

## **Instructions on Filing an Amended Notice of Exemption**

Below provides step-by-step instructional information for amending your exempt status. After you filed a new exemption, there might be a point in time that you no longer qualify for an exemption because your circumstances have changed. If that is the case, then you will need to amend your previously filed exemption. Amend an exemption when you still qualify for any exemption, but if you do not qualify for any exemption, then you terminate your exemption. Please read the “Instruction on Terminating a Notice of Exemption.”

After you filed your new exemption since your exemption expired in December 31, 2018, you will be able to amend your exemption if you qualify for different exemptions. For example, if initially you only qualified for exemption 500.19(a)(2), but later qualify for exemption 500.19(c), then you should amend your exemption. Please note, your most recent exemption filing will take precedence over previously filed exemptions.

If you qualify for a limited exemption 500.19(a)(1), 500.19(a)(2), 500.19(a)(3), 500.19(c), or 500.19(d), then you will still be required to follow certain provisions of the regulation including a cybersecurity program, cybersecurity policy and procedures, access privileges, a risk assessment, third party service provider security policy and limitations on data retention and a filing of a Certification of Compliance. Of note, since you are amending an exemption, under the regulation, you will have 180 days to come into full compliance with the entire regulation.

The following information will be necessary for your filing and DFS suggests locating it prior to commencing your filing:

- The license number for the companies or individuals for whom you are amending an exemption filing. Companies and individuals may have different types of license numbers, the DFS portal has been built to support usage of: NYS License #, NAIC/NY Entity #, NMLS #, Institution #. If you do not know your number, a look up feature is included in the portal or on the DFS Website under “Who we Supervise.”

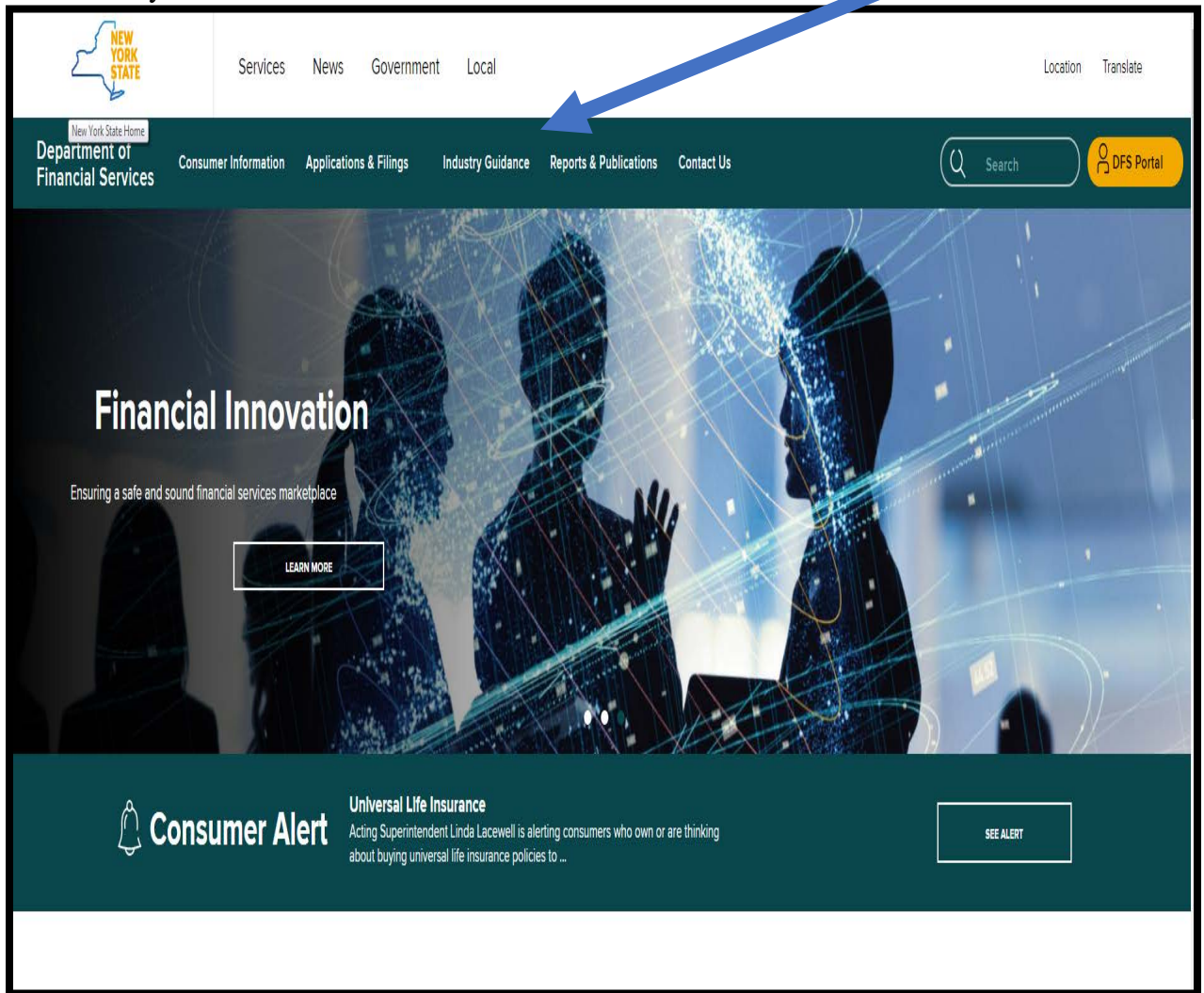
Please see information below on what exemptions you can file for:

- 500.19(a)(1) – You are entitled to this exemption when a Covered Entity has fewer than 10 employees, including independent contractors. This is a limited exemption and you must still design and implement a cybersecurity program that meets some but not all the regulatory requirements.
- 500.19(a)(2) – You are entitled to this exemption when a Covered Entity has less than \$5,000,000 in gross annual revenue in each of the last 3 fiscal years from NY

business. This is a limited exemption and you must still design and implement a cybersecurity program that meets some but not all the regulatory requirements.

- 500.19(a)(3) – You are entitled to this exemption when a Covered Entity has less than \$10,000,000 in year-end total assets. This is a limited exemption and you must still design and implement a cybersecurity program that meets some but not all the regulatory requirements.
- 500.19(b) – You are entitled to this exemption when you are an employee, agent, representative or designee of another Covered Entity and you are following that entity’s cybersecurity program. Under this exemption persons do not need to create their own program, but will be required to identify the Covered Entity’s whose program you are filing to claim this exemption.
- 500.19(c) – You are entitled to this exemption when a Covered Entity does not operate, maintain, utilize or control any IT systems and does not, and is not required to control, own, access, generate, receive or possess Nonpublic Information. This is a limited exemption and you must still design and implement a cybersecurity program that meets some but not all the regulatory requirements.
- 500.19(d) – You are entitled to this exemption if you are a Covered Entity that is a captive insurance company that does not, and is not required to control, own, access, generate, receive or possess Nonpublic information.

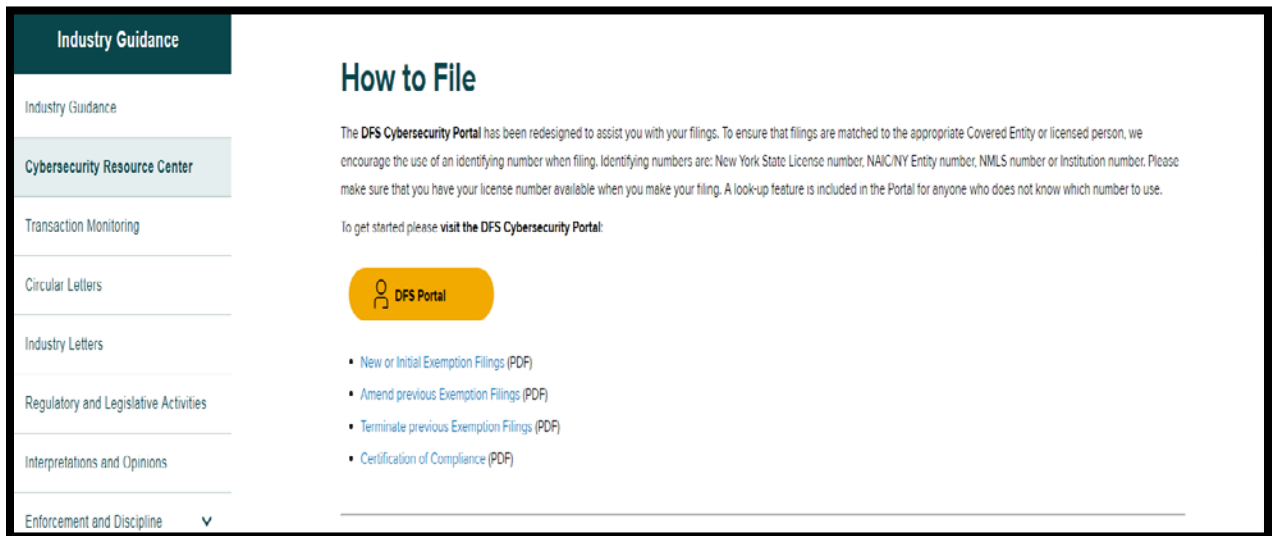
1. First, from the Department of Financial Services webpage (www.dfs.ny.gov), please click on the “Industry Guidance” column.



2. Once in Industry Guidance, click on “Cybersecurity Resource Center” which opens to below:



- Once selected, go to the middle of the page under “Instructions on How to File” you can click on it to access the DFS Cybersecurity Portal. Please note, filing instruction links can be found under “How to File”.

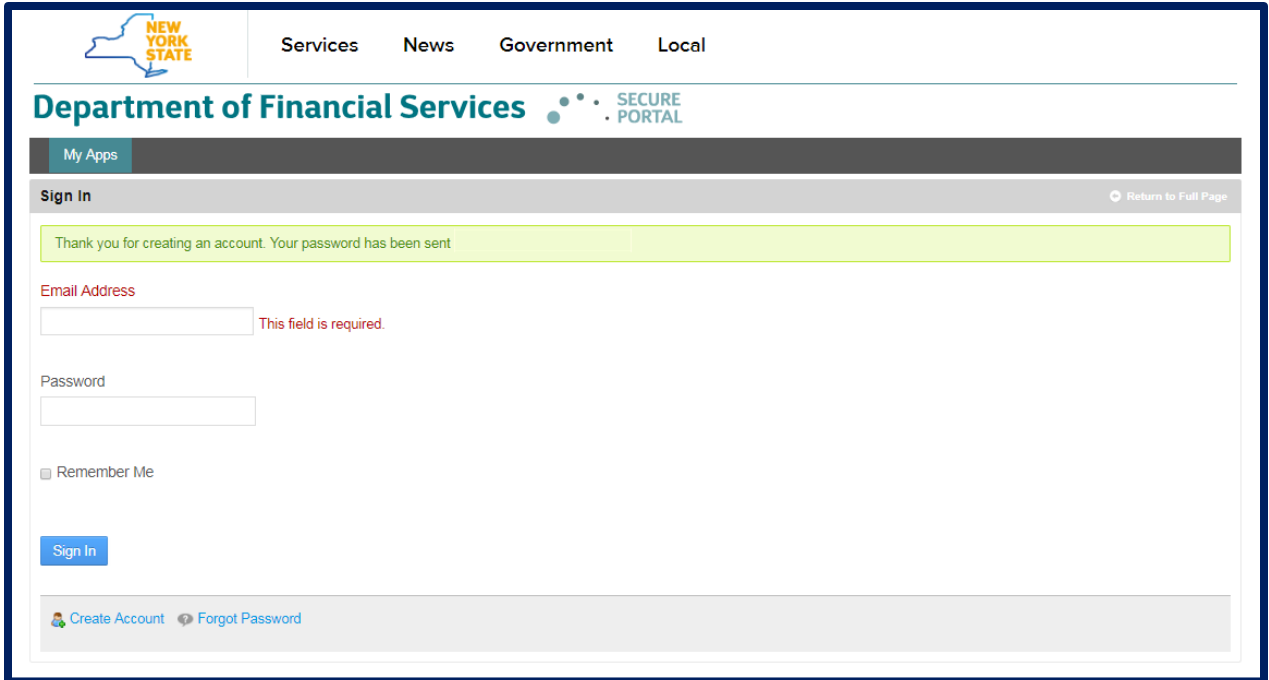


- Enter your DFS portal account information and select “Sign In.” If you previously made any cybersecurity filing with DFS the account information you have previously used remains the same and you should not create a new portal account. All prior filings are associated with your existing account and you should use the same account.

If you have never created a DFS portal account, you will need to create a new account by selecting “Create Account”. Please refer to the details in the next step for creating a new account.

- Skip to Step 7 if you already have an account. After clicking “Create Account”, you will be prompted to enter information required to create a DFS portal account. The “Text Verification” on the right side of the screen will be unique with each attempt to create an account. Select “Save” to create your DFS portal account.

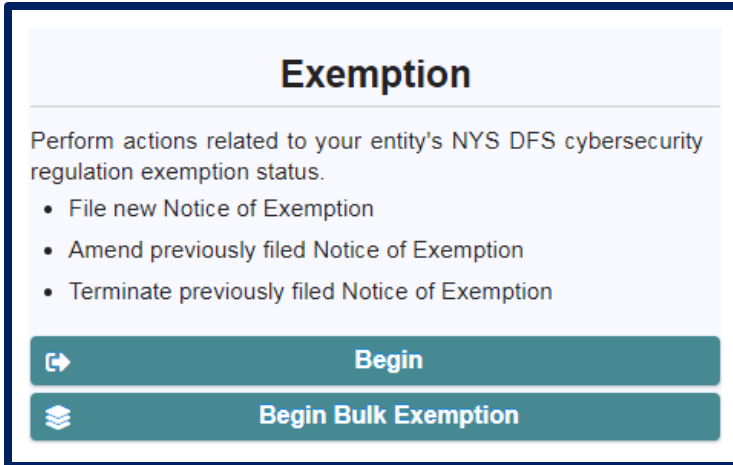
After selecting “Save”, a confirmation message as shown below will be displayed. Use the password emailed to the email address you entered in the prior screen to sign in.



6. Upon logging in, you will find the landing page shown below.

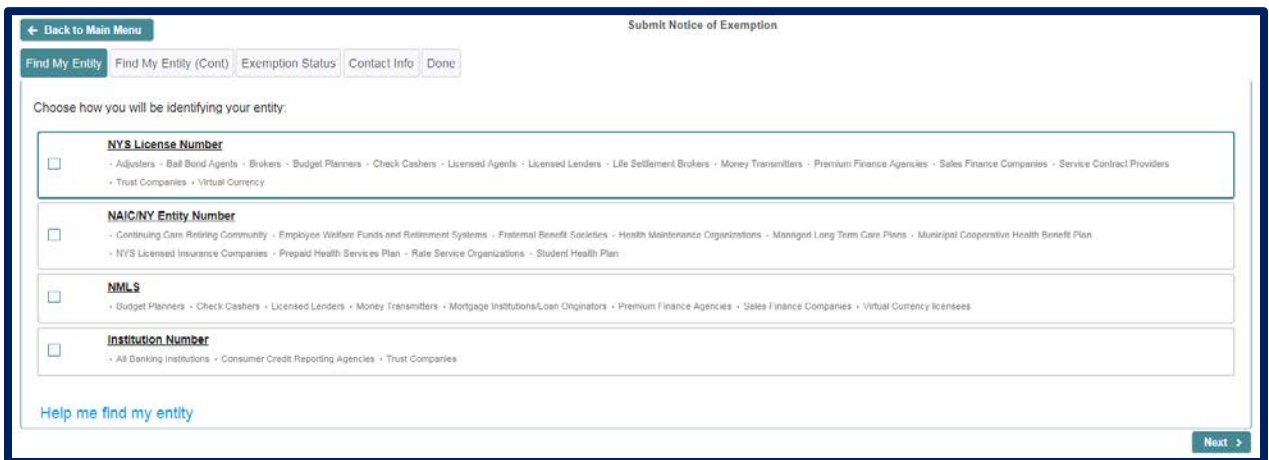


7. To start amending a Notice of Exemption, please select “Begin” under the Notice of Exemption banner.



### Identify the Filing Entity – Steps 9-13

- After clicking Begin, you will need to select the license number that you will be using to identify the regulated company or licensed person for whom you are filing. Please select your NY State License Number, NAIC/NY Entity Number, NMLS Number, Institution Number.



Please note, to facilitate ease of use, DFS allowed the use of different types of license numbers to enable users to identify themselves by various means. The portal includes recommendations for each type of license number. However, most regulated entities and licensed persons have more than one type of license number and the system will accept the filing using any of these types provide you identify the type of number being used, for example, if your company has both an NMLS number and a NYS License number, you can use either to identify yourself in the portal. If you do not know your entity’s number, then please select “Help me find my entity” (Skip to Step 12 for further instructions).

- If you already know your license number, then you will land on the page below.

- Please enter your number and click “Search”. A message that an entity or individual has been found and the name of the individual or entity will appear in the box; please verify that the information is accurate. If accurate, click next at the bottom right of the screen.

- If your identifying number is incorrect you will receive the following error message.

- If you receive an error, please check your number was entered correctly and search again, if possible. If you do not know your number, please select “Help me find my entity” located at the bottom left of the page in blue font.

- Once you select “Help me find my entity” you will see this screen, and you will be able to enter information (your entity name or individual name- including both first name and last name) which will prompt a search for your license number.



**File By Name**

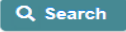
Entity name:

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OR (If Individual)

First Name:

Last Name:

 Search

[Still can't find your entity? Click here](#)

Note, when searching as an individual, if you do not enter the first and last name you will receive this error message:

**File By Name**

Entity name:

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OR (If Individual)

First Name:

Last Name:

 Search

 **You must enter either an entity name, or first and last name.**

Once you enter your entity information in the Entity name box, then click “Search”, results will appear in blue, which specify the entity name(s) and license number(s) (see example below). Please select the name that matches you or your entity. The name you selected will display in the upper right corner of the screen.

**File By Name**

Entity name:  All or part of the name

OR (If Individual)

First Name:

Last Name:

Please carefully review the search results before making a selection

<a href="#">Fake Company Name</a> NYS License #: #####	<a href="#">Fake Company Name</a> NYS License #: #####	<a href="#">Fake Company Name</a> NYS License #: #####
<a href="#">Fake Company Name</a> NYS License #: #####	<a href="#">Fake Company Name</a> NYS License #: #####	

Showing 5 results

[Still can't find your entity? Click here](#)

14. After finding your entity, click on “I wish to amend a previously filed exemption”.

**Indicate what you are filing**

Please choose from the following:

This is the first exemption filed for this entity or individual

I wish to amend a previously filed exemption

I would like to remove a previously filed exemption

15. After you select “I wish to amend a previously filed exemption”, please choose **all** the exemptions that you currently qualify for, and are amending your exemption filing too. For example, if initially you only qualified for exemption 500.19(a)(2), but later qualify for exemption 500.19(c), then you should select 500.19(a)(2) and 500.19(c). In addition, if you initially qualified for a 500.19(a)(1) and 500.19(a)(2) but now qualify for only 500.19(a)(1), then you should select 500.19(a)(1).

In accordance with 23 NYCRR 500.19(e), JOHN SMITH provides notice of qualification for the following Exemption(s) (check all that apply): \*

500.19(a)(1) – I certify the Covered Entity has fewer than 10 employees, including independent contractors.

500.19(a)(2) – I certify the Covered Entity has less than \$5,000,000 in gross annual revenue in each of the last 3 fiscal years from NY business.

500.19(a)(3) – I certify the Covered Entity has less than \$10,000,000 in year-end total assets.

500.19(b) – I certify I am an employee, agent, representative or designee of another Covered Entity and am covered by that entity's cybersecurity program.

500.19(c) – I certify the Covered Entity does not operate, maintain, utilize or control any IT systems and that does not, and is not required to, control, own, access, generate, receive or possess Nonpublic Information.

500.19(d) – I certify the Covered Entity is a captive insurance company that does not, and is not required to, control, own, access, generate, receive or possess Nonpublic Information.

Please note that you are responsible for maintaining documentation sufficient to demonstrate you are qualified for any exemptions claimed; as such, you may be asked to provide documentation to the Department. In addition, the Department will periodically require you to refile your exemption upon request.

16. If you qualify for a limited exemption 500.19(a)(1), 500.19(a)(2), 500.19(a)(3), 500.19(c), or 500.19(d), then please note you will still be required to follow certain provisions of the regulation including a cybersecurity program, cybersecurity policy and procedures, access privileges, a risk assessment, third party service provider security policy and limitations on data retention and a filing of a Certification of Compliance. Please carefully review each exemption and select the exemptions that apply to your circumstances.

In accordance with 23 NYCRR 500.19(e), JOHN SMITH provides notice of qualification for the following Exemption(s) (check all that apply): \*

500.19(a)(1) – I certify the Covered Entity has fewer than 10 employees, including independent contractors.

500.19(a)(2) – I certify the Covered Entity has less than \$5,000,000 in gross annual revenue in each of the last 3 fiscal years from NY business.

500.19(a)(3) – I certify the Covered Entity has less than \$10,000,000 in year-end total assets.

500.19(b) – I certify I am an employee, agent, representative or designee of another Covered Entity and am covered by that entity's cybersecurity program.

500.19(c) – I certify the Covered Entity does not operate, maintain, utilize or control any IT systems and that does not, and is not required to, control, own, access, generate, receive or possess Nonpublic Information.

500.19(d) – I certify the Covered Entity is a captive insurance company that does not, and is not required to, control, own, access, generate, receive or possess Nonpublic Information.

Please note that you are responsible for maintaining documentation sufficient to demonstrate you are qualified for any exemptions claimed; as such, you may be asked to provide documentation to the Department. In addition, the Department will periodically require you to refile your exemption upon request.

17. Once you select the exemptions that apply to you, you will need to check the box that states “I have read and understand the information above.” By checking this box, you are certifying that the information you selected is accurate. Click “Next” to continue to the next page. *If you are not selecting an exemption 500.19(b), then please skip to Step 19.*

**Further Action Required** - Exemptions under sections 500.19(a)(1-3), (c) and (d) are **limited exemptions**. Any Covered Entities and licensed persons exempt under these sections are required to maintain a cybersecurity program and file an annual Certification of Compliance to confirm compliance with the provisions of the regulation that apply to the Covered Entity. See the Cybersecurity FAQs on the DFS website for more information.

I have read and understand the information above.\*

18. If you select exemption 500.19(b) by itself or with any other exemption, then you will be required to provide additional information. You are entitled to this exemption when you are an employee, agent, representative or designee of another Covered Entity and you are following that entity's cybersecurity program. Under this exemption persons do not need to create their own program, but will be required to identify the Covered Entity's whose program you are filing to claim this exemption.

In accordance with 23 NYCRR 500.19(e), JOHN SMITH provides notice of qualification for the following Exemption(s) (check all that apply): \*

- 500.19(a)(1) – I certify the Covered Entity has fewer than 10 employees, including independent contractors.
- 500.19(a)(2) – I certify the Covered Entity has less than \$5,000,000 in gross annual revenue in each of the last 3 fiscal years from NY business.
- 500.19(a)(3) – I certify the Covered Entity has less than \$10,000,000 in year-end total assets.
- 500.19(b) – I certify I am an employee, agent, representative or designee of another Covered Entity and am covered by that entity's cybersecurity program.
- 500.19(c) – I certify the Covered Entity does not operate, maintain, utilize or control any IT systems and that does not, and is not required to, control, own, access, generate, receive or possess Nonpublic Information.
- 500.19(d) – I certify the Covered Entity is a captive insurance company that does not, and is not required to, control, own, access, generate, receive or possess Nonpublic Information.

Please note that you are responsible for maintaining documentation sufficient to demonstrate you are qualified for any exemptions claimed; as such, you may be asked to provide documentation to the Department. In addition, the Department will periodically require you to refile your exemption upon request.

19. Click the 'Find/choose my covering entity' icon at the bottom of the page. When you click this icon, you will be identifying the Covered Entity whose program you are filing to claim this exemption.

Find My Entity Find My Entity (Cont) **Exemption Status** Contact Info Done

**Indicate what you are filing**

Please choose from the following:

This is the first exemption filed for this entity or individual

I wish to amend a previously filed exemption

I would like to remove a previously filed exemption

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In accordance with 23 NYCRR 500.19(e), JOHN SMITH provides notice of qualification for the following Exemption(s) (check all that apply): \*

500.19(a)(1) – I certify the Covered Entity has fewer than 10 employees, including independent contractors.

500.19(a)(2) – I certify the Covered Entity has less than \$5,000,000 in gross annual revenue in each of the last 3 fiscal years from NY business.

500.19(a)(3) – I certify the Covered Entity has less than \$10,000,000 in year-end total assets.

500.19(b) – I certify I am an employee, agent, representative or designee of another Covered Entity and am covered by that entity's cybersecurity program.

500.19(c) – I certify the Covered Entity does not operate, maintain, utilize or control any IT systems and that does not, and is not required to, control, own, access, generate, receive or possess Nonpublic Information.

500.19(d) – I certify the Covered Entity is a captive insurance company that does not, and is not required to, control, own, access, generate, receive or possess Nonpublic Information.

Please note that you are responsible for maintaining documentation sufficient to demonstrate you are qualified for any exemptions claimed; as such, you may be asked to provide documentation to the Department. In addition, the Department will periodically require you to refile your exemption upon request.

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**What Cybersecurity Policy I Am Following:**

You have certified that you are following the cybersecurity program of the following Covered Entity or licensed person and that entity is fully covering the cybersecurity program for all Nonpublic Information and systems in your possession. Please indicate the name of that Covered Entity

Find/Choose my covering entity

- a. There will be a new screen where you will need to identify the entity whose cybersecurity program you are following. You will be able to enter information (your entity name or individual name- including both first name and last name) which will prompt a search for that Covered Entity's name and license number.

**What Cybersecurity Policy I Am Following**

Entity name:

OR (If Individual)

First Name:

Last Name:

[Still can't find your entity? Click here](#)

Note, when searching as an individual, if you do not enter the first and last name you will receive this error message:

### What Cybersecurity Policy I Am Following

Entity name:

OR (If Individual)

First Name:

Last Name:

 Search

 You must enter either an entity name, or first and last name.

Once you enter your entity information in the Entity name box, then click “Search”, results will appear in blue, which specify the entity name(s) and license number(s) (see example below). Please select the name that matches the name of the Covered Entity whose cybersecurity program you are following.

### File By Name

Entity name:  All or part of the name

OR (If Individual)

First Name:

Last Name:

 Search

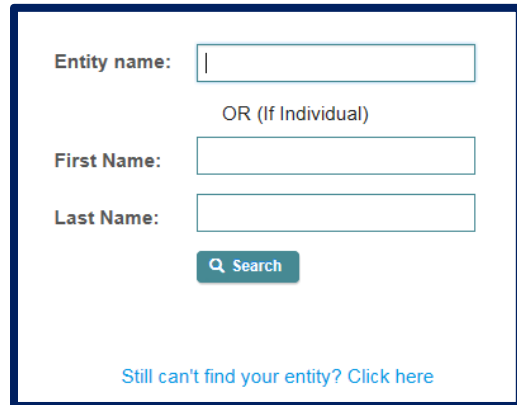
Please carefully review the search results before making a selection

<a href="#">Fake Companay Name</a> NYS License #: #####	<a href="#">Fake Companay Name</a> NYS License #: #####	<a href="#">Fake Companay Name</a> NYS License #: #####
<a href="#">Fake Companay Name</a> NYS License #: #####	<a href="#">Fake Companay Name</a> NYS License #: #####	

Showing 5 results

[Still can't find your entity? Click here](#)

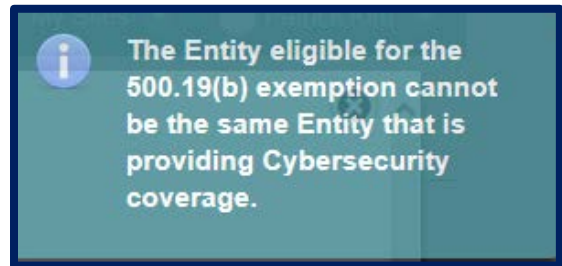
- b. Please note that you can only be following the cybersecurity program of ONE entity or individual. Under this exemption, you are only allowed to follow the cybersecurity program of one other Covered Entity so there is no capability to identify a second Covered Entity.



The screenshot shows a search interface with the following elements:

- Entity name:
- OR (If Individual)
- First Name:
- Last Name:
- 
- [Still can't find your entity? Click here](#)

- c. If you entered your own individual or entity's license number, then you will not be able to continue. Under the exemption, you are required to follow the cybersecurity program of another Covered Entity. If you enter that information, on the right corner, the message below will show.



- d. In the "Name of Entity responsible for the cybersecurity program" enter the individual's first name or entity's name. This might be the name of your employer, but you should check with your employer first. Enter a Last Name if applicable. On the "Entity Address" enter the location of the business. Under the drop-down list of "Type of license or field of business", you will have to select the business that best describes the Covered Entity whose cybersecurity program you are following.

### What Cybersecurity Policy I Am Following

Provide information on the Covered Entity whose cybersecurity program you are following

**Name of Entity responsible for the cybersecurity program(This may be your employer): \***

**Last Name (if applicable):**

**Entity Address: \***

**Type of license or field of business: \***

20. After you selected an entity or individual whose cybersecurity program you are following, whether entered through the search function or the manual entry, you will have to enter information on the individual who can confirm coverage and details of the cybersecurity program.

### Entity contact who can confirm coverage:

**First Name: \***

**Last Name: \***

**Email Address: \***

**Phone Number: \***

Note: If you do not fill in the information above, or if you fill it out incorrectly (e.g., email is not in correct format, you will receive an error message)

### Entity contact who can confirm coverage:

**First Name: \***   Required

**Last Name: \***   Required

**Email Address: \***   Required

**Phone Number: \***   Phone is required



21. In the Contact Information tab, please fill out the required information. You will also need to select the box that swears or affirms that the information you provided throughout this process is accurate. After you fill out the information, click “Submit”.

Entity contact who can confirm coverage:

First Name: \*

Last Name: \*

Email Address: \*

Phone Number: \*

I understand that The New York State Department of Financial Services may verify the information provided above. I certify that the Covered Entity listed above is entitled to the exemption.

[< Back](#) [Next >](#)

22. After entering your contact information, please click “Submit” which you will see on the bottom right of the screen. On the Done tab, you will find your receipt number that will start with the letter E. Please keep this number for your records as you may need to refer to this if any questions arise. You will also receive an email acknowledgement containing similar information from this screen including your receipt number.

Please find your receipt number below.  
**Receipt Number: E-2018-00000**

23. Once these steps are completed you have amended a Notice of Exemption. As a reminder, if you qualify for a limited exemption 500.19(a)(1), 500.19(a)(2), 500.19(a)(3), 500.19(c), or 500.19(d), then you will still be required to follow certain provisions of the regulation including a cybersecurity program, cybersecurity policy and procedures, access privileges, a risk assessment, third party service provider security policy and limitations on data retention and a filing of a Certification of Compliance. Of note, since you are amending an exemption, under the regulation, you will have 180 days to come into compliance with the any new sections that apply to you.