

Senate File 148 - Introduced

SENATE FILE _____
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1076)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the development of a complaint response
2 process by the superintendent of credit unions and relating to
3 the confidentiality of information obtained during the course
4 of that process.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1227SV 83
7 rn/nh/14

PAG LIN

1 1 Section 1. Section 22.7, Code 2009, is amended by adding
2 the following new subsection:
1 3 NEW SUBSECTION. 62. Information obtained by the
1 4 superintendent of credit unions in connection with a complaint
1 5 response process as provided in section 533.501, subsection 3.
1 6 Sec. 2. Section 533.501, Code 2009, is amended by adding
1 7 the following new subsection:
1 8 NEW SUBSECTION. 3. COMPLAINT RESPONSE PROCESS. The
1 9 superintendent shall adopt rules establishing a complaint
1 10 response process that shall include provisions relating to but
1 11 not limited to complaint intake, preliminary informal and
1 12 formal investigation procedures, complaint dismissal
1 13 procedures, and imposition of remedial sanctions through an
1 14 administrative resolution procedure or a contested case
1 15 hearing.
1 16 a. Notwithstanding chapter 22, the superintendent shall
1 17 keep confidential any social security number, residence
1 18 address, or residence telephone number obtained in connection
1 19 with a complaint intake, investigation, dismissal, or
1 20 imposition of remedial sanctions, and may keep confidential
1 21 the name of the complainant, the name of the subject of the
1 22 complaint, and any other information obtained in connection
1 23 with a complaint intake, investigation, dismissal, or
1 24 imposition of remedial sanctions, if disclosure is not
1 25 required in the performance of the duties of the
1 26 superintendent, or in order to accomplish the provisions of
1 27 this chapter, or otherwise required by law. At the discretion
1 28 of the superintendent, the name of the complainant, residence
1 29 address of the complainant, and residence telephone number of
1 30 the complainant may be provided to the subject of the
1 31 complaint, or to an authorized agent of such person, without
1 32 waiving the confidentiality afforded by this subsection,
1 33 provided that the superintendent has notified the complainant
1 34 in advance of such disclosure. Disclosure or release of
1 35 information by the superintendent in the course of an
2 1 administrative or judicial proceeding shall not constitute a
2 2 violation of this subsection.
2 3 b. Notwithstanding chapter 22, or paragraph "a" of this
2 4 subsection, if the superintendent determines it is necessary
2 5 or appropriate in the public interest or for the protection of
2 6 the public, the superintendent may share information with
2 7 other regulatory authorities or government agencies and may
2 8 publish information concerning a complaint if it is determined
2 9 that there is or has been a violation of this chapter, the
2 10 laws of this state or the United States, or a rule promulgated
2 11 or order issued pursuant to this chapter. Such information as
2 12 the superintendent deems appropriate may be redacted so that
2 13 the sharing, releasing, or publishing of the information in
2 14 accordance with this subsection does not make available

2 15 personally identifiable information.

2 16 EXPLANATION

2 17 This bill provides for the establishment of a complaint
2 18 response process pursuant to administrative rule by the
2 19 superintendent of credit unions.

2 20 The bill states that the process shall include provisions
2 21 relating to but not limited to complaint intake, preliminary
2 22 informal and formal investigation procedures, complaint
2 23 dismissal procedures, and imposition of remedial sanctions
2 24 through an administrative resolution procedure or a contested
2 25 case hearing. The bill specifies information obtained in the
2 26 course of the process which the superintendent is required to
2 27 keep confidential, and information which the superintendent
2 28 may choose to keep confidential, if disclosure is not
2 29 otherwise required by law, and provides that at the discretion
2 30 of the superintendent specified information relating to the
2 31 identity of the complainant may be disclosed to the subject of
2 32 the complaint, or to an authorized agent of such person
2 33 provided that the superintendent has notified the complainant
2 34 in advance of such disclosure. The bill specifies that
2 35 disclosure or release of information by the superintendent in
3 1 the course of an administrative or judicial proceeding shall
3 2 not constitute a violation of the bill's provisions.

3 3 The bill authorizes disclosure of information which is
3 4 otherwise confidential if determined by the superintendent to
3 5 be in the public interest, and authorizes the superintendent
3 6 to share such information with other regulatory authorities or
3 7 government agencies and to publish information concerning a
3 8 complaint if it is determined a violation of federal or state
3 9 law, or administrative rule, has occurred, subject to
3 10 redaction as determined appropriate by the superintendent to
3 11 protect personally identifiable information.

3 12 The bill makes conforming changes to Code chapter 22
3 13 relating to confidential records.

3 14 LSB 1227SV 83

3 15 rn/nh/14