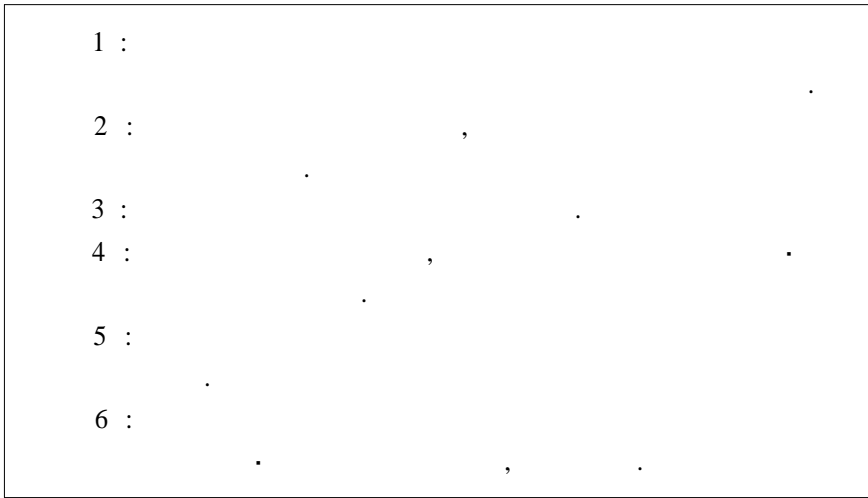
가 , IMSA가 가  
가 . IMSA  
3 가 가

IMSA

---

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

IMSA



GLB

( Title40, 287 (a))

, GLB

가 , GLB

가

(GLB 305 ).

(safe harbor)

(GLB 104 d)

NAIC

5

1)

가

GLB 305 「

(12CFR Part14)」 ( 「

」)가

2001 10

OCC

가

(12CFR Part14)

(FDIC) 가

<

-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)

「 」 ,  
 .  
 ,  
 가 ,  
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 「 . 가 」 ( )  
 . ,

(12CFR Part14.20(d)).

)

( 300 1 9 , 234 ),

(12CFR Part14. 10)<sup>26</sup>).

가

(12CFR Part14. 20(f)).

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(12CFR Part14.50(a)).

27)

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26)

(OCC Hankbook p30).

27)

(platform area)



가

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가 FDIC

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가

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

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

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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))<sup>30</sup>.

( 「 」 ) 가

가

(12CFR Part14.40(d)),

30) (direct mail)

「 , , , 」

(12CFR Part14. 40(c)).

< >

(12CFR Part14.40(b))<sup>31)</sup>.

< >

1 (GLB 301

). , OCC  
, (compliance) ,  
가 . 가

. OCC  
가 가

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

, 가  
(Program Management Plan)

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31) (direct mail)

(top management)

, 1

가

OCC

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가,

2)

(12CFR Part14)

가

가

GLB

가

GLB

(safe harbor)

(safe

harbor)

가) GLB

(safe harbor)

GLB

GLB

(GLB 104 (a)),

(GLB 104 (d)).

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가

GLB

( )

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

GLB

(13 )

2000 2001

NAIC

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( -9 ). ,

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) GLB 104 (d)(2)(B)( ) ( )	UTP 5
<input type="radio"/>  (( ))	<input type="radio"/> .
<input type="radio"/>  ( ) (( ))	<input type="radio"/> , ( ) ( , ) )(5) B(1)
<input type="radio"/>  (( ))	<input type="radio"/> 14.40(b)) (12CFR Part
<input type="radio"/>  (( ))	<input type="radio"/> 14.40(b)) (12CFR Part
<input type="radio"/>  ((xi))	<input type="radio"/> (5) B(9))
<input type="radio"/>  (( ))	<input type="radio"/> (5) B(10)



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

가)

GLB

r

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

(C.493.L.2000)

가

(NY2114 (a), 2115 (a),

2116 )

,

(NY2502 (c)),

(NY2502 (e))

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GLB

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가 GLB

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 . < -10>  
 . , GLB  
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가 ,  
 2002 11  
 OCC

OCC  
 . ,  
 (binding authority :  
 法源)가 .  
 . OCC 가

< -10>

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DC			○		
	○				
		○	○		
			○		
	○	○		○	
		○		○	
		○			○
		○	○	○	○

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			○	○	
	○	○	○	○	○
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			○		
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				○	○
	○	○	○	○	○
		○			
			○		
	○	○	○	○	
			○		

: 1) 「 가 (teller) 」

2) 「 ) ( 」

3) 「 」 )

4) 「 ( 가 ) 」

5) 「 (teller) 」

: 「 ABIA 50 State Chart : State Statutes Subject to Pre-emption(2002/ 1/ 31) 」

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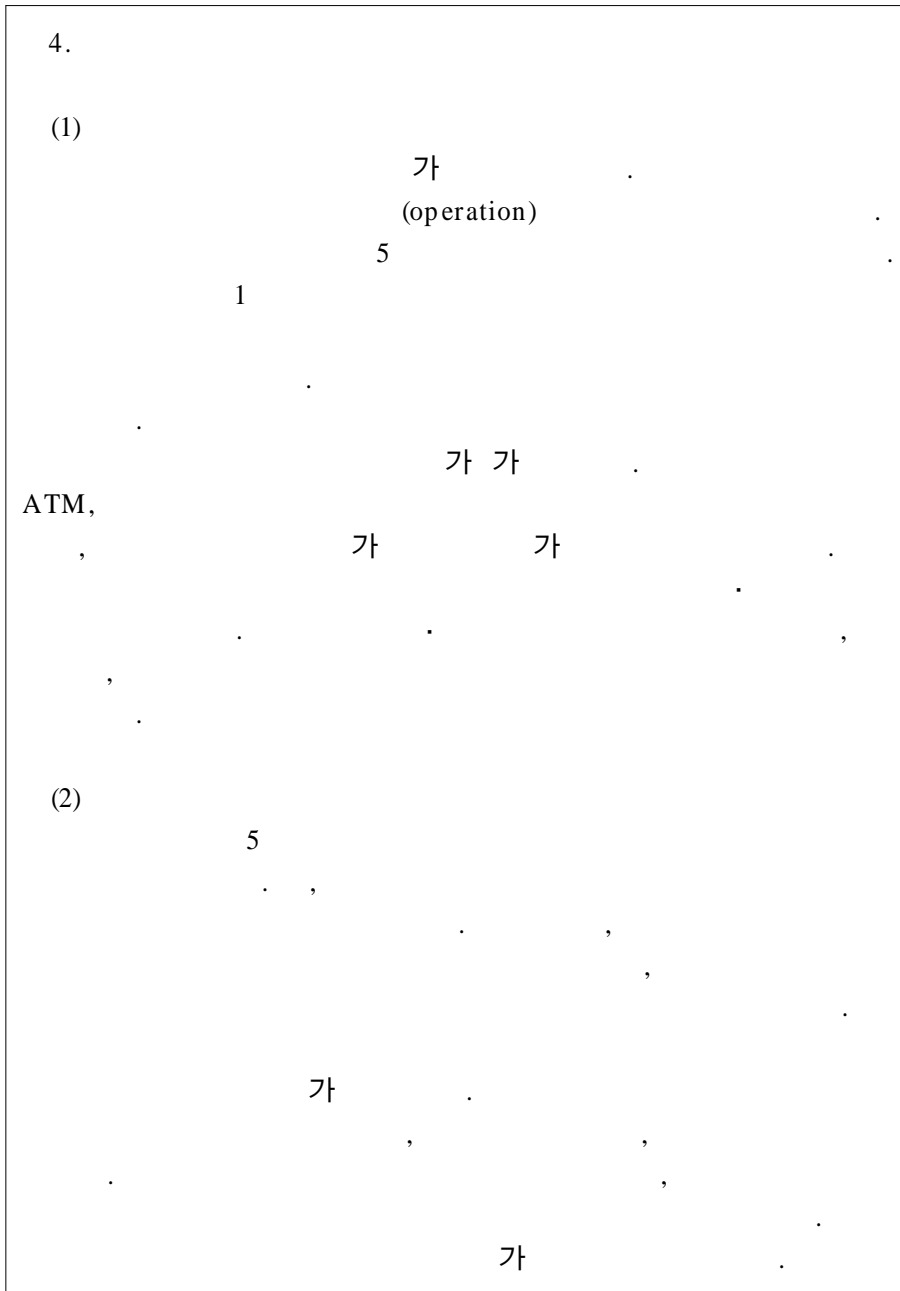
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: Mail Preference Service  
c/o Direct Marketing Association, PO Box 9008, Farmingdale,  
NY11735-9008  
[www.the-dma.org/consumers/offmailinglist.html](http://www.the-dma.org/consumers/offmailinglist.html)



: Telephone Preference Service

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

[www.the-dma.org/consumers/offtelephonest.html](http://www.the-dma.org/consumers/offtelephonest.html)

: E-mail Preference Service

c/ o Direct Marketing Association

[www.e-mps.org/en/](http://www.e-mps.org/en/)

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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

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