

Office Invasion Checklist

1. **Federal Privacy Laws:** Contact the UFAA National Office for a copy of the GLBA (Gramm-Leach-Bliley Act) kit that includes an explanation of the Federal Privacy Law that applies to financial institutions, including insurance companies, and their employees and agents. The kit includes an explanation of the Act, a sample letter you can use to inform your non-Farmers policyholder about privacy and an Opt-in form.
2. **State Privacy Laws:** Contact your Department of Insurance to see what insurance related privacy laws already exist in your state. In many cases, state law can be more restrictive than Federal law. Also ask your DOI how and where violations of the privacy laws can be reported to. Write down the person's name, title and phone number.
3. **Agency Appointments:** If your Department of Insurance puts your appointments on their website, go to it and print a copy of the company appointments you have. If not, call your DOI and request a listing of your appointments. If you do not use or need an appointment, please ask the DOI to remove them from your record.
4. **Storage:** Make sure your non-Farmers policies are kept entirely separate from your Farmers business. We suggest a separate file case and, if you have room; it should be in a different room than your Farmers files.
5. **Personal Documents:** DMs and DMMs have been known to ask agents for their non-Farmers commission statements, 1099s and tax records. Obviously, if your outside business commission statements, 1099s and tax records are not kept in the office they would be unavailable for review during an office invasion. This strategy will also give you time to get a legal opinion from a local attorney concerning whether the commission statements, 1099s or your tax records are considered agency records as referenced in Section B3 of your Agent Appointment Agreement.
6. **Violation of the Privacy Law:** If you are asked or told your non-Farmers business is going to be reviewed DO NOT REFUSE. Tell your DM or Company representative that you would like to comply, but believe you would be guilty of violating the Federal Privacy Law (and or the State law) if you allowed anyone to view those policyholder records without the expressed written permission of the policyholders. If you have utilized the GBLA kit and sent your non-Farmers clients the Opt-In form, let your DM and/or Company representative know that you do not have their permission to disclose their information. However, your DM and/or Company representative may insist that they have a right to see any agency files, in accordance with the terms of the Agents Appointment Agreement (AAA). If that happens, you can offer to show the records if the company will first provide a written hold harmless agreement relieving you of any and all liability resulting from violating either the Federal or your State privacy laws.
7. **Witnesses:** It is also important to have someone else present during an office invasion so you will have a witness to the fact that you did not refuse to allow your DM and/or Company representative to review and examine your agency records. Please understand that Farmers believes that the AAA gives them the right to terminate your AAA on three months notice for any reason or no reason. More than one agent has been terminated on 30 days notice for refusing to allow the examination of any and all records in their agency. Others have been successful in limiting or preventing the examination of non-Farmers policyholder files, commission statements 1099s and tax records. In some cases, the agent had to involve their attorney.