

Is the covered entity an employee, agent, wholly owned subsidiary, representative, or designee of another DFS-regulated business whose Cybersecurity Program covers the covered entity?

YES

NO

Is the covered entity an inactive individual insurance broker (subject to Insurance Law section 2104) that does not otherwise qualify as a covered entity AND (1) does not maintain, control or use, even indirectly, any information systems; (2) does not have any nonpublic information; (3) has not, for anything of value, acted or aided in any manner in soliciting, negotiating, or selling any policy or contract, or in placing risks or taking out insurance on behalf of another person for at least one year?

YES to BOTH

NO

Is the covered entity (1) a charitable annuity society, (2) a risk retention group not chartered in NY, (3) an individual insurance agent placed in inactive status, (4) an individual mortgage loan originator placed in inactive status, or (5) an accredited reinsurer, certified reinsurer, or recognized reciprocal jurisdiction reinsurer that is NOT otherwise qualified as a covered entity by virtue of another license?

YES

NO

Does the covered entity and all of its affiliates combined have less than 20 employees and independent contractors?

YES

NO

Did the covered entity earn less than \$7,500,000 in gross annual revenue in each of the last 3 fiscal years from (1) all its business operations – wherever located – and (2) its affiliates' New York business operations?

YES

NO

Does the covered entity and its affiliates have less than \$15,000,000 in year-end total assets?

YES

NO

Does the covered entity directly or indirectly operate, maintain, utilize, or control any information systems AND is it required to, directly or indirectly control, own, access, generate, receive, or possess nonpublic information?

NO to BOTH

YES

Is the covered entity a captive insurance company that does not and is not required to directly or indirectly control, own, access, generate, receive, or possess nonpublic information other than information relating to its corporate parent company or affiliates?

YES

NO

You qualify for a 500.19(b) full exemption

You qualify for a 500.19(e) full exemption

You qualify for a 500.19(g) full exemption

You qualify for a 500.19(a) limited exemption

You qualify for a 500.19(c) limited exemption

You qualify for a 500.19(d) limited exemption

You do not qualify for an exemption

This guide is provided for general planning purposes. Please consult the text of the cybersecurity regulation for specific requirements available at: [dfs.ny.gov/cyber](https://dfs.ny.gov/cyber)

### Am I Exempt from DFS's Cybersecurity Regulation?

Use this resource to determine if an individual licensee or other covered entity qualified for a full or limited exemption from DFS's Cybersecurity Regulation.

